Trauma Informed Legal Advocacy

LOTUS
Legal Options for Trafficked and Underserved Survivors
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LOTUS CLINIC

Began in August of 2013, with six victims of federally prosecuted (and convicted) traffickers with legal needs.

- housing
- employment
- family law
- municipal fines
MISSION

“LOTUS stands for Legal Options for Trafficked and Underserved Survivors. Our mission is to provide comprehensive assistance to victims of crime, whether it be protecting constitutional rights of victims, or assisting with other legal or advocacy matters.”
LOTUS at Work

To date:
  72 cases
  Privacy, LGBT, trafficking (labor and sex), immigration, domestic violence.

- Restitution Project with MULS
- Expungement for Trafficking Victims with LAW

Success Stories
  A new chance at life for a trafficking victim
LOTUS at Work

Victim’s Rights Training with National Experts

Need for volunteers of diverse backgrounds

Alliance building

Other clinics

Court system relationships
Trauma-informed Approach

A trauma-informed approach is one that
• recognizes the pervasiveness of trauma
• incorporates an understanding of its impact on individuals and communities
• minimizes retraumatization
• supports healing and resiliency
• addresses the root causes of violence
• is self-reflective and relational (the relationship as the foundation of healing and justice work) and
• takes a contextualized approach to understanding and responding to trauma.
“The stuff they say makes no sense. So no, I don’t always believe them, and yeah, I let them know that.

Then they say, ‘never mind, I don’t want to do this.’ Ok, fine.

Complainant Refused to Prosecute. Case closed.”

Sex Crimes Unit Detective, 15 Years Experience
Psychological Impact of legal interactions on Victims

SOURCE: Campbell, 2005; Campbell & Raja, 2005
Brain Regions Impacted by Trauma

- **Corpus callosum**: A large band of nerve fibers through which information flows back and forth between the left and the right hemispheres of the brain.

- **Thalamus**: The relay station for most information going into the brain.

- **Hypothalamus**: Regulates sex hormones, blood pressure, and body temperature.

- **Pituitary gland**: The master gland of the body produces its own hormones and also influences the hormonal production of the other glands in the body.

- **Amygdala**: Regulates the heartbeat and other visceral functions and processes the emotion fear.

- **Hippocampus**: Helps establish long-term memory in regions of the cerebral cortex.

- **Basal ganglia**: A control system for movement and cognitive functions.

- **Cerebellum**: Essential for coordination of movement.

- **Pons Medulla oblongata**: Control of breathing, circulation, heartbeat, and digestion.

- **Spinal cord**: Transmission of sensory signals from the body to the brain and motor signals from the brain to the body.
Memory Processes Impacted by Trauma

**Hippocampus** processes information into memories

Encoding = Organizing sensory information

Consolidation = Grouping information into memories and storing them

**Amygdala** specializes in the processing of emotional memories (works with the hippocampus)

Both structures are VERY sensitive to hormonal fluctuations

SOURCE: Southwick et al., 2005
Victim Doesn’t Make Sense

Legal Responders Don’t Believe Victim

CASE ATTRITION

Victim Engagement Decreases

Secondary Victimization from the System

Neurobiological Reasons

Police/prosecutor/attorneys Close Case and/or Victim Refuses to Pursue

Legal Responders Don’t Believe Victim

Victim Engagement Decreases
Helping Lawyers Help Victims?

The cycle of attrition and secondary trauma pervade BOTH the criminal and civil system. As a result, Victim’s lives become messier and messier.

When legal interventions occur, what approaches work best?
Helping Lawyers Help Victims?

- Type of communication
- Loose Timelines
- Celebrate small steps
- Goal revisioning
- Open door policy

Where we meet?

Talk or Text?

What matters to me now?
Helping Lawyers Help Victims?

Normalize what the victim experiences.

• Neurobiological changes can lead to flat affect or “strange” emotions or emotional swings
The story will come together; let it unfold

- Neurobiological changes can make memory consolidation and recall difficult
  - Story may come out fragmented or “sketchy”
  - Misinterpreted as evasiveness or lying
  - The content of the memory is accurate, just may take some time and patience for it to come together
Ways to say it

Building trust with limited resources (time!)

“I’m really glad you called. I have about five minutes to talk right now. If we need more time, we can schedule another call.”

“This meeting was really helpful to me, and I want to remind you that I will keep everything that you’ve said completely confidential. If it’s okay with you, I’d like to come back to some of these topics later.”
Ways to say it

Be prepared for triggered states, roll with it.
Give options, not Yes/No

“Let me know if I can get you a glass of water, or we can just sit together for a moment.”

“Would it help to have a moment to yourself or visit with your friend in the waiting room, or maybe something else?”
Ways to say it

Body and environment

Put your pen down.

Blankets, tea, coffee and candy, room setup

Options, offers, checking in
Training and Leading Volunteers

Encourage a multi-disciplinary team

• Detailed, personal volunteer interviews
• Staffing/case calls with all team members
• Joint training sessions, (JD and Other Fields)
• Work on rounded skill sets and filling “gaps” i.e. victim’s rights.
Sources

• Campbell, Rebecca, Ph.D., Michigan State University, Research for the Real World; the Neurobiology of Sexual Assault, presented for DOJ, 2014
• White-Domain, JD, Rachel. National Center on Domestic Violence, Trauma & Mental Health (NCDVTMH). The term trauma-informed was originally coined by Maxine Harris and Roger Fallot in 2011.
• National Crime Victim’s Law Institute, (NCVLI)
• Trauma-Informed Legal Advocacy Project, National Center on Domestic Violence, Trauma and Mental Health, available at http://www.nationalcenterdvtraumamh.org/trainingta/trauma-informed-legal-advocacy-tila-project/
THANK YOU!

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