

SAMPLE VOIR DIRE QUESTIONS IN DOMESTIC VIOLENCE CASES

General

- Have you or has any member of your immediate family been the victim of a violent crime?
- Have you or has any member of your immediate family ever been the victim of any other crime that you believe could affect your ability to serve as an impartial juror in this case?
- How many of you have ever witnessed a violent incident?
- Have you or anyone close to you been involved in a fight for which the police were called?
- Were you happy with the police's handling of the situation?
- How many of you have ever called the police because you were afraid?
- Have you ever called the police to protect others from violence?
- How many of you have seen a normally calm person become violent after using drugs or alcohol?
- Do you think that using drugs or alcohol should excuse committing a crime?

Other Generic Questions

- Do any of you have any training, education, employment or other background in the legal field, including work as an attorney, paralegal or secretary?
- Do any of you have any training, education, employment or background in law enforcement at either the local, state or federal level?
- Have you or any member of your immediate family ever been arrested for or prosecuted for any offense and believe that it could affect your ability to serve as an impartial juror in this case?
- Have you or any member of your immediate family ever been prosecuted by the XXX Commonwealth's Attorney's Office?
- Have you or any member of your immediate family ever had a negative experience with law enforcement, including during traffic stops, that could affect your ability to serve as an impartial juror in this case?

- Do you have any negative feelings or animosity against police officers or the government? If so, could they affect your ability to be fair and impartial as a juror?
- Is there anyone who would give less weight to the testimony of a witness simply because that person is a law enforcement officer?
- Witnesses who are expected to testify include the following: ...
- Are any of you related in any way or otherwise acquainted with any person who has been identified as a witness?

Questions Regarding Bias and Following the Law

- How many of you believe that crimes which take place in the home should not be prosecuted?
- Do you think you can tell an abuser by how he looks or acts?
- Is it okay to beat someone up because of things they say to you? Name-calling? Criticism? Jealousy?
- Are there any religious, philosophical or moral reasons why you could not find the defendant guilty if you believed he had committed the crime?
- (For female prosecutors) How many of you feel that because I am a woman and prosecuting this case, that I must be on a women's rights bandwagon?
- How many of you think that a victim must be married to be a battered woman?
- How many of you understand that the Commonwealth of XXX is bringing the case against this defendant? That this is not like a civil case where one person files against another? That this is not the victim "pressing" charges against the accused?

Questions Regarding Interpersonal Violence

- How many of you feel that crimes between family members should be treated differently from other crimes?
- Do you know who is covered under the (insert state) definition of family or household member? Do you know that it includes people who have lived together within 12 months? Have a child together?
- How many of you feel that it is wrong for the (insert state) to get involved in a domestic violence case?

- Do you feel that domestic violence cases should be handled within the family instead of by the courts? Do you feel that prosecuting domestic violence crimes are a waste of taxpayers' money?
- Do you feel that defendants in domestic violence cases should be treated more leniently?
- Do you feel that domestic violence victims deserve less protection than victims of crimes committed by strangers do?
- What do you think constitutes a battery? A hit? A slap? A shove? Use of weapons?
- What do you think makes someone violent? Do you feel that people must be provoked to become violent? Do you think that people can get violent over unimportant things?
- How many of you think that a victim who reports a domestic violence crime might be pressured by the suspect not to testify? Do you think a victim might be afraid for her safety if she testifies?
- How many of you think that it's possible for a victim to still care for the batterer after the abuse is over? How many of you are bothered by a victim who is willing to testify against a violent husband/boyfriend?
- How many of you think that children who grow up in a violent home are affected by witnessing violence?

Questions Regarding Adult Sexual Assault

- Would anyone automatically believe a victim is lying if they didn't report a sexual assault immediately?
- Do you think everyone who is a victim of sexual assault reports it directly to the police?
- Do you believe that it can be difficult to tell someone something you are embarrassed about?
- Do you believe that if a victim only tells part of a traumatic event at first and later tells more details that they are automatically lying?
- Do you believe the way you share an event can depend on who you are talking to? Do you think the details that you choose to share and the amount of details you choose to give can change depending on who you are talking to? If

someone tells an event differently to different people, do you believe automatically that they must be lying about what happened?

- The law does not require proof that the victim cried out or physically resisted the accused in order to convict the accused. Does anyone think that is unfair? Do you think a victim should have to physically resist before it is rape?
- Is there anyone that will automatically not believe the victim was assaulted just because there were no physical injuries?
- Does anyone believe that you can't be raped by someone you have had prior consensual sex with?
- Does anyone believe that the burden of proof should be higher when the person accused of raping the victim has had previous consensual sex with them?
- Does anyone believe that you can't rape your wife?

Questions Regarding Child Sexual Assault

- Do you have children?
- Do you work with any youth groups, scouts, sports or church groups in a way that interacts with children?
- Do you know anyone that was sexual abused?
- Do you know anyone that was accused, charged or convicted of sexual abuse? Do you know anyone who has been falsely abused of sexual abuse?

Questions Regarding Child Witnesses

- Can you give equal consideration to the testimony of a child witness as to that of an adult witness?
- Do you believe a child possesses the ability to be truthful about important matters?
- Would you automatically believe the word of an adult over the word of a child?
- Would you be able to convict someone based on the word of a child witness, or would you require more corroborating evidence?
- Do you feel a child is more likely to lie in court than an adult?

- Do you believe a child is capable of remembering a significant or traumatic event?
- Even if several years have passed?
- Do you expect a child to be able to recall and describe details such as dates and times like an adult?
- Do you think a person can be repeatedly sexually abused and not report it?
- Would you be surprised if a child did not immediately report being abused?
- Would this affect your ability to judge the credibility of the child's testimony?
- Do you think every child reacts the same to sexual abuse?
- Has anyone actually witnessed a child being abused?
- Does everyone believe even though you have never seen it happen that it does happen?
- Would everyone agree that most child abuse crimes happen in private?
- Is there anyone who simply wouldn't feel comfortable convicting on the word of a child without eyewitness corroboration? DNA evidence?
- Did you ever do anything as a child that you didn't want to just because an adult told you to do it?
- You will be told that the law does not require that I prove force, threat or intimidation because of my victim's age. Does anyone believe that this should be a requirement under the law?

Questions Regarding Victims Who will Testify for the Defendant or Not at All

- How many of you disagree with the (insert state) decision to press charges even if the victim does not want them to?
- How many of you think that the (insert state) has a responsibility to prosecute people who commit domestic violence crimes even when the victim does not want them to?
- How many of you feel the (insert state) is abusing their discretion or wasting taxpayer's money by prosecuting a case in which the victim does not want to participate?

- How many of you think a victim might feel that they cannot testify against their abuser out of loyalty? Fear? Love? Financial Dependence? Because of kids?
- How many of you are familiar with the term “drop the charges”? Do you think a victim should control whether or not a case is prosecuted? How many of you think that if a victim asks the (insert state) to drop the charges the (insert state) should automatically do so?
- Does anyone believe if a victim doesn’t seem to care if they are a victim that you should not convict if the evidence proves this case beyond a reasonable doubt?
- If the (insert state) proves this case beyond a reasonable doubt, how many of you would vote not guilty solely because the victim, for whatever reason, did not testify? Or testifies for the defendant?

Repeat Victimization

- Have you ever heard someone ask, when talking about domestic violence, “Why doesn’t she just leave?”
- Do you feel a victim “assumes the risk” if they stay in a relationship/environment where there has been previous violence?
- Do you think it is possible to continue loving someone that hurts you? Do you think someone should be held accountable for something that is illegal even if the victim has forgiven them?

Race and Culture

If race is an issue you may want to seek advice of advocates of the same culture and race of the litigants and jurors prior to proceeding for insight into what biases may be present.

If you are dealing with a culture/race that is more accepting of male dominance this should be an area addressed in voir dire.

- Do you have any personal beliefs or have you had any experiences that might prevent or substantially impair your ability to sit as a fair/impartial juror in this case because the victim in this case is XXX and the defendant is XXX?
- Do any of you have any opinions about the “disparate impact” of the criminal justice system upon persons of color, and if so would those opinions impact your ability to be fair and impartial and decide this case on the basis of the law and the evidence?

- Does anyone here know a person who is _____? In what capacity do you interact with that person?
- Does anyone have any educational or professional experience in interacting with people who are _____?
- How do you feel about judging the credibility of someone who is _____?
- Can you give equal consideration to the statements of someone who is _____ to the statements of someone who is not _____?
- Would you be able to convict someone based on the word of a person who is _____, or would you require more corroborating evidence?

Opinion of Police and Crimes Against the State/Commonwealth

- How many of you have had a bad experience with the police and/or courts?
- How many of you understand that crimes not only affect an individual victim but the community as well?