

RJ 7210: ADVERSITY, TRAUMA, AND VICTIMIZATION

SPRING 2020
Mondays, 3:35-6:35

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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 and beyond. 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
- 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 facilitates trauma resiliency

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. Please consult the Library for assistance accessing articles and legal materials.

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 the class unless you opt to read aloud from them during group discussion. Know that the professors 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

Criminal Justice Process Flow Charts

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

https://www.ojjdp.gov/ojstatbb/structure_process/case.html

EXPECTATIONS AND METHOD OF EVALUATION

Written Work Generally

Graduate-level students should 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, late assignments will not be graded 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. Students will be evaluated on their 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 your instructors.

Grading

Class Participation: 10%

Journaling: 10%

Writing Assignment #1: 20%

Writing Assignment #2: 20%

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. Our main goal 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, please set up a time to speak with either of your instructors 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. We will also spend significant time at the beginning of the session working together to forge a productive classroom environment. Please also consider engaging 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

UNIT	READINGS AND ASSIGNMENTS
<p>1/13 Who is a "Victim"?</p>	<p>Statute: 13 V.S.A. § 5301 Case: <i>Linda R.S. v. Richard D.</i>, 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. Joanna Bourke: https://www.youtube.com/watch?v=LNOOaq3P_XU 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 Darran Simon and Susan Scutti: https://www.cnn.com/2019/07/03/us/pregnant-alabama-woman-manslaughter-indictment/index.html Elliott Roger: https://abcnews.go.com/US/santa-barbara-killer-claimed-victim-twisted-life-memoir/story?id=23861753</p> <p>Please reflect on the following questions in your journal:</p> <ol style="list-style-type: none"> 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?

<p>1/27 History of Victim Services</p>	<p>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”)</p> <p><u>Trauma and Recovery</u> pp.7-32 (Forgotten History)</p> <p>Listen to Rumble Strip: Victim Advocate https://www.rumblestripvermont.com/2019/05/victim-advocate/</p>
<p>2/3 Civil Monetary Remedies: Victims Comp, Restitution, and Civil Lawsuits</p>	<p>13 V.S.A. § 5351 (Compensation Definitions) 13 V.S.A. § 7043 (Restitution)</p> <p>Compensation http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/crime-victim-compensation</p> <p>Restitution and Restorative Justice http://victimsofcrime.org/docs/default-source/restitution-toolkit/restitution---restorative-justice-online.pdf?sfvrsn=2</p> <p>Criminal versus Civil Justice https://victimsofcrime.org/media/reporting-on-child-sexual-abuse/criminal-and-civil-justice</p> <p>Scott signs bill removing statute of limitations in child sex abuse claims https://vtdigger.org/2019/06/03/scott-signs-bills-removing-statute-limitations-child-sexual-abuse-claims/</p>
<p>2/10 Procedural Victim Rights</p>	<p>Victim Rights Treasure Hunt (Writing Assignment #1) DUE IN CLASS.</p> <p>18 U.S.C. § 3771 (federal victim rights statute) <u>Trauma Stewardship</u> pp. 1-113 (skim the profiles)</p>

<p>2/17 Trauma and the Brain</p>	<p><u>The Body Keeps the Score</u> pp. 1-104 (The Re-Discovery of Trauma, This is Your Brain on Trauma, The Imprint of Trauma) <u>Trauma and Recovery</u>, pp. 134-174</p> <p>Please reflect on the following questions in your journal:</p> <ol style="list-style-type: none"> 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?
<p>2/24 DV + Stalking</p>	<p>Domestic Violence Advocate Interview (Writing Assignment #2) due in class.</p> <p>Understanding the Nature and Dynamics of Domestic Violence https://www.mocadsv.org/FileStream.aspx?FileID=2</p> <p>Why DV Victims don’t leave https://www.youtube.com/watch?v=V1yW5lSnSjo</p> <p>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</p> <p>OVC Fact sheet on Stalking https://ovc.ncjrs.gov/ncvrw2018/info_flyers/fact_sheets/2018NCVRW_Stalking_508_QC_v2.pdf</p> <p>Stalking Resource Center training video for law enforcement https://www.youtube.com/watch?v=Q2BHO8eXvxA&feature=youtu.be</p>

<p>3/2 SV and Trafficking</p>	<p>I was human trafficked for 10 years https://www.youtube.com/watch?v=U_kXuQHZmWs</p> <p>Polaris Report on Sex Trafficking in the US https://polarisproject.org/sites/default/files/us-citizen-sex-trafficking.pdf</p> <p>Why Women Don't Report Sexual Assault https://www.youtube.com/watch?v=rSWwX7IBEGk</p> <p>Meghan Feldman Bettencourt https://www.harpersbazaar.com/culture/politics/a23284069/metoo-sexual-abuse-forgiveness-weaponized-against-women/</p> <p>Please reflect on the following questions in your journal:</p> <ol style="list-style-type: none"> 1) What are the common stereotypes that Americans tend to hold about sex and labor trafficking? Why do you think these stereotypes persist? 2) What do you perceive are the greatest challenges for those who are concerned with ending sex and labor trafficking in America? 3) How do you currently conceptualize the #metoo movement? What is it all about to you? 4) When you think about restorative justice in the realm of interpersonal violence – DV, SV, stalking, human trafficking – where does your mind go?
<p>3/16 Race and LGBTQ</p>	<p>Alabanza https://www.youtube.com/watch?v=_wAwcTTOq4k</p> <p>BIA Victim Specialists https://www.youtube.com/watch?time_continue=67&v=qi3Y7LL6Z6k&feature=emb_title</p> <p>Futures without Violence Culture Handbook https://www.futureswithoutviolence.org/userfiles/file/ImmigrantWomen/Culture%20Handbook.pdf</p> <p>Law Review Article: Kimberle Crenshaw, <i>Mapping the Margins</i>, 43 STNLR 1241 (1991).</p>

<p>3/23 Elders and Disability</p>	<p>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.”</p> <p>Crimes Against People with Disabilities Fact Sheet https://ovc.ncjrs.gov/ncvrw2018/info_flyers/fact_sheets/2018NCVRW_Victims_WithDisabilities_508_QC.pdf</p> <p>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</p> <p>Elder Abuse in Latinx Communities http://www.centeronelderabuse.org/docs/Working%20Together%20to%20End%20Abuse%20in%20Latino%20Communities.Hidalgo.pdf</p> <p>Trauma Stewardship, pp. 116-184</p>
<p>3/30 Kids and Homicide</p>	<p><u>The Body Keeps the Score</u>, pp. 104-170 (The Minds of Children)</p> <p>How Childhood Trauma Impacts Health Across a Lifetime https://www.youtube.com/watch?v=95ovlJ3dsNk</p> <p>NCVC Report on Homicide Co-Victims https://ncvc.dspacedirect.org/bitstream/item/1440/CVR%20Research%20Syntheses_Homicide%20Covictims_Report.pdf?sequence=1</p>
<p>4/6 Skills Lab</p>	<p><u>Trauma and Recovery</u> pp. 175-236 (Remembrance and Mourning, Reconnection, Commonality)</p> <p><u>The Body Keeps the Score</u>, pp.245-349 (Paths to Recovery, Epilogue)</p> <p>Grief and Loss: https://www.socialworker.com/feature-articles/practice/disenfranchised-grief-when-grief-and-grievers-are-unrecogniz/</p>

	<p>Please prepare for in-class simulation exercises by reviewing your notes and the earlier chapters of <u>Trauma and Recovery</u> and <u>The Body Keeps the Score</u> in addition to the further reading in the texts for this session. Make a list in your journal: what are the skills and strategies that practitioners should utilize when working with victim/survivors in the field?</p>
<p>4/13 Parallel Justice and Victim Offender Dialogue</p>	<p><u>Parallel Justice for Victims of Crime</u> Preface – p. 141</p> <p>Law review article: <i>Effects of Victim Presence and Coercion in Restorative Justice: An Experimental Paradigm</i>, 39 Law & Hum. Behav. 378 (2015)</p> <p>Skim: Canadian Restorative Justice Guide https://www.justoutcomesconsulting.com/wp-content/uploads/SCVTRJG.pdf</p>
<p>4/20 Final Project Day</p>	<p>FINAL PROJECT DUE IN CLASS</p> <p>Please prepare a 10-minute presentation on the victim services proposal/memo component of your final project.</p> <p>-What is your proposal? -Why is your proposal important and/or what impact do you expect it to have? -What will it take to carry out your proposal in terms of planning, partnerships, and implementation?</p>
<p>4/27 Wrap-Up</p>	<p>Please respond to the following questions in your journal:</p> <ol style="list-style-type: none"> 1) When you look back on this course ten years from now, what will stick with you? 2) Are there ways that your perspective on victimization or survivorship has changed? 3) Identify a moment where one of your classmates offered a comment, opinion, or story that contributed to your learning in a positive way? 4) What did you learn in this class that makes you hopeful? 5) Has this course influenced how you think about your future after you're your certificate or degree at Vermont Law School? What will you carry with you from this course? 6) What is the most important thing you learned about trauma stewardship from an individual perspective? From an organizational perspective?