

Trauma Informed Interviewing of Immigrant Sexual Assault Survivors: For Law Enforcement, Advocates and Family Law Attorneys

July 29, 2015
Workshop I, Session A
New Orleans, LA

Introductions

- **Bill Tamayo**
 - Regional Attorney, U.S. Equal Employment Opportunity Commission
- **Mary Ann Dutton**
 - Professor of Psychiatry, Georgetown University Medical Center
- **Shelli Sonnenberg**
 - Detective
 - Boise Police Department

Learning Objectives

By the end of this training, you will be better able to:

- Incorporate a trauma informed perspective into your work as an advocate, law enforcement officer, or attorney
- Identify sexual assault among immigrant survivors
- Improve interviewing skills
- Respond to the needs of victims

Goal of Workshop

Creating greater recognition of the importance of integrating an understanding of sexual assault into the work as advocate, law enforcement, and attorney

What is

- Trauma
- Trauma Informed Care

Identifying Sexual Assault Among Immigrant Survivors

- Defining sexual assault
 - Types of assaultive behavior
 - The role of coercion
- Sexual assault impact on mind and body
 - Psychological
 - Somatic
 - Social
 - Spiritual / Meaning

Personal Challenges to Asking About Sexual Assault

Tools for Self-Care

- Physical Activity
- Adequate Sleep and Rest
- Good Nutrition
- Nurturing Relationships
- Tending the Mind



Self-Assessment

- Do I have the patience to advocate for this survivor?
- Do I have the skills to support survivors when they are triggered?
- Who can I collaborate with to ensure my client is getting the accommodations and support that she needs?

Interviewing Victims and Witnesses

- Universal inquiry
- How to inquire about sexual assault
- How to interview victims and witnesses

Trauma-Informed Pointers

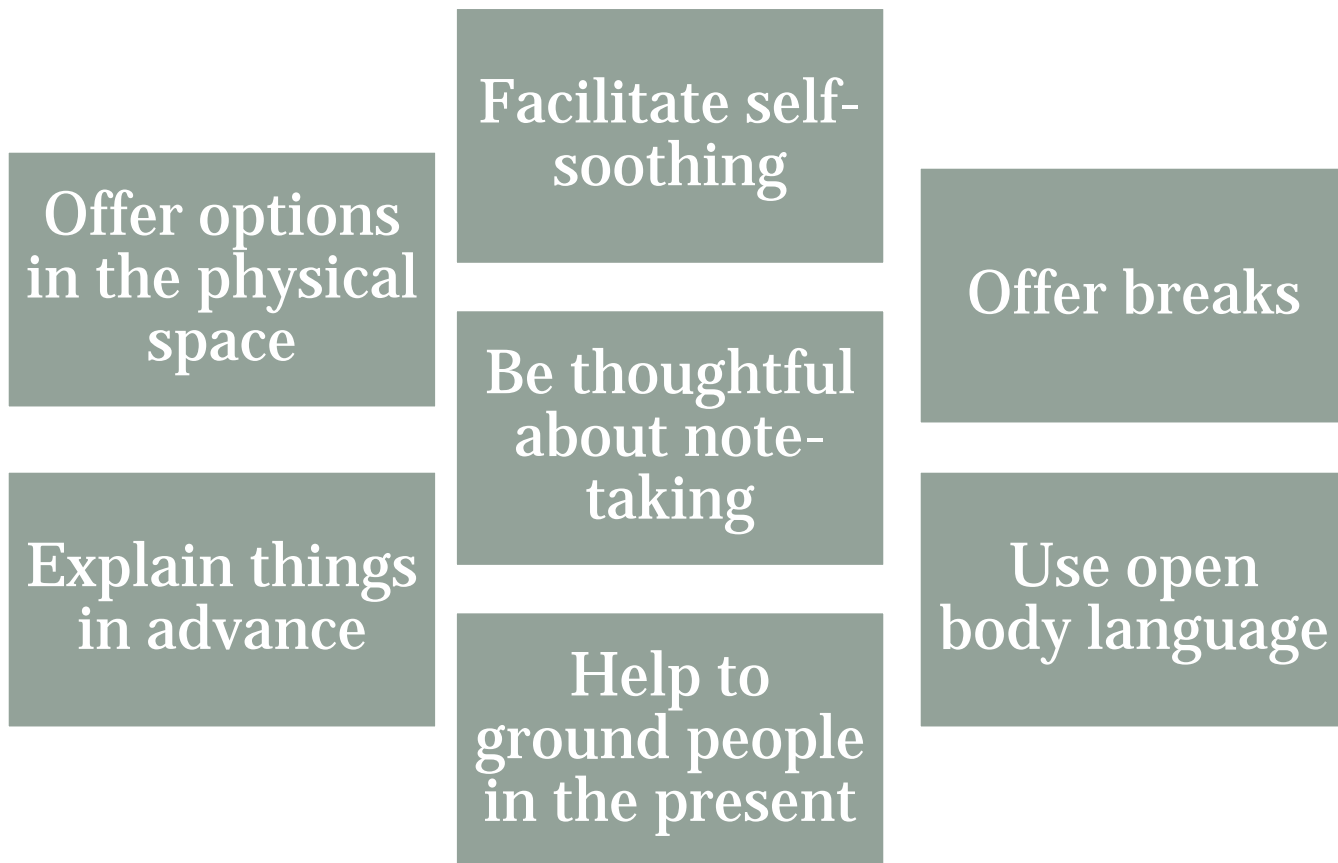
- Schedule adequate time to talk
- Give the client space to tell her story
- Use open-ended questions
- Listen more than you talk

Legal Interviewing & Traumatic Triggers

- Consider that discussions might “trigger” your client: evoke memories, feelings, or sensations of traumatizing past events
- Signs a client be triggered
 - Distracted/ Dissociative
 - Anxious
 - Agitated
 - Shut down or difficulty remembering
 - Possible physical reactions



Responding to Triggers



Responding to Disclosure of Sexual Assault

- Dealing with one's own emotional reaction
- Responding to the survivor:
 - Balancing professional role with compassion

Referring for Additional Help

- Depending on disclosure, might discuss a mental health referral
- Know the resources in your community, including costs & funding
 - <http://www.warmline.org/>
 - <http://www.cdsdirectory.org/directory.html>
 - <http://www.power2u.org/>
- Respect your client's decision
- Link the referral to what a survivor wants for herself
 - “You’ve told me it bothers you that your thoughts are racing and that you can’t sleep.”

Case Stories

Building trust with Survivors: Views from the EEOC

- Having a real relationship with the advocates: partnering with California Rural Legal Assistance to address rape in the fields: *EEOC v. Tanimura & Antle* (quid pro quo sexual harassment, retaliatory termination; \$1.855 million) (N.D. Cal.) (Yuma, AZ and Salinas, CA)
- Explain that process could take years but always do the check-in and regular updates

Building Cultural Competency in Law Enforcement Staff

- Training your own staff on how to interview victims of sexual assault; **cultural and linguistic competencies are key**; get out of comfort zone
- What are their biases? Assumptions about assessing credibility?
- Understand that victims come from countries where seeking help from government or law enforcement is unheard of or is unreasonable; system is confusing; and appreciate that many victims are geographically, culturally, linguistically, and socially isolated

Culture and Trauma

- Be sensitive and patient but firm when interviewing a victim; it's a process filled with silence, breaks, and constant assurances to her; assessing credibility and consistency in story
- **Maria is on the edge**; she can go either way at any time along the journey to survival; language, body language, acts of kindness, acts of clarify go a long way; reliving violent episodes in her mind are part of the trauma, but are also part of the process for healing, telling her story publicly, and obtaining remedies, etc.

Views from the EEOC cont.

- ***EEOC v. Harris Farms*** (multiple rapes of farm worker and threats to kill her husband); gaining family's confidence to move forward; keeping Olivia Tamayo in the case for 5 ½ years; **how can she tell her story to strangers (judge and jury) in court?** Six-week jury trial; nearly \$1 million verdict (E.D. Cal.) (Coalinga, CA)
- **Farmworker Olivia Tamayo:** "It's not the money that matters. It's the fact that somebody – these strangers – finally believed me."
- **The healing:** After the trial, Olivia spoke out about her case and gave hope to many nationwide

Views from the EEOC cont.

- *EEOC v. Willamette Tree* (multiple rapes of farm worker and threats to kill her and family in U.S. and Mexico)
- **Biggest hurdle:** victim did not complain on time (within 300 days of being terminated) because she was too traumatized; court granted “equitable tolling” (i.e., company cannot benefit from having traumatized her so badly that she cannot come forward to complain)
- Working with her for four years 2008-2012; EEOC obtained **protective order to bar questions in litigation about immigration status, prior sexual history, and reasons for not reporting rapes to police**

Building trust with Survivors: Law Enforcement Perspective



Building Trust with Survivors: Law Enforcement Perspective

- Fear of Police
- Communication
 - Interpreter Needs
- Body Language
- Cultural Awareness
- Full Disclosure
 - What comes next...

Considerations

- Family dynamics
- Interview style/positioning
- Financial constraints
- Fear of deportation
- Religious beliefs
 - Male vs. female

A Note About Interpreters & Translators

- Plan ahead for interpretation needs
- Survivor writing in her own language
- Train your interpreters and translators
 - Domestic violence and sexual assault training
 - Interpreter training
 - Trauma training
- Be creative



Questions



Technical Assistance and Materials

- Power Point presentations and materials for this conference at www.niwap.org/go/NOLA2015
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail niwap@wcl.american.edu
- Web Library:
www.niwaplibrary.wcl.american.edu

Evaluations



Thank you!

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