

# RJ 7210: ADVERSITY, TRAUMA, AND VICTIMIZATION

SUMMER 2019, TERM 1  
9:00-12:00 a.m. (Week 1: T-F, Week 2: M-TH, Week 3: M-TH)  
Oakes 210

Professor Cara Cookson, J.D.  
[CCOOKSON@VERMONTLAW.EDU](mailto:CCOOKSON@VERMONTLAW.EDU)  
[caracookson@gmail.com](mailto:caracookson@gmail.com)  
(802) 777-8119

## ABOUT THIS COURSE

This course will explore the legal, historical, cultural, and psychological frameworks underlying victim rights policy, as well as best practices for effective victim/survivor engagement across the American criminal justice system. We will examine: 1) the history of victim rights and victim/survivor services in the United States; 2) statutory, constitutional, evidentiary, and procedural schemes intended to protect and give voice to crime victims in both traditional and restorative criminal justice processes; 3) the psychology and brain science of trauma and how to competently address trauma in direct service/representation of victims; 4) ethical challenges; 5) interviewing techniques; and 6) theories and strategies for effectively managing vicarious trauma and compassion fatigue as a legal or restorative justice practitioner in the field.

## COURSE OBJECTIVES

By the end of this course, students will be able to:

- Facilitate and/or design effective restorative justice responses to criminal victimization in the community
- Demonstrate the ability to provide trauma-informed services in a restorative justice program or law practice setting
- Assess the service needs of clients who have experienced trauma or victimization and make appropriate referrals
- Develop a personal approach to mitigating vicarious trauma and compassion fatigue and contribute to their organization in a way that facilitate trauma resiliency

## ATTENDANCE

This course carries three credits and is taught as an intensive summer course. Please arrive on time and prepared for the day. **UNLESS A STUDENT HAS AN EMERGENCY OR SERIOUS ILLNESS WITH VERIFICATION, ATTENDANCE IS MANDATORY. Failure to attend class without a verified excuse could result in a failing grade or 'Incomplete' designation on your transcript.**

## MATERIALS

### Required Textbooks

Bessel van der Kolk, M.D., [The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma](#) (2015) ISBN-13: 978-0670785933

Laura van Dernoot Lipsky, [Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others](#) (2009) ISBN-13: 978-1576759448

Susan Herman, [Parallel Justice for Victim of Crime](#) (2010) ISBN-13: 978-0615326108

Judith Herman, [Trauma and Recovery: The Aftermath of Violence—From Domestic Abuse to Political Terror](#) (2015) (1R Edition) ISBN-13: 978-0465061716

### Virtual Coursepack

Web links to articles, videos, and other resources are included in this document. I will provide citations for other legal materials that you can access on Westlaw or Lexis and bookmark for your later use.

### Journals

Please come to class each day with a journal that you will enjoy using for reflection exercises, both in and out of class. For some people, a journal will be a paper notebook, and for others, it might be a Word document on a laptop computer. If you like to write with pen and paper, you might choose one notebook that you can use for all your notes and reflections in class, or you could also choose a separate notebook just for your reflection writing. Your journals will not be turned in or shared with me or the class unless you opt to read aloud from them during group discussion. Know that I may ask you to review what you've written in class to inspire your contributions to our discussions. You will be evaluated on whether you fully participate in the journaling exercises, not on the quality or content of the writing itself.

### Optional Materials for Reference

Futures Without Violence Culture Handbook

<https://www.futureswithoutviolence.org/userfiles/file/ImmigrantWomen/Culture%20Handbook.pdf>

Criminal Justice Process Flow Charts

<https://www.bjs.gov/content/largechart.cfm>

[https://www.ojdp.gov/ojstatbb/structure\\_process/case.html](https://www.ojdp.gov/ojstatbb/structure_process/case.html)

## EXPECTATIONS AND METHOD OF EVALUATION

### Written Work Generally

I expect graduate-level students to submit a timely, complete written work product that demonstrates fulfillment of the relevant course objectives and represents a polished piece of professional writing. Taking ten extra minutes to proofread or asking a friend to proofread can

go a long way towards meeting this expectation. Also, because this course is an intensive with tight deadlines, I will not grade any late assignments absent a verified serious illness or emergency.

NB: Unlike your written assignments, your journal writing will not be graded on its content, but instead on whether you completed the exercise and used the opportunity to synthesize the material to foster more complex contributions to our class discussion. You should feel free to be “messy” in your journal writing, because doing so will help you process ideas.

### **Class Participation Generally**

With such a small group, participation and attitude will be apparent. I will evaluate student engagement with our guest speakers and with each other during our group sessions to formulate participation grades for the course. If class participation is a challenge for you, or if you are challenged by a particular topic on a given day, please don't hesitate to contact me.

### **Grading**

Class Participation: 10%

Journaling: 10%

Week #1 Writing Assignment: 20%

Week #2 Writing Assignment: 20%

Week #3 In-Class Simulation: 10%

Final Assignment: 30%

### **A NOTE ABOUT TRAUMA**

If the national statistics bear out, it is inevitable that several of you have experienced a serious form of trauma or victimization during your lifetime. As you will learn, stress and anxiety from re-triggering—being reminded of past traumatic events—is a common, protective biological response. Your body is telling you to seek safety. My main goal as your professor is to facilitate a classroom environment where: 1) students feel safe and honored; 2) students can learn and support one another's learning; 3) students can take initiative to meet their own needs; and 4) students can speak the truth, debate, and explore new perspectives within appropriate boundaries. To that end, I encourage you to set up a time to speak to me over the phone or on campus, before the start of the term or as we proceed, if you would like to share any concerns, requests, or other thoughts that will support my work with all of you. We will also spend significant time at the beginning of the session working together to forge a productive classroom environment. I encourage you to engage the support and services available through Dean Jefferson's office if you have any sense of overwhelm or re-traumatization before, during, or after our time together.

## READINGS AND ASSIGNMENTS

**TUESDAY MAY 28**

### **Course Introduction and Overview, Examining Roles and Definitions in Victim Services**

Statute: 13 V.S.A. § 5301

Case: *Linda R.S. v. Richard D.*, 410 U.S. 614 (1972)

Parul Seghal:

<https://www.nytimes.com/2016/05/08/magazine/the-forced-heroism-of-the-survivor.html>

Please ask the library for assistance obtaining this article via Lexis if you don't have a New York Times subscription.

Samantha Ross:

<https://www.mindbodygreen.com/0-22575/im-a-victim-of-rape-not-a-survivor.html>

Lauren Book:

<https://www.youtube.com/watch?v=vJ4eHW9EWUk>

Carolyn Murnick:

<https://www.thecut.com/2019/02/what-we-dont-talk-about-when-we-talk-about-serial-killers.html>

Elliott Roger:

<https://abcnews.go.com/US/santa-barbara-killer-claimed-victim-twisted-life-memoir/story?id=23861753>

Please reflect on the following questions in your journal:

- 1) What do you hope to accomplish personally and professionally in this course?
- 2) What subjects and ideas on the topic of adversity, trauma, and victimization make you curious or interested to learn more? What subjects or ideas evoke a sense of resistance or concern?
- 3) What are the possible meanings and connotations of the words "victim" and "survivor" in American culture?
- 4) How does your personal reaction to these words compare to the words "offender" and "perpetrator"? What meanings and connotations to those words evoke?
- 5) Why does word choice matter – why should we think about what these words mean and to whom?

**WEDNESDAY MAY 29**

### **Historical and Social Underpinnings of Victim Services**

History of the Victim Rights Movement

<https://www.ovcttac.gov/views/trainingmaterials/nvaa/dspnvaacurriculum.cfm?print=1>

(Scroll down to “Participant Text” and click on the Word document for “Module 2: History of the Crime Victims' Rights Movement in the United States”)

Trauma and Recovery pp.7-32 (Forgotten History)

**THURSDAY MAY 30**  
**Restitution and Victims Compensation**

Statutes:

13 V.S.A. § 5351 (Compensation Definitions)

13 V.S.A. § 7043 (Restitution)

Compensation

<http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/crime-victim-compensation>

Restitution and Restorative Justice

<http://victimsofcrime.org/docs/default-source/restitution-toolkit/restitution---restorative-justice-online.pdf?sfvrsn=2>

**FRIDAY MAY 31**  
**Basic Victim Rights and Remedies, Introduction to Trauma Stewardship**

Statute:

18 U.S.C. § 3771

PEW Crime Victim Guiding Principles

[https://victimsofcrime.org/docs/restitution-toolkit/a2\\_pew-guiding-principles-for-crime-victims.pdf?sfvrsn=2](https://victimsofcrime.org/docs/restitution-toolkit/a2_pew-guiding-principles-for-crime-victims.pdf?sfvrsn=2)

Trauma Stewardship pp. 1-113 (skim the profiles)

***Week #1 Assignment (Victim Rights) due in class.***

**MONDAY JUNE 3**  
**Trauma and the Brain**

The Body Keeps the Score pp. 1-104 (The Re-Discovery of Trauma, This is Your Brain on Trauma, The Imprint of Trauma)

Please reflect on the following questions in your journal:

- 1) Did you have any “lightbulb” moments while reading van der Kolk’s summary of the research on trauma? What inspires you?
- 2) Consider a government system that serves people with which you have some familiarity or interest (criminal justice system, child protection, social services, healthcare, etc.). How would you apply van der Kolk’s approach to trauma to the delivery of services within that system? What’s missing now?

**TUESDAY JUNE 4**  
**Interpersonal Violence**

Trauma and Recovery, pp. 134-174

Understanding the Nature and Dynamics of Domestic Violence

<https://www.mocadsv.org/FileStream.aspx?FileID=2>

Why DV Victims don’t leave

<https://www.youtube.com/watch?v=V1yW5IsnSjo>

I was human trafficked for 10 years

[https://www.youtube.com/watch?v=U\\_kXuQHZmWs](https://www.youtube.com/watch?v=U_kXuQHZmWs)

Polaris Report on Sex Trafficking in the US

<https://polarisproject.org/sites/default/files/us-citizen-sex-trafficking.pdf>

Why Women Don’t Report Sexual Assault

<https://www.youtube.com/watch?v=rSWwX7IBEGk>

Meghan Feldman Bettencourt

<https://www.harpersbazaar.com/culture/politics/a23284069/metoo-sexual-abuse-forgiveness-weaponized-against-women/>

Bourke: A Global History of Sexual Violence

<https://www.youtube.com/watch?v=UfC81mNUQzQ>

OVC IPV fact sheet

[https://www.ovcttac.gov/downloads/views/TrainingMaterials/NVAA/Documents\\_NVAA2011/ResourcePapers/Color\\_Intimate%20Partner%20Violence%20Resource%20Paper\\_2012\\_final\\_508c\\_9\\_17\\_2012.pdf](https://www.ovcttac.gov/downloads/views/TrainingMaterials/NVAA/Documents_NVAA2011/ResourcePapers/Color_Intimate%20Partner%20Violence%20Resource%20Paper_2012_final_508c_9_17_2012.pdf)

OVC Fact sheet on Stalking

[https://ovc.ncjrs.gov/ncvrw2018/info\\_flyers/fact\\_sheets/2018NCVRW\\_Stalking\\_508\\_QC\\_v2.pdf](https://ovc.ncjrs.gov/ncvrw2018/info_flyers/fact_sheets/2018NCVRW_Stalking_508_QC_v2.pdf)

Stalking Resource Center training video for law enforcement  
<https://www.youtube.com/watch?v=Q2BHO8eXvxA&feature=youtu.be>

Please reflect on the following questions in your journal:

- 1) What do you understand to be the key stereotypes that American society holds with respect to survivors of domestic violence? Sexual violence? Stalking? Human trafficking?
- 2) Why do you think these forms of victimization are so prevalent in American culture?
- 3) What are the key challenges that restorative justice practitioners and lawyers need to address when working with survivors of interpersonal violence?
- 4) What have you learned so far about trauma and victimization that represent a source of hopefulness as to the potential for recovery from interpersonal violence? What about prevention?

### **WEDNESDAY JUNE 5 Adversity and Oppression**

Law Review Article: Kimberle Crenshaw, *Mapping the Margins*, 43 STNLR 1241 (1991).

NPR Series on Abuse of Vulnerable Adults

<https://www.npr.org/series/575502633/abused-and-betrayed>

Please listen to “The Sexual Assault Epidemic No One Talks About,” “She Can’t Tell Us What’s Wrong,” “States Aim to Halt Sexual Abuse of People with Intellectual Disabilities,” and “In Their Own Words.”

Alabanza

<https://www.youtube.com/watch?v=wAwcTTOq4k>

Hate Crimes Fact Sheet

[http://victimsofcrime.org/docs/default-source/ncvrw2015/2015ncvrw\\_stats\\_hatecrime.pdf?sfvrsn=2](http://victimsofcrime.org/docs/default-source/ncvrw2015/2015ncvrw_stats_hatecrime.pdf?sfvrsn=2)

Crimes Against People with Disabilities Fact Sheet

[https://ovc.ncjrs.gov/ncvrw2018/info\\_flyers/fact\\_sheets/2018NCVRW\\_VictimsWithDisabilities\\_508\\_QC.pdf](https://ovc.ncjrs.gov/ncvrw2018/info_flyers/fact_sheets/2018NCVRW_VictimsWithDisabilities_508_QC.pdf)

### **THURSDAY JUNE 6 Age and Adverse Childhood Experiences**

The Body Keeps the Score, pp. 104-170 (The Minds of Children)

Trauma Stewardship, pp. 116-184

How Childhood Trauma Impacts Health Across a Lifetime

<https://www.youtube.com/watch?v=95ovlJ3dsNk>

Crimes Against Older Adults Fact sheet

[https://ovc.ncjrs.gov/ncvrw2018/info\\_flyers/fact\\_sheets/2018NCVRW\\_OlderAdults\\_508\\_QC.pdf](https://ovc.ncjrs.gov/ncvrw2018/info_flyers/fact_sheets/2018NCVRW_OlderAdults_508_QC.pdf)

OVC Elder Abuse Guide

[https://www.ovcttac.gov/downloads/views/TrainingMaterials/NVAA/Documents\\_NVAA2011/ResourcePapers/Color\\_Elder%20Abuse%20Resource%20Paper\\_2012\\_final%20-%20508c\\_9\\_13\\_2012.pdf](https://www.ovcttac.gov/downloads/views/TrainingMaterials/NVAA/Documents_NVAA2011/ResourcePapers/Color_Elder%20Abuse%20Resource%20Paper_2012_final%20-%20508c_9_13_2012.pdf)

Elder Abuse in Latinx Communities

<http://www.centeronelderabuse.org/docs/Working%20Together%20to%20End%20Abuse%20in%20Latino%20Communities.Hidalgo.pdf>

***Week #2 Assignment (Victim Services) due in class.***

**MONDAY JUNE 10**

**Building Trauma-Informed Skills Part One**

Trauma and Recovery pp. 175-236 (Remembrance and Mourning, Reconnection, Commonality)

The Body Keeps the Score, pp.245-349 (Paths to Recovery, Epilogue)

Grief and Loss:

<https://www.socialworker.com/feature-articles/practice/disenfranchised-grief-when-grief-and-grievers-are-unrecogniz/>

***Week #3 Simulation will occur in class. Please review your readings and notes relevant to the delivery of trauma-informed services.***

**TUESDAY JUNE 11**

**Building Trauma-Informed Skills Part Two**

In this session, we will review your simulations and work on your final projects.

**WEDNESDAY JUNE 12**

**Victim-Centered Restorative Practices and Programs**

Parallel Justice for Victims of Crime Preface – p. 141



Law review article: *Effects of Victim Presence and Coercion in Restorative Justice: An Experimental Paradigm*, 39 Law & Hum. Behav. 378 (2015)

**THURSDAY JUNE 13**

**Tying it all together and Planning for Trauma Stewardship**

Canadian Restorative Justice Guide

<https://www.justoutcomesconsulting.com/wp-content/uploads/SCVTRJG.pdf>

***Final Assignments due at 9 a.m. Monday, June 15 via email:***

***[ccookson@vermontlaw.edu](mailto:ccookson@vermontlaw.edu)***