

Exploring Social, Cultural and Faith Communities as Allies and Barriers for Sexual Assault Survivors

Day 1
Session 2A
New Orleans, LA

Introductions

- Aparna Bhattacharyya
 - Executive Director, Raksha
- Jessica Mindlin, Esq.
 - Victim Rights Law Center
- Session 1: Commissioner Loretta Young, New Castle Family Court, Wilmington, Delaware
- Session 2: Judge Rosemary Collins, Rockford, Illinois

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Learning Objectives

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

- Identify who are the immigrant victims and challenges they confront in accessing services
- Explore cultural, religious, and community responses when sexual assault survivors disclose
- Facilitate discussion on how advocates, organizations, victims' lawyers, and the bench can help promote positive community responses and minimize harms

Immigration Status?

May include:

- LPRs
- Visa holders:
 - Students/spouses
 - Work permit holders + family members
- Undocumented individuals
- Trafficking victims



Who Are the Non-Citizen SA Survivors?



Non-Citizen Victims

- Immigrant school age girls almost 2x as likely as non-immigrant peers to experience recurring incidents of SA

— Michele R. Decker, Anita Raj, & Jay G. Silverman, *Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation* (May 2007)

- Latina survivors of CSA > likely than non-Latina CSA survivors to be raped as adults

Non-Citizen Victims

- When the spouse is a US citizen, DV rates rise for immigrant women (59.5% vs 49.8%)
 - Giselle Hass, Nawal Ammar, and Leslye Orloff, Battered Immigrants and U.S. Citizen Spouses (April 24, 2006)
- While 18% of the US population is immigrant/foreign-born Vs, less than 1% of reported SAs = foreign-born women
 - National Violence Against Women Survey (2000)

Why Might Non-Citizen Victims Not Report?



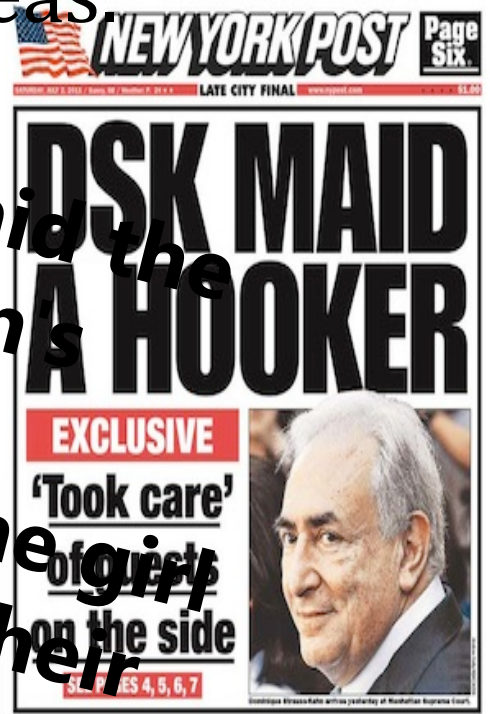
Barriers to Accessing Services

- Language
- Immigration status
- Small, close-knit communities
- Traditional sexual mores
- Importance of intact family
- Shame/blame
- Fear/mistrust/lack of understanding re:
 - U.S. laws
 - Role of law enforcement
 - Victims' rights

Why Immigrant Victims Might Not Report

- “It was never intended to protect Latinos from Latinos,” Bell said. “It was designed to protect them from high-crime areas”

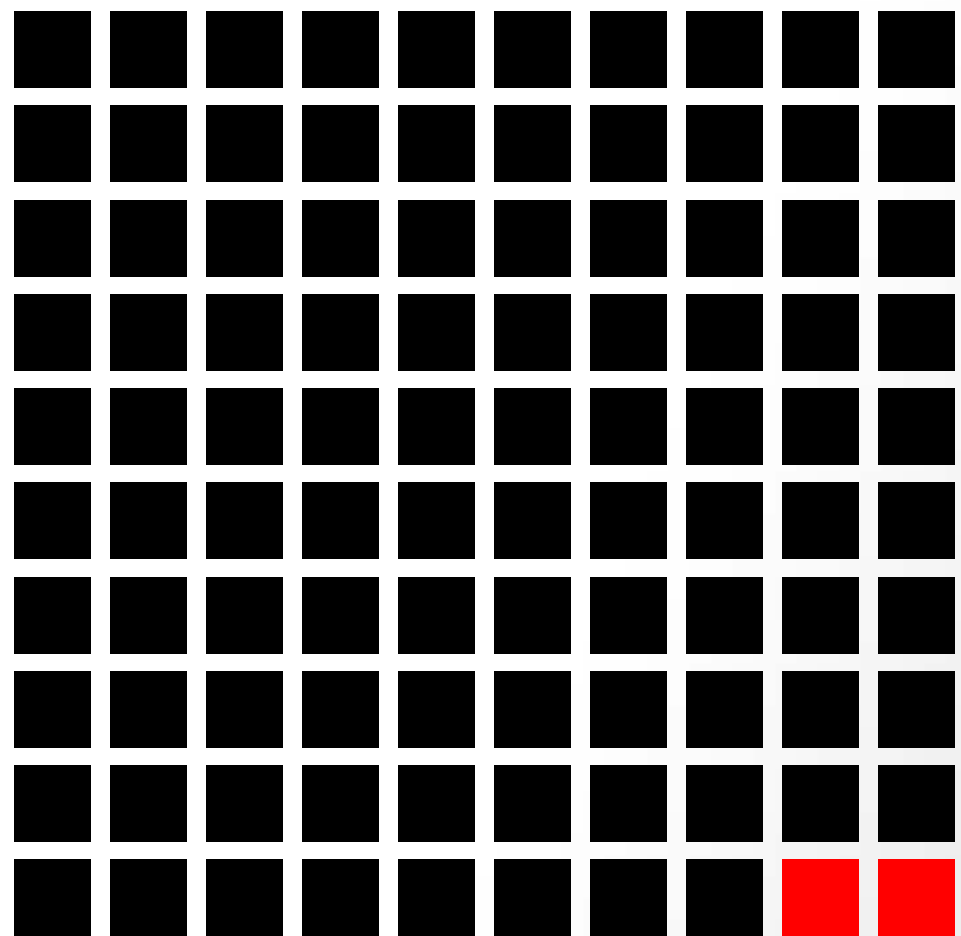
Phoenix police said the [offed 11-year old] victims and their parents, who are refugees . . . said the girl brought shame to their family.



In 98% of cases, the perpetrator is not sentenced to jail time

For every 100 rapes committed:

- 19 are reported to LE
- 7 result in prosecution
- 3 result in conviction
- 2 result in incarceration





What Is “Culturally Responsive?”

- Know your clients’ cultures / backgrounds?
- Title VI obligations?
- Comfort level / expertise working with LEP populations?
- Familiar with immigration options?
- Engage in appropriate safety planning?
- Potential community consequences for reporting

What Barriers Do Immigrant Survivors Confront In Your Community?



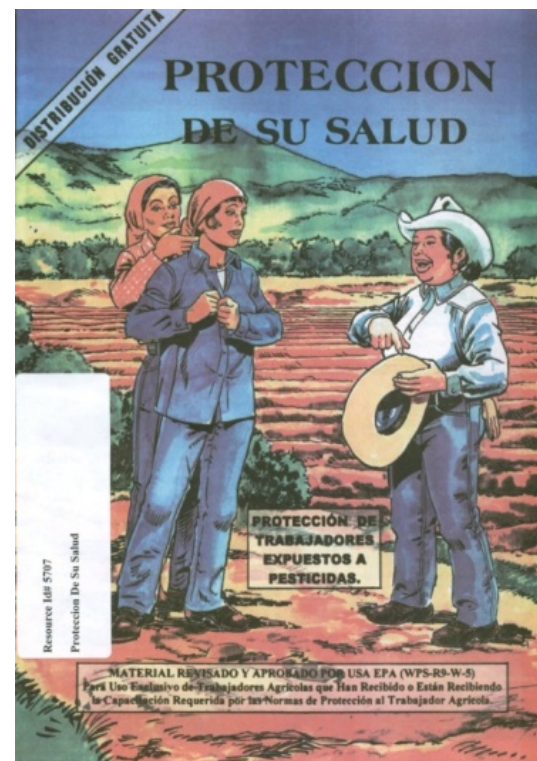
Safety Considerations

- Fear of law enforcement
- Fear of deportation
 - The survivor's, the perpetrator's
- Fear of retaliation
- CPO not always an option for victims of non-IP SA
- Lack of linguistically and/or culturally competent service providers
- Cultural and familial views of SA / DV



Context Appropriate Safety Plans

- Family
- Community response
 - Faith community
 - Literacy
- School
- Immigration status
- Military
- Workplace



Tips When Using Translators & Interpreters

- Get name & location
 - Does the survivor know them?
 - Get approval every time
- Address confidentiality /content at the outset
- Speak directly to the survivor
- Consider family hierarchy
- Be aware of dialects, regional differences, etc.
- Redact names on documents to be translated
- Consider different interpreter for follow up

Scenario

AP Associated Press

updated 7/27/2009 8:24:52 PM ET

PHOENIX — The father of an 8-year-old Liberian girl who was allegedly raped by four boys in a Phoenix apartment complex says he wants his daughter back with her family. Child Protective Services took custody of the girl after police said her parents blamed her for the July 16 assault and didn't want her anymore. The father, who is not being named to protect the girl's identity, denies saying that his daughter had brought shame to the family. "That is not true," he said. The father was meeting with child welfare officials Monday and was being accompanied by the family's pastor. "We are trying to conduct our own investigation to be able to put things together," said Pastor James Nyemah. Nyemah said community officials also want to find out if there was any miscommunication between authorities and the girl's father.

When the police arrived, the girl's mother told them to take her daughter away and not bring her back because she brought shame on the family by saying she was raped.

"Nothing has happened to my daughter. Nobody has touched my daughter," said the mother who cannot be named in order to protect the identity of her daughter.

The child's older sister said she only has herself to blame.

"I said to her: It's not good for you to be following guys because you're still little," she said. "She always bring trouble."

Video Clip

- From the PBS show *Frontline*: “Rape on the Night Shift” online at <http://www.pbs.org/wgbh/frontline/film/rape-on-the-night-shift/>
- **TRIGGER WARNING:** It’s powerful and graphic material.

Take a few minutes to write down:

- Positive religious, cultural, and community acts that helped a survivor you were working with
- Harmful religious, cultural and community acts that hurt a survivor you were working with

Report Back

- What helps?
- What harms?
- Similarities?
- Differences?

Other Examples:

Imam finding
housing for
survivor

Temple donating
food to program

Religious leader
supporting
batterer in
community

Gossiping

Community
members raising
money for
survivor legal fees

How do we maintain relationship with our community when they are doing harm?

- Balancing selling our community out with trying to build alliance and solidarity in addressing issues
- Need to be innovative and work to educate community
- Potential for backlash when community members don't agree with approach

Intended & Unintended Consequences: Risks and Rewards

- Forced marriage laws
- Taxi drivers and human trafficking
- Court based programs
- Community Responses
- Confidentiality on Campus

How religion/culture is often used against victim and not perpetrator

- Balancing act if religion/cultural group is marginalized
- Sex education is important to give words and space to bring these issues forward
- More isolation for marginalized communities

Scenario - 1

- Community comes to you for help for a survivor charged with cruelty to children as a result of the child witnessing violence. The survivor is LEP and the husband was the only one to talk to officers. The night before her court date, the abuser comes to her and sexual assaults her reminding her he has the power to influence what happens in court. The next day after court, advocates help her report and pursue charges against him for sexual assault. The community is upset and wants the charges against him to be dropped because it is such a serious charge.

Scenario - 2

- The religious leader of the institution you attend is alleged to have sexually assaulted youth in the community. Community members can't believe that he's accused of this. Your community is already one that is marginalized. Members are afraid of the backlash if this comes out.

Scenario – 3

- You get a call from law enforcement regarding a report about a 15 year old refugee who has given birth to a child. The biological father is 28 years old. A report was filed with child protective services. The girl is not legally married; the minimum age to marry in your states is age 16.

Scenario - 4

- Following the sexual assault of a teen immigrant in your community, both the perpetrator and several community leaders come to you and suggest that the 2 parties marry. They believe such a resolution is in everyone's interest.

Scenario - 5

- Esteban is a 17 year-old field worker. Esteban has traveled between Texas, Ohio and Yakima for the past 2 seasons with the same work crew. They share their housing and sometimes the bed if mattresses are limited. This year there's a new crew leader who singles out Esteban and repeatedly asks him to ride with him and to stay late at work. One day the crew leader takes Esteban to an isolated field and forces him to engage in fellatio or be fired. Later, he says he has photos, will share them if Esteban refuses again, and that he knows Esteban's parents' address. Esteban is terrified that people will find out he's gay.

Thoughts to Consider

- Roles differ if you are community based agency vs. a key player outside of the community
- The more insular or marginalized the community the more resistance there might be in addressing issues
- Help community deal with fears of backlash or find others who can have different roles

Thoughts to Consider

- Fear of losing entire support network or community or tie to faith community
- “isms” play a role in whether survivors will come forward based on the unhealthy rhetoric or if they will receive justice
- Offenders may misuse culture/religion to justify their sexual violence

Thoughts to Consider

- Fear of impact on community overall impedes reporting and increases fear
- Balancing culture, religion, and community dynamics is hard especially for advocates and attorneys that live in these respective communities
- Strategically partner with allies and systems to support and keep community advocates safe

Thoughts to Consider

HEART Women & Girls Example:

- Taking time to form strategy
- Drafted talking points
- Prepared to get threats for taking a stand for justice
- Connected to the community
- Worked with community to help educate leaders

Court Response to Sexual Assault

The job of a Judge is multi-faceted.
The Judge must manage court proceedings in a fair and impartial manner and make a finding based on the evidence and issue an order that will enhance the safety of the victim and hold the perpetrator accountable.

CREATING AN ATMOSPHERE OF SAFETY
ENCOURAGES VICTIM TESTIMONY
NEEDED TO ENTER A RESPONSIVE
ORDER

**But How Does a Court Do
That?**

Trauma-Focused Courtrooms

Remember:

- Victim may be reluctant to participate in proceedings for many reasons, including intimidation and fear
- Explain the proceedings and provide an opportunity for the victim to safely give input if the victim chooses to
- Victims may be facing life changes, physical and emotional assault
- The victim may be overwhelmed by the proceeding

Minimize Intimidation

- Do not permit the litigants, family members or friends to interact in an intimidating manner in the courtroom or during a recess
- Defendant may behave inappropriately by making intimidating comments about the victim during a courtroom recess or in proceedings
- Ask SURVIVOR if she objects to people in courtroom

Minimize Intimidation, cont'd

- Allowing these behaviors sends a message of defiance to both *the court* and victim, and makes it appear that the defendant is immune to the court's authority
- This may also invoke fear and intimidation in victim and prohibit her free testimony

Courts Can Be Facilitators By:

- Designating victim advocate offices within courthouse
- Providing informational victim packets
- Adjusting court protocols and courtroom procedures so that they are trauma-informed

Other Ideas to Reduce Trauma

Technology

- Victims can testify by video from courtroom next door
- Skype

Stress Relievers

- Emotional support dog
- Comfort items
- Other reasonable requests

General Courthouse Considerations

□ Administration should:

- ✓ Set aside separate waiting areas for victims
- ✓ Offer escort to car
- ✓ Ensure interpreter services at intake and in court
- ✓ Permit and facilitate community organizations, NGOs, and advocates to identify resources to assist victims by informing of their options and doing safety planning

Training is Important

- Judges and front end staff need to:
 - learn best courtroom practices
 - Review data
 - Understand the psychology of offenders, and their effect on victims and on the judicial process itself

CAMPUS RESPONSE TO SEXUAL ASSAULT

Title IX Procedures: One College Models

- Delaware State University
 - Established Protocol
 - Sexual Assault Response Team
 - Sexual Assault Hotline



DSU Protocol

Strong Victim Services

- Encourage SANE evaluation at local hospital
- Team to transport victim and friend/roommate
- Assign an advocate
- Confidentiality, EXCEPT
 - Title IX Officer must be informed of location and time of incident
 - If victim is a minor, parents must be informed

DSU Protocol, cont'd

Respondent

- Reasonable suspicion standard
- Alleged perpetrator is removed from campus environment but may still graduate or continue attending school

Survivor

- If alcohol was involved in violation of policy, survivor will not be charged
- Victim chooses DOJ action or DSU Title IX action or both

Survivor Protections

- Immediate Sexual Assault Response Team
- Crisis Intervention
- Counseling
- May request “Safe Housing” program, (see handout for details)
- Academic accommodations, including one-on-one tutoring
- Any accommodations that will reduce psychological distress

U of O Community Responds

UO MATTERS The unofficial safe space of the University of Oregon

[Home](#)[Activity](#)[Athletics info, scandals](#)[Crap-free UO homepage + OUS archives](#)[Fac & grad unions](#)[Members](#)[UO freedom](#)[« Diane Dietz is back with report on faculty and staff bargaining](#)[Final offers from OUS and SEIU submitted to arbitration »](#)

UO's Tobin Klinger in denial about Jane Doe's confidential counseling records

08/21/2015

8/21/2015: Diane Dietz of the RG has more, [here](#):

UO psychology professor Jennifer Freyd, who pushed to make the UO counseling center records private, said she was "very, very pleased" with the Education Department's guidance.

"They've gone a long way to clarifying the situation," Freyd said Thursday. "The only way people are going to be able to get help for psychological suffering is if they feel that their information is going to be private. That's at the heart of therapy."

UO spokesman Tobin Klinger issued a statement saying: "The guidance itself is quite helpful and serves to clarify best practices in highly sensitive and complicated situations, **because obviously basic common sense and decency have no effect on the UO's General Counsel's office.**"

OK, I totally made up the last part of that Klinger quote, but it's what everyone is thinking, and [the RG editorial board is not afraid to say it](#):

The University of Oregon shouldn't need a six-page letter from the U.S. Department of Education to tell it to respect the privacy of students' medical and counseling records. But the department's letter clarifies what ought to be a matter of common sense: Universities provide health services to promote their students' physical and mental well-being, but students will avoid those services if they have reason to believe their medical records might somehow be used against them. ...

8/20/2015: Rich Read has the latest trust-destroying quote from UO's chief strategic communicator Tobin Klinger, in the Oregonian [here](#):

A federal official advised universities this week to not share a student's medical records without written consent, contradicting the

Other Accommodations Ideas for Student Survivors

- Create safe spaces
 - Common areas
 - Library
 - School events
 - Hallways, parking, etc.
- Housing
 - On & off campus
- Eating options
 - Dining halls
 - Meal plan options
- Access to faith based and culturally-specific organizations
- Academic Accommodations
 - Remote Learning
 - Incomplete
 - Independent study
 - Extensions
 - Tutors
 - Transfer
 - Add/drop options
- Modifying student status

Technical Assistance and Materials

- Power Point presentations and materials for this conference at www.niwap.org/go/NOLA2016
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail niwap@wcl.american.edu
 - Web Library: www.niwaplibrary.wcl.american.edu
- **VRLC Technical Assistance:**
 - Call (503) 274-5477
 - E-mail TA@victimrights.org

Tools and Resources

- Tip Sheets
- Guides
- Templates
- Videos
- Spanish Translation
- Sample Motions
- Resource Sheets

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VRLC Resources for OVV Grantees

Would you like us to contact you regarding resources or training opportunities?
Please check the appropriate boxes and provide your contact information below.

TIP SHEETS

- Ensuring Effective and Accurate Interpretation
- Privacy tip sheets (various)
- Mandatory Reporting of Elder Abuse
- Social Media & Victim Privacy
- Safety Planning with Victims of Non-Intimate Partner Sexual Assault
- Conducting a Victim-Centered Intake

GUIDES & TOOLS

- SA-specific safety planning guide
- Guide to safety planning with SA survivors experiencing homelessness
- VRLC Model Intake Form & Issue Spotting Checklist
- Sample "Candor Script"
- Mandatory Reporting Flow Charts
- State privacy guides (e.g., on waivers, non-accidental injury reporting)
- Criminal and Civil Justice Systems (Key Differences)
- Sexual Assault Protection Order (SAPO) Chart (50-state summary)
- Housing and Sexual Assault FAQs

TRAINING & MATERIALS

- Surviving Sexual Violence on the Streets: A Know-Your-Rights Film for Homeless Women*
- Survivor Confidentiality: What OVV Grantees Need to Know*
- SAPOs: A National Perspective and a Statewide Model
- Campus Sexual Assault: Advocating Under Title IX
- Sample letters to schools, employers, prosecutors on survivors' behalf
- Sample pleadings and legal briefs
- Information about upcoming VRLC webinars, trainings, and online courses
- Access to past VRLC webinars

INDIVIDUAL CONSULTATION

- Victim Privacy
- Housing / Homelessness
- Employment Issues
- Education (Title IX, Clery, Campus SaVE Act)
- Immigration Issues
- Safety Planning
- Financial Stability
- Research Assistance
- Case-Specific Consultations

Your name: _____
 Organization: _____
 Email: _____ Phone: _____
 OVV grant(s) (e.g., LAV, TA, Rural, SASP, etc.): _____
 Years experience working with survivors of non-intimate partner sexual assault? _____

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Questions



Evaluations



Thank you!

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