

Legal Advocacy*

Lesson 1: Role of a Legal Advocate

Time: 8:30 – 9:15

Length: 45 minutes

Lesson(s): Legal Advocacy, Criminal Justice Process

Learning Objective(s): To learn how to provide legal advocacy and understand the process of a criminal case.

Participant Handout(s): None

Note to trainer: Legal advocacy tends to bring up a lot of questions and concerns that you may not have time to address in the time frame allotted. Many questions will eventually be covered in the content. Also, some of the questions and concerns may be more appropriate for a follow-up advanced training.

One strategy you can use to minimize constant questioning is to ask for a list of questions up front. Write them on a flipchart and label it "Parking Lot." Let them know which questions will be covered in the training and that the rest can be addressed at the end if there is time or with some sort of follow-up communication.

The parking lot can also be used throughout the training as questions come to mind. Post it at the back of the room with a pen and sticky notes nearby so participants can quietly post additional questions. Be sure to check it during and after the lessons!

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Lecture: Legal Advocacy

8:30-8:55 (25 minutes)

- For a survivor of sexual assault, the legal system can be frightening, frustrating, and confusing. Dealing with law enforcement, attorneys, and judicial officials involve systems and settings that can be intimidating. Investigators can make a victim feel anxious, uncertain, and incredulous. Meetings with prosecutors can be extremely stressful and court appearances can be overwhelming.
- The required time and effort it takes for a case to go through the criminal justice system can make a survivor reluctant to pursue the case.
- The legal advocate provides objective, knowledgeable and supportive advocacy on behalf of the survivor, making sure that they have the information about the criminal and civil justice systems necessary to make critical decisions. The legal advocate also provides systems advocacy and coordination on behalf of the survivor in order to ensure that their rights are being upheld.
- Remember that the criminal justice system in particular was not created with victims of sexual assault in mind. It is adversarial in nature and embodies individual biases as well as institutional forms of oppression.

Ask the participants what kinds of discrimination and oppression they think a survivor might encounter in the criminal and/or civil justice systems.

S: Legal Advocacy

- The role of a legal advocate is:
 - To serve as a liaison between the survivor and the legal system(s).
 - The advocate acts as liaison between the survivor and all criminal justice agencies

including police, sheriff's departments, District Attorney's offices, the courts, Probation, Parole and corrections. The advocate works to ensure necessary agency communication with the survivor and ensures that they are treated with sensitivity and respect throughout their dealings with criminal justice personnel.

- Similarly, the advocate acts as a support person to a survivor in civil court when the survivor is pursuing or responding to family law matters such as a custody order or a protection order.
- To facilitate the survivor's decision-making.
 - The trauma of sexual assault may be compounded by the numerous decisions a survivor is required to make immediately following the attack; a time when they may be in crisis.
 - The advocate's role is to assist in identifying those decisions that need to be made; to provide them with necessary information in order for them to make informed decisions; and to help the survivor consider their options. Once decisions are made, the advocate is responsible for supporting the survivor in the implementation of those decisions.
 - Advocates should not make decisions for the survivor or give legal advice. Giving legal advice constitutes unauthorized practice of law and is prohibited by state statute.
- To inform the survivor of their rights.
 - The rights of a sexual assault victim should be reviewed with the survivor verbally.
 - The legal advocate should consider that not all survivors read or speak English. Information about their rights should be made available to

the survivor in the language with which they are most comfortable.

- The advocate should answer any questions, and to the extent possible, ensure that the survivor understands the information.
- To prepare the survivor for the legal system experience by providing them with necessary and relevant information.
 - One way to help survivors regain control in their lives is to make them aware in advance of what to expect. The advocate should be familiar with police and court procedures, and be able to prepare the survivor for the possibilities ahead.
 - The advocate should help them sort out their thoughts on the many difficult decisions that need to be made. The advocate should also prepare the survivor for all possible outcomes during court proceedings.
 - For example, in the criminal court, the advocate needs to prepare the survivor for a “not guilty” verdict. Similarly, in civil court, the advocate should prepare the survivor for not getting everything they requested.
 - The survivor may have many questions and an effective advocate should be willing to get the answers to those questions. An effective advocate will not withhold information that may be difficult for the survivor to hear.
- To accompany the survivor as they move through the criminal justice system and at civil court proceedings.
 - The Legal Advocate may offer comfort, companionship, and reassurance to the survivor during the police interview, court procedures, hearings, trial, and sentencing.

- To inform the survivor of other services available to them in addition to legal advocacy.
 - The advocate should be aware of the survivor's diverse and multiple needs and link them with other services provided by the organization and/or community at large.
 - The advocate should pay particular attention to the need for a safety plan, emergency shelter, medical services and follow-up, support groups, as well as therapy.
- To document services provided according to program requirements.
 - Record-keeping, documentation and maintaining program statistics are important functions Legal Advocates need to complete with respect to the services they provide.
- To reach out for assistance and support when necessary.
 - As they carry out the role of providing assistance to others, advocates typically need to seek support themselves. It is important to share experiences, reflect on insights and problem-solve with others on a regular basis.
 - Being clear and supportive with others requires being receptive to assistance for oneself.

Lecture: Criminal Justice Process
8:55-9:15 (20 minutes)

Note to trainer: Tribal police, court, and jurisdictional considerations are beyond the scope of this training. Every community sexual assault program is near a Tribal community or organization. It is recommended that additional training be conducted and collaborative partnerships be formed relative to your community needs.

- In this lesson you will learn about the criminal justice system process and what a survivor may experience. As an advocate, your client may or may not be involved in the criminal justice system. If they are not, they may be considering making a report.
- Either way, it is important for advocates to be familiar with the process in order to support survivors through potential challenges.

S: Legal Systems

- There are two legal systems; the criminal system and the civil system. It is important for advocates to know which system the victim is involved in or potentially will be involved in. Each system requires knowledge of the different processes and support systems.
- The objective of the criminal legal system is punitive, to punish the wrong-doer.
- The objective of the civil legal system is to make an injured party whole. Compensation such as monetary damages or injunctive relief may be awarded. Injunctive relief requires the other party to do something or refrain from doing something.

- Legal action in the criminal system is initiated by the State (the prosecutor's office). Legal action in the civil system is initiated by the victim.
- The standard of proof in criminal court is "beyond a reasonable doubt." In civil court, the standard of proof is "preponderance of evidence," or more likely than not.
- In either instance, the adult victim has chosen to make a report to law enforcement or initiate a suit. The survivor can choose to do both, just one, or neither.
- When a survivor reports a sexual assault crime to law enforcement, it is unrelated to a therapist's or advocate's responsibility to make a mandated report if the victim is a minor or vulnerable adult.
- Therapists and advocates in Washington State are mandated reporters. The law requires suspected abuse or neglect to be reported to Child Protective Services, Adult Protective Services, and/or law enforcement.
- When a sexual assault crime is reported there are several steps in the prosecution process. It is a good idea to be familiar with the general activities and timeline in order to provide and/or refer victims to support services.

S: Criminal Justice Process

- A case generally moves through the system in the following way:

Initial	2 weeks	3-6 mos	9-12 mos	12 – 15 mos
Reporting				
	Interview w/ Victim & Police/Prosecutor			
	Arrest of Suspect			
		Charges Filed/Not Arraignment		
		Defense Interviews		
		Case Setting Hearing/Omnibus		
		T R I A L.....	
			Sentencing	

- All cases are unique and may have unique elements that impact the way they move through the criminal justice system. It is very important to understand that this timeframe is a generalization of how a case moves through the system. Not all cases move like this – some may go more quickly and others may take much longer.
- Reporting: A police report is made or child/adult protective services report is made. Reports to police are reviewed by detectives. Sometimes they will want more information, other times they will conclude there is enough information. On both occasions they may want to interview the victim. Depending on what the interview reveals, a warrant for the suspect's arrest may be issued or not.
- Interview with Victim: An interview with a victim may happen more quickly if perpetrator is in custody. The type of interview may be based upon county protocols such as Child Sexual Abuse Investigation. Victims ages 4-9 may be interviewed by interviewer at prosecutor's office or local child advocacy center, often observed by detective and CPS worker. Victims ages 10-11 may be jointly interviewed with prosecutor and detective at prosecutor's office or local child advocacy center. Victims age 12 or older may be interviewed at the detective's discretion, generally just with detective.

- **Arrest of Suspect:** Arrest and continued in-custody status is determined by the seriousness of the crime, need to protect the community and flight risk of alleged perpetrator. Arrest and release may occur and formal charges may come later.
- **Charges Filed:** For most crimes, except homicide, the prosecutor generally has a time limit for which a crime may be formally filed with the court. This is known as the statute of limitations. For crimes of sexual assault, the statute of limitations may vary. This needs to be determined by the prosecutor. However, in most cases, if the prosecutor is going to issue formal charges against an alleged perpetrator it is likely to occur within three to six months depending on the pace of the detective's investigation. Sometimes the prosecutor cannot locate the defendant but will formally file charges against him/her in order to preserve the ability to prosecute the case at a later date. This is not uncommon when DNA evidence is available but the prosecutor has not yet identified to whom the DNA belongs to. If the victim is a child, some prosecutors may wait until a medical assessment has been conducted. If the victim is an adult, prosecutors are likely to wait until results of a forensic exam are returned. This could be three to six months depending on the crime lab backlog.
- **Defense Interview:** A pretrial interview that the defense attorney requests with the victim. A judge may require the victim to participate. Victims can ask that all requests like this from defense go through the prosecutor's office.
- **Arraignment:** Formal court proceeding where charges are entered against the defendant and the defendant pleads either guilty or not guilty. This is generally when an attorney will be appointed to the defendant if they cannot afford one themselves.

- Case Setting Hearing/Omnibus Hearing: Attorneys and judge meet to discuss logistics of the case. For example, they exchange general case information, determine what information needs to be exchanged, what evidentiary issues need to be decided, and exchange potential witness lists, etc. Results may be: set case for trial, defendant pleads guilty, or case is continued to further complete discovery and/or negotiate a plea agreement. A case readiness hearing generally occurs about three weeks before trial date. Attorneys and judges meet to discuss whether parties are prepared for trial on the date set or if they need more time.
- Trial: If the defendant is in custody, a trial must occur within sixty days; if out of custody, trial must occur within ninety days, unless the defendant waives their right to a speedy trial. Defendants often waive their right to a speedy trial to give their attorney more time to prepare for their case. In felony rape cases it is not uncommon for the trial dates to be a year after the initial assault occurred. Witnesses are only required to be present when testifying.
- Sentencing: The defendant's punishment is formally presented based on their criminal conviction. The victim may attend and submit and/or present a statement about the impact of the crime.
- A pre-sentence investigation report (PSI) is prepared in all sex crimes, thus it is likely that sentencing will not occur for at least eight weeks after the trial to allow for the PSI to be drafted.
- At each stage of the criminal justice process, victims have rights afforded by state law.

Lesson 2: Legal Systems

Time: 9:15-10:15

Length: 1 hour

Lesson(s): Points of Advocacy

Learning Objective(s): To understand the criminal justice system and the points at which an advocate can support the rights of a survivor of sexual assault.

Participant Handout(s): General Criminal Investigative Timeline Worksheet, General Criminal Investigative Timeline Part II

Activity: Points of Advocacy
9:15-10:15 (1 hour)

1) Make six flip charts. At the top of each flip chart write one stage of the criminal investigative timeline.

- 1) Reporting**
- 2) Police/Prosecutor Interview**
- 3) Charging Decision/Arrest**
- 4) Defense Interviews**
- 5) Trial**
- 6) Sentencing**

2) Create two columns under each flip chart heading; Victims' Rights and Points of Advocacy.

3) Trainer should list the rights for each stage under the Victims' Rights heading on the flip chart papers, using the General Criminal Investigative Timeline Worksheet.

4) Post the flip charts around the room.

5) Divide the group into six teams.

- 6) Have each team work together to identify the victim's rights associated with each stage of the criminal investigative timeline.**
- 7) Have each group designate a teacher to report back about the victims' rights.**
- 8) Have two members of each group present a 1-2 minute roleplay where one person is the victim and the other is the advocate/therapist. The role play should demonstrate at least one of the victim's rights and point of advocacy.**
- 9) After exercise is done, pass out General Criminal Investigative Timeline Part II**
- 10) As an alternative for small training groups, use the handout General Criminal Investigative Timeline Worksheet. Pass out the worksheet and have individuals or pairs use the worksheet to list Points of Advocacy for each stage of the Criminal Justice Process.**

- Reporting
 - Right to make a police report
 - Right to a support person
 - Right to report number, name of officer taking report, badge #
 - Right not to answer irrelevant questions
 - Right to privacy
 - Right not to reveal immigration status
 - Right to be informed of crime victim's rights, including CVC
 - Right to an interpreter
- Police/Prosecutor Interview
 - Right to a support person
 - Right to privacy
 - Right to ask to be informed when suspect is likely to be released if in custody
 - Right to make sure prosecutors know of any restrictions victim would like on suspect if released (for example, no contact with victim, children, etc.)

- Charging Decision/Arraignment
 - Right to a support person
 - Right to give input about charging to the prosecutor
 - Right to privacy
 - Right to attend all court proceedings defendant attends with judge's discretion
 - Right to address court whenever defendant's release is considered
 - Right to counsel
- Defense Interviews
 - Right to a support person
 - Right not to answer irrelevant questions
 - Right to privacy
 - Right to an interpreter
 - Right to being treated respectfully
 - Right to counsel
- Trial
 - Right to a support person
 - Right to an interpreter
 - Right to counsel
 - Right to be informed
 - Right to be heard (when defendant is considered for release)
 - Right to attend all court proceedings that defendant attends
 - Right to have property returned
 - Right to witness fees (parking/mileage costs)
 - Right to have your employer contacted (minimize problems related to absence at work)
- Sentencing
 - Right to a support person
 - Right to an interpreter
 - Right to counsel
 - Right to submit a victim impact statement
 - Right to know HIV status of perpetrator (upon conviction)

- Rape victims do have very specific legal rights. We will be reviewing and discussing them in more detail next.

Crime Victims' Rights

Lesson 3: Rights of Sexual Assault Survivors

Time: 10:15-10:45

Length: 30 minutes

Lesson(s): Rights of Sexual Assault Survivors

Learning Objective(s): To learn the rights of victims.

Participant Handout(s): Crime Victims Bill of Rights

**Lecture: Rights of Sexual Assault Survivors
10:15-10:30 (15 minutes)**

- Sexual assault survivors who are involved in the criminal justice system are considered victims of crime and have certain specific rights granted to them by the Washington State Constitution and Crime Victims Bill of Rights (RCW 7.69.030).
- The Washington State Constitution, Article 1, Section 35 says that victims have a right to be heard whenever the defendant is being considered for release.
- Crime Victims Bill of Rights (RCW 7.69.030) provides that reasonable efforts be made to ensure certain rights for victims of a felony or gross misdemeanor crime. These include all the rights listed on the handout. A few of the most important ones will be discussed. Some of these will be review.

S: Victims' Rights

- A victim can make a **report to law enforcement** at any time regardless of how long ago the incident took place. It is the prosecuting attorney's job to determine if the statute of limitations has been met or if the case can be prosecuted.
- Even if the survivor thinks/knows the statute of limitations has been met and the case will not be prosecuted, it can still be empowering to make a report. It can also provide law enforcement with new or additional information about a suspect.
- Limitation of Actions are outlined in RCW 9A.04.080.
- In many settings, the survivor has a **right to a support person**. The support person is someone they choose but they do not have to have a support person.
- Separately and in addition to the forensic exam, the **Crime Victims Compensation (CVC)** program may provide financial assistance to eligible crime victims, including medical bills, therapy, time loss, and vocational rehabilitation.
- The rate of approved claims and amount of coverage varies year to year depending on the program's budget. CVC is a payer of last resort, meaning that all other coverage options must be exhausted before the program kicks in.
- Currently the following eligibility criteria must be met:
 - Crime must occur in Washington State
 - Sustain bodily injury or severe emotional stress resulting from a crime.
 - Crime must be classified as a gross misdemeanor or felony

- Crime must be reported to law enforcement within one year of the date the crime occurred.
- Claim must be filed with CVC within two years of reporting to law enforcement or, with good cause, five years
- Victim must cooperate with law enforcement
- Victim cannot be incarcerated
- An individual is not eligible for benefits if they've been convicted of a felony within 5 years preceding the criminal act for which they are applying where the felony is a violent offense under RCW 9.94A.030 (www.leg.wa.gov) or a crime against persons under RCW 9.94A.411 (www.leg.wa.gov), or is convicted of a felony after applying and has not completely satisfied all legal financial obligations owed prior to applying for benefits.
- For the latest eligibility criteria and process, visit: <http://www.lni.wa.gov/ClaimsIns/CrimeVictims/About/default.asp>
- These stipulations can be a challenge to survivors and the denial rate may be a source of frustration to organizations and individuals. It is important to talk about the criteria for coverage, application process, and other options for financial assistance.
- Remember, the forensic exam is always automatically covered and emergency contraception is included. The law requires every hospital emergency room, regardless of religious affiliation, give sexual assault victims truthful information about emergency birth control (also known as the morning-after pill) and give them the pills if they request them, free of charge.
- **Victim privacy** is covered in a range of laws including:
 - Sexual Assault Advocate Privilege – RCW 5.60.060(7)

- Mental Health Therapist & Client Privilege - RCW 5.60.060(9), RCW 18.225.100, 105
- Domestic Violence Advocate Privilege – RCW 5.60.060(8)
- Confidentiality of Community Sexual Assault Program Records and Underserved Populations Provider Records – RCW 70.125.065
- Client Records of Domestic Violence Programs – RCW 70.123.075
- Washington State Criminal Records Privacy Act – RCW 10.97
- Medical Records, Health Care Information Access & Disclosure – RCW 70.02
- Sealing of Court Records – Wash. Court Rule GR 15
- Public Disclosure Act – Information held confidential RCW 50.13.015
- Address Confidentiality – RCW 40.24
- Child victims of sexual assault, confidential – RCW 10.97.130
- Victim Polygraphing - RCW - 10.58.038
- And rape shield laws: Civil Cases - Evidence Rule 412; Criminal Cases – RCW 9A.44.020
- A victim of sexual assault who does not speak English and is involved in a legal proceeding has the **right to an interpreter** in their primary language.
- A victim or witness of sexual assault who is Deaf or hard of hearing and is involved in a legal proceeding has a right to an interpreter paid for by the court.
- The immigration status of a person who is not a citizen should not matter when reporting a sexual assault crime to

the police. If the police ask the victim for their immigration status they do not have to answer them. It is not the duty of the police to enforce immigration law. **Immigration status is not legally relevant** as a victim of a crime.

- If the police insist on asking about immigration status, the survivor can ask to speak with a lawyer before answering any questions.
- For legal questions about immigration, contact the Northwest Immigrant Rights Project 1-800-445-5771.
- A sexual assault victim with **limited English proficiency** may be entitled to free language assistance. If English is not a person's primary language and they have a limited ability to read, speak, write, or understand English, then they are limited English proficient (LEP).
- It is against the law for police, hospitals, sexual assault programs and other agencies to discriminate because of a limited ability to speak, read, write or understand English.
- A person with a disability who wants to report a sexual assault to the police or go to court to testify is entitled to *reasonable accommodations*.
- "Reasonable accommodations" means that places of public accommodation, such as court houses and police stations, cannot discriminate against people with disabilities and must take reasonable action to make their services accessible.

Break 10:30-10:45

Lesson 4: Confidentiality

Time: 10:45-11:45

Length: 1 hour

Lesson(s): Confidentiality and Privileged Communications, Informed Consent to Release Information, Client Request

Learning Objective(s): To understand the legal rights and responsibilities pertaining to client confidentiality and demonstrate critical thinking skills related to releasing information.

Participant Handout(s): none

**Lecture: Confidentiality and Privileged Communications
10:45-11:00 (15 minutes)**

Ask the participants to recall the reasons why confidentiality is so important when advocating with survivors.

S: Confidentiality

- Creating a safe space in which communication between a survivor and advocate is protected is fundamental to providing support services to sexual assault survivors.
- Ultimately it is your responsibility to protect the information that a survivor chooses to share with you – and to make sure that if it is disclosed to others, that the disclosure is survivor driven.
- Confidentiality is based on personal privacy interest recognized by the U.S. Supreme Court in the 14th Amendment. A person's right to confidentiality is based on an expectation of privacy – that every individual has the right to prevent disclosure of confidential matters.

- This right recognizes that the social utility of protecting confidential communications is essential to certain relationships. The need for confidentiality and the protection of the relationship assumes that you have relevant information.
- Examples of certain relationships that states have determined to be statutorily protected in order to protect their sanctity include: attorney/client; doctor/patient; priest/penitent.
- Remember, there are many people who do not have privileged communication, including sexual assault nurse examiners (HIPPA laws may still apply), law enforcement, college campus staff, victim/witness coordinators, etc. It can be helpful to clarify/remind survivors of this.
- Based on a congressionally mandated study, the Violence Against Women Office released a findings in 1995 that included proposed model legislation stating:
 - "A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidentiality communications between a victim and a victim counselor, in any criminal, civil, legislative, administrative or other proceedings. Confidential communications may be disclosed by a person other than the victim only with prior written consent of the victim."

S: Program Records

- The records kept by community sexual assault programs and underserved populations providers of sexual assault advocacy services are confidential.
- If a defense attorney wants the records to be part of a sexual assault court case, the attorney must petition the court in a particular way outlined in the statute.
- The court then engages in a process to determine if the records will be admitted. First, the court decides if the records are relevant. Second, if the records are relevant,

the court reviews them in camera (in private, not a part of the court record at this time). The court then decides if the value to the defendant of admitting the records outweighs the victim's privacy interest in keeping the records confidential.

- Not everything is relevant to a sexual assault case, even prior sexual history. This is why rape shield laws are so important. Give an example:

S: Privileged Communication

- The right to privacy and the need for confidentiality gives rise to the statutorily protected privileges we know in Washington State as *RCW 5.60.060(7) – privileged communications between a sexual assault advocate and a victim*. This is intended to protect the client's privacy interest and right to confidentiality.
- Generally, the presence of a third party constitutes an automatic waiver of privilege. Therefore, conversations in the presence of third parties who do not hold the interest of the survivor, like the police or prosecutor, are not confidential communications. This does not apply to a third party who is present to help facilitate the communication, like an interpreter.
- The consequence of having a third party present could be that the third party may be legally compelled to reveal what was communicated between the client and the professional.
- Although advocates may be supporting a survivor in situations where a third party is present (e.g. forensic exam, defense interview), they should take care to not discuss information the survivor wishes to keep confidential. This is an area that your organization can do some systems advocacy in before there is a problematic situation.

Lecture: Informed Consent to Release Information
11:00-11:15 (15 minutes)

S: Release of Information

- A survivor can waive their statutorily protected right to confidentiality by waiving the effect of privilege. It is their choice whether to disclose information (verbal or written communications with an advocate), how to disclose it, to whom, for what purpose, and for how long.
- A waiver is a written authorization and gives consent to release certain information. It is sometimes called a "release of information" or just "release".
- It is not the rape crisis center that "waives" the privilege. The rape crisis center is in the position of facilitating the client's waiver of the privilege – only after obtaining a written release of information.
- Waivers are for both the survivor and the rape crisis center. The benefit to the survivor is that a waiver allows them to share specific information with other parties; the most common example being the prosecution of a criminal case.
- The rape crisis center is benefited because properly drafted and executed waivers ensure that they are not compromising a victim's privacy interest; they also serve to maintain agency integrity and reputation in the community.
- A waiver needs to be very specific. It has a specific purpose. It is intended for a specific person and has specific time limitations. A waiver should not disclose more information than what is necessary. Only specific pieces of information should be disclosed after consultation with the survivor.
- There should never be any blanket waivers for anything under any circumstances.

- Professionals who work in different agencies need proper waivers before they can work together on the client's behalf. It is important to remember when working in collaborative settings, that a survivor's status as a client is itself confidential.
- Being aware of the distinctions in professional obligations of collaborators and understanding that professionals have different loyalties and different ethical obligations will increase your ability to maintain the survivor's right to confidentiality. Therefore, role clarification is key to protecting a survivor's privacy interest.
- You can still represent a survivor's perspective and advocate for their rights without a release of information by communicating:
 - Common rape trauma reactions
 - Victim centered services
 - Appropriate resources and referrals
- Often, third parties will ask you to release confidential information without knowing that they are asking you to break confidentiality or that you do not have a written release of information.
- When several systems are involved, it can be confusing; ask yourself where the request is originating from: Is it the survivor or a third party?
- Be knowledgeable of your organization's policies and procedures for responding to a third party's request to release information.

S: Informed Consent

- In order for the sexual assault advocate or rape crisis center to share any information, it must obtain the *informed consent* of the survivor. Informed consent means that the survivor has been fully informed of the potential

risks of releasing confidential information and consents to do so.

- Be sure to distinguish from Consent to Receive Services.
- It is your duty to ensure that the survivor fully understands what they are waiving and how it could potentially be harmful to them. If the survivor does not understand the risk associated with disclosing their private information, they cannot give you *informed consent*.
- Sometimes a client may not realize that they do not have to disclose information just because it is requested of them.
- Also, the survivor may not understand that if they indeed do disclose certain information that it could end up being harmful to them given the nature of our criminal justice system. The information that a prosecutor has is “discoverable” to defense attorneys and subsequently the perpetrator. Some information may even end up being public record.
- Disclosure of confidential information is not necessary to support investigation and prosecution efforts or to receive support services.
- When addressing the issue of releasing confidential information, e.g. waiving privilege, it is important to have a conversation with the survivor about what the disclosure means with the respect to their privacy.
- If a survivor wants to share their file with the prosecution team, for example, they need to understand what the potential risks are associated with releasing and sharing that information.
- The survivor needs to understand that:
 - 1) There is a state law that protects the information they have shared with you as confidential;
 - 2) If they choose to waive the privilege afforded to them under the state law, they may be waiving it

completely – meaning that the information, even though its release has an intended purpose, may be used in ways that are unforeseeable at the present time;

3) Once the disclosure is made, the survivor cannot take the information back;

4) The disclosure is likely to be shared with the defense attorney and the defendant; and

5) You cannot, nor can the prosecution, assure the survivor how the information will or will not be used – meaning that they may think that they are releasing the information in order to assist in the prosecution of the defendant, but depending on what is contained in the disclosure, it could have unintended results.

Activity: Client Request
11:15-11:45 (30 minutes)

1. Divide the participants into small groups of three to four people.

2. Consider this scenario: Rowena, a survivor you've been advocating with, is the victim/witness in a criminal sexual assault case. The prosecutor has told her that if she brings her copies of Rowena's records from the rape crisis center it will help her case. Rowena comes into your office and asks you to send her file to the prosecutor.

3. Have the participants brainstorm a list of questions and concerns they would go over with Rowena in order to make sure she could provide informed consent to release information.

4. Debrief the activity.

Wrap up the lesson.

- Confidentiality and protecting a survivor's privacy is the foundation for healing. This requires that sexual assault service providers protect this right in order to support survivors in the healing process.
- Our state statutes profess to protect victim's rights. However, maintaining privileged communications depends on how we strive to systematically keep information confidential.

Lunch 11:45-12:45

Legal Remedies

Lesson 5: Orders of Protection

Time: 12:45-1:45

Length: 1 hour

Lesson(s): Civil and Criminal Protection Orders, Obtaining a Protection Order

Learning Objective(s): To understand what types of orders are available, to whom, and under what circumstances; and what it is like for a rape victim to petition the courts for a protection order.

Participant Handout(s): Comparison of Court Orders, Rowena's Story, and Petition to Obtain a Sexual Assault Protection Order

**Lecture: Civil and Criminal Protection Orders
12:45-1:15 (30 minutes)**

- There are six types of protection orders that can help survivors of sexual assault:

- Sexual Assault Protection Order
- Domestic Violence Protection Order
- Anti-Harassment Order
- Vulnerable Adult Protection Order
- Criminal No-Contact Order
- Stalking Protection Order
- Since 2006, there has been a protection order remedy specific to sexual assault survivors.
- The domestic violence protection order requires a household relationship with the offender and anti-harassment orders require a “course of conduct” (repeated harassment).
- Criminal no-contact orders require the incident to be reported to police, have an expiration date, and also require a household relationship with the offender.
- Thus, a gap existed for sexual assault survivors who were assaulted once by a non-household member.
- However, a sexual assault protection order now exists (SAPO).

S: Sexual Assault Protection Order

- What is a sexual assault protection order?
 - A civil (or criminal) order issued by a court on behalf of a sexual assault victim.
- How do you get it?

- A victim petitions for an order in civil court; or a judge issues it in connection with a criminal prosecution for a sex offense.
- What does it do?
 - Stay away: Prohibits contact with victim, the victim's home, school work and other specified places.
 - School transfer: If both petitioner and respondent are under 18 and attend the same school, the respondent can be ordered to transfer. This rarely, if ever, happens.
 - Other injunctive relief specifically requested in the initial petition.
- What doesn't it do?
 - A SAPO cannot protect other family or household members – it applies only to the victim of sexual assault who asks for protection through the order.
 - A SAPO cannot be ordered if the survivor qualifies for a domestic violence protection order (DVPO). If the survivor was sexually abused by someone with whom they have a family or "domestic" relationship (e.g., related, married or formerly married, dated, child in common, etc.), they should petition for a DVPO rather than a SAPO.
 - A SAPO cannot set up visitation or custody of children, order the offender to get treatment or counseling, give property or things to anyone, or order the offender to pay money (including child support or maintenance).
 - A SAPO cannot order the offender to surrender any guns or weapons.
 - A SAPO cannot require the offender to register as a sex offender.
- Who is eligible for a sexual assault protection order?

- A victim of nonconsensual sexual conduct **or** nonconsensual sexual penetration who does not qualify for a domestic violence protection order.
- Any person 16 or older who is a victim of sexual assault may self-petition.
- A sexual assault victim under the age of 16 must have a parent or guardian apply on their behalf.
- DSHS can apply on behalf of a sexual assault victim, with their consent, who is a vulnerable adult or cannot petition due to age, disability, or inaccessibility.
- Nonconsensual (lack of freely given agreement) sexual conduct means any of the following:
 - (a) any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;
 - (b) any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;
 - (c) any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;
 - (d) any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;
 - (e) any intentional or knowing touching of the clothed or unclothed body of a child under the age of thirteen, if done for the purpose of sexual gratification or arousal of the respondent or others; and
 - (f) any coerced or forced touching or fondling by a child under the age of thirteen, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

- Nonconsensual (lack of freely given agreement) sexual penetration means:
 - any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person,
 - or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration.
 - Evidence of emission of semen is not required to prove sexual penetration.
- What is the basis for the petition?
 - The survivor is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration AND they are afraid of the assailant.
 - There is no filing fee.
 - Advocates (non-attorneys) may assist with petition applications and provide accompaniment to the court office and hearing.
 - The standard of proof in SAPO hearings is called a *preponderance of evidence* standard. This means the judge has to believe that what the victim is telling the court is more likely true than not.
 - The court may NOT require proof that:
 - Petitioner was physically injured
 - Petitioner reported to law enforcement
 - Ongoing contact is NOT required
- Recent changes to the Sexual Assault Protection Order:

- The court may appoint a guardian ad litem for either party if they are a minor. The statute has recently been clarified to state that this appointment should be at no cost to either party.
- The personal service requirement has been revised. Service by certified mail or publication is permissible under certain circumstances outlined in the statute.
- A lawyer is not required. However, the survivor may wish to have a lawyer, especially if the perpetrator has a lawyer. Under the law, the judge can appoint a lawyer if the perpetrator has a lawyer at the hearing for the full order.
- It is important to make sure that the survivor's legal rights are protected. The CLEAR line (Coordinated Legal, Education Advice & Referral) operated by the Northwest Justice Project is a statewide free legal phone line that connects you with an attorney who can provide you with advice and also refer you to your local legal service provider.
- For information about CLEAR hours of operation and CLEAR online, see their website: <http://nwjustice.org/get-legal-help>

S: SAPO Application Process

- An overview of the application process is below (Note to reviewer: deleted image because could not edit it and it was incorrect)
- First you have to go to the court and complete the right paperwork.
 - After the survivor gives the paperwork to the court clerk, they will likely wait to have what is called an 'ex parte' hearing with the judge. This is when the survivor goes into the court room and the judge reviews what they have written in their paperwork. The perpetrator is not there.
 - The judge may ask a few questions. If the judge believes the survivor is in immediate danger, the judge will issue what is called a temporary order and

give the survivor a hearing date to come back to court to have another hearing with the perpetrator present.

- If the judge denies the survivor's request for a temporary order, they will not have an immediate protection order in place but they will still be given a court date to come back for a hearing for a Full SAPO.
 - Temporary orders last 14 days or until the court hearing for a Full Sexual Assault Protection Order.
- Although a Temporary SAPO is effective as soon as it is issued by a judge, the perpetrator must be given the court papers before law enforcement will enforce the order. This is because it would be unfair to expect the perpetrator to abide by an order that they don't even know about.
- During these 14 days, the perpetrator is *served*. This means they are given notice of the hearing, a copy of the survivor's petition, explaining how the survivor was sexually assaulted and why the survivor wants the court to issue this order.
- It also tells the perpetrator about the court date so that they can either choose to be there or not. The survivor must attend the hearing. This is true even if the perpetrator was not served with the court papers. If the survivor does not attend, the court will dismiss the case and the survivor will not get a sexual assault protection order.
- A two year full SAPO can be issued only after a court hearing in which the survivor and the perpetrator both have a chance to tell their side of the story. However, if the perpetrator does not show up at the hearing, and the survivor can provide *proof of service* to the court, the judge can issue a Full SAPO.
- A Full SAPO is effective for up to two years. If the survivor wants the order to be effective for longer, they must petition the court for renewal within three months of the order's expiration date.

Ask the participants what additional considerations a survivor may want to talk through before applying for a sexual assault protection order.

Discuss the following possible points:

- Service requirement
- Assailant's presence at final hearing
- Record of victim's statements at hearing
- Legal representation at hearing
- Differences between DVPOs and SAPOs
- Intersection with criminal case

S: Advocacy Tips

- Tips for assisting survivors with the sexual assault protection order application:
- Carefully fill out the forms.
 - In the "Statement of Petition" section, describe any sexual conduct or penetration that was not freely agreed to and the approximate date and time.
 - Write down any of the offender's statements or actions that caused fear, whether they were made at the time of the incident or at another time.
 - The more specific details, such as quotes of exactly what the offender said or specific things the offender did, the more helpful it is to the judge.
 - For example, it is better to say "On Saturday, May 5 at 10:00 p.m, Joe held me down with his body weight in my living room and forced his penis into my vagina," rather than "Joe assaulted me."

- Don't be afraid to use words that may cause discomfort. Use the actual words for body parts such as "penis", "vagina" or "anus;" talk about particular acts of sexual violence to adequately describe the assault.
- Collect evidence to help prove the case if this is appropriate and what the survivor wants. Remember not to take on the role of investigator yourself. Evidence can include:
 - *The survivor's experience or what another person observed or heard first hand*
 - *Medical reports*
 - *Police reports*
 - *Weapons used*
 - *Tapes of calls made to 911*
 - *Certified copies of the offender's criminal record*
 - The more evidence, the more likely it is that the protection order will be granted. But even if there isn't evidence, the judge will listen and make a determination.
- Violating a SAPO is against the law. There are two ways to get help if the offender violates the order.
 - A violation of either of the following two provisions subjects the offender to a MANDATORY ARREST:
 - *Causing or threatening harm; or*
 - *Entering a home, workplace or school, or other areas the court has ordered the offender to stay away from.*
 - The respondent can be arrested even if the petitioner invites or allows the respondent to violate the prohibitions contained in the order.

- The survivor may file for civil contempt for a violation of the order. The perpetrator is in "civil contempt" if they do anything that the protection order orders them not to do.
 - If the survivor is considering filing for civil contempt, they should discuss the specifics of their case and the civil contempt process with an attorney.
- The SAPO is valid throughout the state of Washington.
 - If the survivor moves within the state, they should bring a copy of their order to the police department in the new area.
 - Civil protection orders may not be enforceable on military bases, and military protective orders may not be enforceable off base.
 - If the survivor is moving out of state, the new state should honor the protection order, but the survivor will need to determine how the new state enforces out-of-state protection orders.
 - Call the National Center on Full Faith and Credit (1-800-903-0111) for information on enforcing SAPOs.
- If the survivor was not granted a SAPO, they may be able to seek protection through one of these orders depending on the relationship with the offender and the facts surrounding the incident(s):
 - Domestic Violence Protection Order
 - Civil Anti-harassment Order
 - Vulnerable Adult Protection Order
 - Stalking Protection Order

S: Domestic Violence Protection Order

- What is a domestic violence protection order?
 - A civil order issued by a court on behalf of a domestic violence victim.
- How do you get it?
 - A victim petitions for an order in civil court.
- What does it do?
 - Prohibits contact
 - Stop threatening, harassing, stalking or molesting victim (and children)
 - Prohibits harassment in person, by telephone or mail
 - Stay away from home, work, school, or the school or daycare of children
 - Prohibits contact with children/or set a visitation schedule
 - Can order the abuser to attend counseling and/or a drug/alcohol evaluation
 - Grant the victim the use or possession of essential personal effects or a vehicle
- Who is eligible for a domestic violence protection order?
 - Fear/harm requirement: A person who has been physically harmed or placed in fear of immediate physical harm.
 - Relationship requirement: By an immediate family member; boyfriend/girlfriend; someone you live (d) with; married to or formerly married; dating or

formerly dated; or person with whom you have a child in common.

- What is the basis for the petition?
 - The survivor is a victim of domestic violence AND they are afraid of assailant.
 - There is no filing fee.
 - Advocates (non-attorneys) may assist with petition applications and provide accompaniment to the court office and hearing.
 - Can be entered for one year or longer.

S: Anti-Harassment Order

- What is an anti-harassment order?
 - A civil order issued by a court on behalf of a harassment victim.
- How do you get it?
 - A victim petitions for an order in civil court.
- What can an anti-harassment order do?
 - Prohibits unlawful harassment
 - Restrains perpetrator from contacting victim
 - Residence exclusion
 - Excludes from other places
- Who is eligible for an anti-harassment order?
 - Available to anyone who is a victim of "harassment"

- Parties are generally not married, have not lived together, and do not have children in common
- What is the basis for the petition?
 - The survivor is a victim of knowing and willful course of conduct which seriously alarms, annoys, or harasses or is detrimental to such person and serves no legitimate purpose.
 - Filing fee required but can be waived if low-income.
 - Advocates (non-attorneys) may assist with petition applications and provide accompaniment to the court office and hearing.
 - Can be entered for one year or longer.

S: Criminal No-Contact Order

- What is a criminal no-contact order?
 - A criminal order issued on behalf of a domestic violence or sexual assault victim.
- How do you get it?
 - It is issued in the context of a pending criminal action
- What does it do?
 - Tells the perpetrator to stay away from victim.
 - It only covers the victim of the crime.
 - It expires when the criminal case is resolved.
- Who is eligible for a criminal no-contact order?
 - Family or household member definition

- Issued by criminal court

S: Vulnerable Adult Protection Order

- What is a vulnerable adult protection order?
 - A civil order issued by a court on behalf of a vulnerable adult who is a victim of abandonment, abuse, financial exploitation, or neglect.
- How do you get it?
 - A victim petitions for an order in civil court; or the Department of Social and Health Services may obtain an order on behalf of the victim (with their consent).
- What does it do?
 - It is a lot like a domestic violence protection order, however, it only applies to vulnerable adults.
- Who is eligible for a vulnerable adult protection order?
 - A vulnerable adult is someone over the age of 60 who has the functional, mental, or physical inability to care for themselves; or is incapacitated or has a developmental disability or is admitted to a facility or is receiving in-home health care services.

S: Stalking Protection Order

- What is a Stalking Protection Order?
 - A civil order issued by the court on behalf of a victim of stalking.
- How do you get it?
 - A victim petitions for an order in civil court.
- What does it do?

- It can require the person who stalked the victim to stay away from them, their home, school, work, or other places they go to frequently. The order can also prohibit the person from contacting the victim.
- Who is eligible for a Stalking Protection Order?
 - A person who does not qualify for a domestic violence protection order, and is a victim of any stalking conduct. Stalking conduct includes stalking as defined by RCW 9A.46.110, cyberstalking as defined by RCW 9.61.260 or repeated contacts, attempts to contact, monitoring, tracking, keeping under observation, or following another person and causing a person to feel intimidated, frightened, or threatened.

**Activity: Obtaining a Protection Order
1:15-1:45 (30 minutes)**

Introduce the activity.

- 1. Pass out Rowena's Story and the Petition to Obtain a Sexual Assault Protection Order.**
- 2. Instruct the participants to read Rowena's Story. Give them five minutes.**
- 3. Instruct the participants to look over the Petition to Obtain a Sexual Assault Protection Order and fill out the statement portion of the application. Give them ten minutes.**
- 4. Ask for three volunteers. Have each one of them come to the front of the room and read their statement, as if they were appearing in front of a judge. Give them three minutes each.**
- 5. After each statement is read, ask the judges (participants) if they would grant the order.**

6. Using a preponderance of evidence standard, instruct them to give a thumbs up or down response.

7. Debrief the activity.

Lesson 6: Civil Restorative Remedies

Time: 1:45-2:15

Length: 30 minutes

Lesson(s): Advocacy and Civil Issues

Learning Objective(s): To understand what types of civil remedies are available to victims of sexual assault and how to advocate with and on behalf of survivors who want to access those remedies.

Participant Handout(s): none

Lecture: Advocacy and Civil Issues 1:45-2:05 (20 minutes)

- Remind the participants that only a fraction of victims report to law enforcement, which means most victims of sexual assault are not involved with the criminal justice system.
- This means that advocates need to be thinking about all the other issues and areas of concern that victims may have – such as going to work, paying rent, staying in school. These are potential legal issues that require proactive advocacy in order to help prevent victims from becoming unemployed, or having to move, or dropping out of school.
- To review, advocacy in criminal court includes:
 - Helping a survivor navigate the system

- Acting as resource and information gatherer
- Acting as a support person
- Keeping the survivor informed of their rights
- Assisting with the victim impact statement
- Advocacy in civil court is much broader. It still includes those activities listed above. However, in civil court, the victim is initiating the action and in most cases will be representing themselves in court pro se. Advocates must be careful to not perform unauthorized practice of law.
- Civil issues include:
 - Employment
 - Education
 - Housing
 - Other civil suits (e.g. personal injury)

S: Employment

Ask the participants how a survivor's job may be affected after an assault.

- Survivors have a right to employment leave. If a survivor needs to take time off from work due to a sexual assault, they may take reasonable leave from work for specified activities. Allowed specified activities include:
 - To seek legal or law enforcement assistance or remedies to ensure health and safety;
 - To seek treatment by a health care provider for physical or mental injuries;

- To obtain services from a community sexual assault program or other social services program;
 - To obtain mental health counseling related to the sexual assault; or
 - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase safety as necessary.
- The survivor can choose to use sick leave and other paid time off, compensatory time, or unpaid leave time.
- Advance notice of an intended leave is required. The timing of the notice must be consistent with the employer's stated policy for requesting such leave, if the employer has a policy.
- If advance notice cannot be given because of an emergency or unforeseen circumstance, the survivor must give notice no later than the end of the first day that **they** took leave.
- An employer may require verification that the survivor is a victim of sexual assault and that the leave was taken for one of the above allowable activities. The verification must be provided in a timely manner.
- If advance notice cannot be given, verification must be provided to the employer within a reasonable time during or after the leave.
- Verification may be satisfied by providing one of the following:
 - a police report indicating sexual assault victimization;
 - a court order of protection;
 - other evidence from the court or prosecuting attorney stating that the survivor is scheduled to appear in court because of the sexual assault; or

- documentation from an advocate for victims, an attorney, a clergy member, or a medical or other professional from whom the survivor sought assistance.
- The survivor is not required to provide or discuss any information about the sexual assault with the employer beyond the scope of providing the verification.
- When the survivor returns from leave, the employer must give the survivor their former position or a position with equivalent benefits, pay, and other terms and conditions of employment. While on leave, the employer must also maintain your health insurance coverage if provided as a benefit generally.
- Employment leave can often assist survivors with acute medical or short-term legal needs. However, many survivors experience long-term health effects and may need additional time off at a later date.

Ask the participants if they can think of some of the long-term health needs of survivors?

Discuss the following possible points:

- Follow-up medical care for STI and HIV testing and treatment, and Hepatitis B vaccine
- Psychotherapy
- Psychoeducational support groups
- Developmental screening for children
- Parenting classes to learn to respond appropriately to child behavior problems
- Gynecological care to repair injuries
- Obstetric care with extra support for pregnancy and postpartum issues triggered by abuse

- Sex therapy to assist in overcoming sexual problems resulting from abuse
- Dental care by a dentist skilled in managing anxiety and posttraumatic reactions
- Bodywork such as massage therapy to heal trauma-related suffering
- Medical care for chronic illnesses that are exacerbated by stress and may be related to abuse histories
- Substance abuse treatment
- Pain management programs to deal with increased rates of chronic pain
- Dietician involvement in eating disorder care or nutritional support
- Culturally and spiritually appropriate healing rituals

S: Education

- Let's talk about sexual violence in an educational setting and what resources and remedies exist for survivors who are students.
- 8 out of 10 male and female students are affected by sexual violence at some time in their school career. Sexual violence has a negative impact on students' emotional and educational lives (WCSAP, 2009).

Ask the participants to list examples of bullying, harassment, and sexual assault that may occur in a school setting.

- Most likely, all the examples referred to are forms of sex discrimination. Federal law protects people's civil rights in the education setting and addresses sex discrimination and, by judicial precedent, sexual harassment.
- Sexual assault is a severe form of sexual harassment. Schools that receive federal funds are required to prevent and appropriately respond to incidents of sexual violence, per Title IX of the 1964 Civil Rights Act.
- Every school has a legal obligation to publicize a policy against sex discrimination, including a process for responding to complaints of sexual violence.
- Title IX does not require specific policies or procedures, only that they must be an effective means for preventing and responding to sexual harassment.
- RCW §28A.300.285 requires all schools in Washington State to adopt model prevention policies and training materials that prohibit harassment, intimidation and bullying. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers and school employees.
- Under Title IX, the critical issue is whether the school recognized that sexual harassment/sexual assault occurred, and took effective and prompt action calculated to end the harassment, prevent its reoccurrence and (as appropriate) - remedy the effect of the assault on the student.
- Victims also have a right to information regarding the complaint against the other student, including information about sanctions imposed on a student who is determined to be responsible for the offensive behavior.
- If a school responds improperly to sexual assault, when they have been given proper legal notice, the victim has two options:
 - file a complaint with the Office of Civil Rights for violating Title IX – which could result in loss of federal funding to the school; or with the Washington

Human Rights Commission for violating Washington's Law Against Discrimination (RCW 49.60); or

- seek civil legal remedies for money damages under Title IX or RCW 49.60.
- Note that if students are not aware of what kind of conduct constitutes sexual assault/harassment AND that such conduct is against the law, a school's general policy and procedures relating to sex discrimination complaints will not be effective.
- Advocates should be familiar with the local school's policies and grievance procedures regarding sexual harassment, bullying and violence.
- Understanding Title IX obligations of school and knowing who the Title IX Compliance Officer is for your school district will be effective advocacy tools to help prevent sexual assault and improve the response to sexual assault in schools.
- More information about Title IX, or a copy of the regulations, can be obtained from the Office for Civil Rights enforcement that serves your state or territory.
- If you need help with a Title IX case:
<http://bailiwick.lib.uiowa.edu/ge/helpRE.html>

Sources:

Washington Coalition of Sexual Assault Programs. (2009). *Teen sexual assault survivors: Legal impacts and considerations*. Olympia, WA.

S: Housing

- Survivors have a right to move out of their rented/leased home.

Ask the participants why a survivor may want to move.

- Victims of sexual assault and their household members may end a lease with the landlord by meeting the following *three* conditions:

1) The survivor must have either: A valid order for protection, an anti-harassment order or criminal no-contact order, or a record of reporting the incident of sexual assault to a "*qualified third party*."

- A "qualified third party" means any of the following people: law enforcement officers, state court employees, doctors, nurses and other health care professionals, licensed mental health professionals or counselors, members of the clergy, or crime victim/witness program advocates.

2) The landlord must be notified in writing that the survivor is a victim of sexual assault and a copy of the order for protection or the record of the report to a qualified third party must be included in the written notification.

3) The survivor must inform the landlord that he will be moving out *within* 90 days of the incident of sexual assault, not 90 days from when he reported the incident.

- If these three conditions are met, a victim of sexual assault may end their lease and move out without having to pay for the rest of the time on the lease. The survivor is still responsible for rent due for the month in which he leaves, even if he leaves in the middle of the month.
- Also, the survivor is still entitled to a refund of the deposit, as long as they have left the residence in the same condition it was in when they moved in.
- If the survivor has Section 8 housing, he must send the Public Housing Authority (PHA) written notice that he is exercising his rights to terminate the lease.
- The PHA should then issue him a new voucher to search for a new residence. The voucher usually expires after 60 days, but often can be extended.

- In addition, if a survivor needs additional time to search for a residence because of a disability (physical or emotional), the PHA has a duty to extend the search period as a “reasonable accommodation.”

S: Other Civil Suits

- Lastly, civil lawsuits have become an additional avenue that survivors can take on the journey toward healing.
- In the 1980’s, civil lawsuits filed by survivors of rape and childhood sexual abuse victims against their perpetrators began to enter Washington State courts.
- In response to grassroots efforts by a survivor and her allies, Washington State lawmakers passed legislation in 1988 that recognizes repressed memories as a result of trauma from childhood sexual abuse. Still in effect, this legislation allows the statute of limitations to begin for adult survivors at the time the abuse is remembered.
- An advocate can talk with a survivor about safety concerns and other considerations that are within the role of an advocate, for suing the perpetrator or other responsible parties in civil court.
- A survivor may want to discuss with an attorney the following factors that will influence the decision to file a lawsuit include:
 - Personal privacy
 - Financial costs
 - Availability of damages
 - Availability of a civil claim for the wrong done to the survivor
 - Time
 - Whom to sue and for what harm

- When and where to sue

Lesson 7: Legal Advocacy with Children**Time: 2:15 – 2:45****Length: 30 minutes****Lesson(s):** Legal Advocacy with Children and Teens**Learning Objective(s):** To provide a basic understanding of child victim rights, including privacy.**Participant Handout(s):** Know Child Victims Rights**Lecture: Legal Advocacy with Children and Teens
2:15-2:30 (15 minutes)****S: Child/Adolescent Victims**

- The legal system's response to child and teen sexual abuse may be conducted by law enforcement, Child Protective Services, civil suits by caregivers themselves, and/or a combination thereof. Provide an example:
- The response may be coordinated by a local Children's Advocacy Center (CAC) if one exists.
- Advocates must be clear who their client is and protect their confidentiality and privacy. Even though a client may be a child (legally anyone under 18 is considered a minor), this does not mean the child does not have privacy rights. Provide an example:

- Consult your agency's policies or standards of practice before you disclose confidential information to a nonoffending caregiver about a child.
- The child's interests may or may not be the same as those of the nonoffending caregiver. The child may or may not care if the offender is convicted or even goes to trial. On the other hand, the parent may feel very strongly that the perpetrator be "punished." The child may want to testify in court and the parent may not want them to or vice versa.
- If several members of the family are receiving advocacy services, ideally each child, teen, and caregiver should have their own advocate. Advocacy for an entire family can be difficult for one advocate to navigate. Children over the ages of 5 to 6 on up to teens may have very strong opinions regarding what they perceive their needs to be. Parents may have very different ideas. Also, children and teens may feel less comfortable opening up to an advocate if they know other members of their family are working with the same advocate.
- Some facts to consider when doing legal advocacy with a child or teen victim:
 - Explain your role as an advocate-including confidential communications between you and the child or teen and mandated reporting requirements.
 - Tell the child, teen, and/or caregiver that you will not be interviewing the victim about the crime.
 - Prepare children and teens for interviews but do not tell them what to say. Assure them that they are not in trouble and that the prosecutor is on their side.
 - Prepare the child, teen and caregiver for court by arranging a courtroom tour beforehand and discuss what will happen and who will be there. It is important for the child or teen to feel comfortable in the courtroom.

Ask the participants for a list of ideas for preparing a child or teen for court.

Discuss the following possible points:

- Coloring books about court (can be found online).
- Utilize old graduation gowns and let the child pretend to be the judge.
- Explain who the people will be in the court (prosecuting attorney, defense attorney, defendant, bailiff, recorder, etc.)
- Considerations, continued:
 - Continuances are more the rule than the exception. Continuances happen over and over. Unfortunately, it is not unusual for cases involving children to take two years or more to go to trial! Families need to know and be prepared for this and know that the advocate will still be there to support them.
 - Talk about fear. What is the child or teen most afraid of?
 - Assure the child or teen that it is okay to not remember; everyone forgets things!
 - A verdict of “not guilty” does not mean it did not happen and that people believe him!
 - Whatever the verdict, remind the victim of how brave they were and reassure the caregivers that their support of their child is the most important thing they can do!
 - Provide victims and/or their caregivers with a list of child rights. (Know Child Victim Rights cards have been given to all CSAPs and MDTs and are also on the WCSAP website). These are available on the WCSAP website in 8 languages:
<http://www.wcsap.org/sites/wcsap.huang.radicaldesi>

[gns.org/files/uploads/resources_and_pubs/ENGLISH_INSERT.pdf](https://www.waadvoc.org/files/uploads/resources_and_pubs/ENGLISH_INSERT.pdf)

- Washington law allows victims age 13 and older to consent to counseling services without parental notification (RCW 71.34.530).
- As with all parts of child or teen advocacy, good working relationships with law enforcement, CPS, the Prosecuting Attorney's office and your local Children's Advocacy Center are the key to good outcomes for the victim.
- Be an active part of your county's Child Abuse Protocols and Multidisciplinary Teams.

Break 2:30 – 2:45

Technology Safety*

Lesson 8: Cell Phone Safety with Survivors

Time: 2:45-3:45

Length: 1 hour

Lesson(s): Cell Phone Safety with Survivors, Roleplays

Learning Objective(s): To gain introductory information about technology uses and misuses and to practice advocating with a survivor who is being harassed or stalked.

Participant Handout(s): Technology Safety Quick Tips Chart, Images, Consent, and Abuse

**Lecture: Technology and Survivor Safety
2:45-3:15 (30 minutes)**

Note to trainer: Technology safety is a broad topic. There are many technology devices to cover as well as their uses and misuses. Consider holding an additional/advanced training on technology safety and cover topics such as: caller ID, voice over internet protocol (VoIP), fax machines and eFax, cordless phones, cameras and video surveillance, assistive technology for Deaf and hard of hearing, computers, email, social networking, instant messaging, and databases.

* This content was developed by the Safety Net Project of the National Network to End Domestic Violence and is used with permission.

Ask the participants what their relationship with technology is: a) not on speaking terms, b) cordial working relationship, c) very intimate.

Note to trainer: This question can provide you with a good sense of technology comfort in the room and who might be wary of technology. Technology can be intimidating for a lot of people. Have fun with the question!

Ask the participants why we as advocates need to be concerned with technology.

Discuss the following points:

- Survivors use technology
- Perpetrators misuse technology
- Everyday technology can create privacy and safety risks
- Public and private data can be accessed by perpetrators
- Technology is not evil! It has huge benefits to our lives! This lesson is not meant to scare you or discourage survivors from using technology.
- We are talking about technology because it continues to offer new uses for survivors and misuses for perpetrators.

In fact, the abusive and stalking tactics are old; it's the technology that is new. Technology does not create abuse.

Ask the participants how they think technology can benefit survivors.

Discuss the following possible points:

- Use in emergencies
- Web based resources
- Information in multiple languages
- Connection to friends and family
- Assistive technology for people with disabilities can decrease isolation and increase support
- Anonymous support services for people from cultures or communities that discourage seeking outside help

Ask the participants what technology they use.

- Can they imagine life without: phones, faxes, computers, internet, email, video relay and TTY, GPS, and cameras?
- Most of us use technology in positive or at least harmless ways, though we should all be concerned about identity theft and excessive data collection. However, for survivors of sexual assault who are being stalked or harassed, technology is being misused against them.
- When sexual assault survivors also experience stalking, many times the perpetrator's tactics are aided by technology.
- Consider these tactics of abuse that involve technology:
 - Many victims of stalking experience cyberstalking through social media, email and GPS.
 - Electronic monitoring such as video or digital cameras is used to stalk victims.

- Revenge porn, which is when perpetrators disseminate photographs and/or videos on the Internet without the victims consent in order to destroy their reputation, is an increasingly popular abuse tactic. Revenge porn can also refer to the dissemination of videos of an actual rape, in the case of Steubenville.
- State and federal laws do cover some of these technology crimes, including computer crimes, interference with privacy, electronic surveillance, prohibitions on interception, and limitations on sex offender access to social networking sites.
- There are many technology devices we can talk about. We are going to talk about one in depth: cell phone safety.

S: Cell Phones

Abusers and stalkers may misuse cell phones in various ways in order to access a victim's location. These ways may include:

- Misrepresenting the victim to the cell phone provider to gain information.
- Using a location service on family plans with or without the victim's knowledge.
- Installing cell phone spyware on the phone, monitoring phone activity through phone bills, or installing an app that provides location information about the victim's phone.

As victim advocates, in order to help survivors with safety planning strategies, it is critical to understand the different ways an abuser can monitor a survivor's location through a cell phone.

Other risks include:

- Loss of coverage or battery power during an emergency:
 - Again, one of the huge benefits of cell phones is their accessibility during an emergency.

However, if the battery is not charged it may quit working at a crucial time.

- Also, reception coverage can be spotty, especially if the survivor lives in a rural area. Coverage could be lost at a crucial time.

- Location Tracking Applications

- Some location tracking services come in the form of family locator applications (apps) that can be downloaded onto smartphones.
- Most wireless carriers have their own family locator apps and can be installed by the wireless carrier, although users can also download family locator apps through app stores and the Internet.
- Some features allow the monitoring person (potentially, the abuser) to be notified if the targeted person goes outside of a certain geographic boundary (known as "geofencing").
- Be notified if the targeted person goes to a certain place or address.
- Be sent notifications of a targeted person's location at specific times, or see a history of where the targeted person has gone throughout the day or week.

- "Cell Phone Spyware"

- Spyware is developed specifically for spying on someone.
- These location apps may run undetected, without the user's knowledge.
- Cellphone spyware shares all activities that occur on the phone with the monitoring person (potentially, the abuser), including all messages sent and received, apps

downloaded, phone calls, voicemail received, and location information.

- Some spyware will even allow the monitoring person to call the phone and, without the user realizing, use the cell phone as a listening device to hear conversations occurring around the user.
- Unlike some family locating programs, the location feature on spyware can operate without sending any notifications to the user.

Survivors often suspect that spyware is on their phones when the abusive person hints that they know about conversations, messages, or activities that occur when the survivor is using the phone. Other clues that spyware is on the cell phone is if the phone has excessive battery drain or increases in data usage.

In most cases, spyware needs to be manually installed onto the phone, so if the abusive person has had no access to the phone or the survivor has not installed anything onto the phone without knowing what it was, the monitoring and stalking might still occur but it would be done by using other methods.

- Social Location Apps:

- Social location apps, such as FourSquare, Facebook, Sonar, or Grindr, allow users to share their location with either a group of friends or for the purpose of meeting new friends.
- Sometimes it may not be the survivor who uses these apps but the survivor's children or family members.
- An additional danger occurs because abusers often will monitor the social locations apps of family members or friends of victims, especially if the abuser cannot monitor the survivor through the survivor's technology.

- Safety planning tips:
 - Trust instincts!
 - Learn about the cell phone: Can it be tracked by location tracking applications? Is there a tracking plan that has been activated? Has someone loaded a spyware onto the phone?
 - Have your car checked. If the abusive person knows where you are whenever you are in your car, you may consider having your car checked for hidden location devices.
 - Ideally, if a victim suspects a tracking device is on the car, it is preferred that law enforcement search the car (to preserve evidence).
 - If a victim does not want to go to the police, or they don't believe the survivor, they can search for a GPS device in the trunk, under the hood, under the car seat, or under the bumper. They can also go to a mechanic and ask them to check it. A licensed private investigator can also search for a tracking device, but it may cost more.
 - If the victim can pinpoint approximately when the stalking started, it may be possible to figure out if the GPS unit is hidden in a child's new car seat or a gift given to the victim.

S: Images, Consent, & Abuse
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- Billions of images are captured, uploaded online, and distributed electronically every day.
- Some of these images raise serious safety, privacy, and legal issues around the intersection of abuse and assault, consent, and privacy.
- Images of individuals, taken with or without consent, are being distributed online as a tactic of abuse by

perpetrators with the intent to harass, impersonate, humiliate, and cause harm.

- Many of these images are sexually explicit and are often posted and shared online with identifying information of the individual, such as their full name, address, phone number, and place of employment or school.
- The inclusion of identifying information poses a significant risk for further abuse, stalking, and harassment.
- Victims have been contacted by strangers asking for lewd sexual favors after their picture or videos and personal information have been posted online.
- These images are often sent directly to employers, family, and friends, posted on social media sites, and/or uploaded to pornography or revenge sites.

This tactic of abuse or harassment through sharing explicit images with the intent to harm is often referred to as “revenge porn.” It can also fall under broader terms, such as “cyber harassment” or “sexual shaming” and intersects with other issues, such as sexting, (which we will talk more about in a minute).

Other terms used to explain this form of abuse include: exploitation or sextortion, where someone blackmails another person by threatening to reveal explicit images; and e-venge, referring to the electronic distribution.

Impact on Survivors:

- The effect of this abuse can be devastating, impacting every part of the victim’s life and future.
- Many victims are revictimized in their school, workplace, or community and some have attempted or committed suicide as a result.
- Unfortunately, a significant amount of victim blaming exists in some of these cases, suggesting that the

victim should not have shared the images in the first place. (This is something trainers should emphasize with new advocates).

- Even if the images were obtained without consent or permission (secretly recording someone or recording a sexual assault), the victim's actions are often questioned.
- While educating people about the possible consequences of sharing explicit images is important, most of the danger and harm comes from the subsequent sharing of these images without consent and with the intent to hurt, shame, or abuse the victim.
- Education should also include digital ethics, in that if someone trusts another with private information, including explicit images, that person shouldn't distribute that image to "get back" at or shame the other person.

What Can Survivors Do?

- Document any content found online by taking screenshots to capture all images and information posted with it. Also record the URL of the sites. Keep a record of any other harassing or unwanted contact to you or anyone you know. Make sure to save all original emails or messages.
- Create Different Content Online. Although a natural reaction may be to avoid online spaces, by being online and creating new content, you can gradually bury the information that you don't want to immediately come up in a search engine.
- Remove Content.
 - If the content violates the terms of service of the host then it may be taken down if reported to the site. For example, many popular social networking sites and other online spaces do not allow nudity or content that harasses another person. Look for options to report content and/or users.

- Some services are available to help remove and bury information about you that is online. Their fees vary and some offer discounts for victims of abuse. Three of these are Abine.com, DMCADefender.com, and SafeShepard.com.
- Set Alerts. Setting a Google Alert for your name can provide you with a notification if someone uploads information to the internet with your name.
- Get Informed. The following websites provide a wealth of information about this issue, as well as listings for attorneys and advocates that may be able to help.
 - Without My Consent – www.withoutmyconsent.org
 - Army of She – www.armyofshe.com
 - End Revenge Porn - www.endrevengeporn.org

S: Sexting

- Let's talk briefly about sexting.

Ask the participants to describe sexting to anyone who might not be familiar.

- We know that most people who engage in sexting are teens and young adults.
 - A third of teen boys and 40% of young men say they've seen nude or semi-nude images sent to someone else; about a quarter of teen girls and young adult women have.
 - 39% of teens and 59% of those ages 20-26 say they've sent suggestive text messages.
 - A recent survey shows that a third of young adults ages 20-26 and 20% of teens say they've sent or posted naked or semi-naked photos or videos of themselves, mostly to be "fun or flirtatious."
(National Campaign to Prevent Teen and Unplanned Pregnancy)

- We must remember to put these behaviors in context.
- Teens and young adults are socialized by mainstream media to be sexual and many of them are or feel pressured to be sexually active.
- Developmentally, teens and young adults may not have the capacity to consider the consequences of their actions in a long term meaningful way.
- Additionally, teens are under a lot of pressure by their peers. A victim of dating violence may be pressured or forced by her abuser to post/send him nude photos/videos.
- The text messaging and social networking technology allows these photos/videos to be uploaded and viewed instantly. It could take less than one minute to be convinced to take a nude photo and send it using a cell phone.
- Once something has been sent, the sender no longer has control of who sees that image or how it is used.

Ask the participants what might be some of the harmful impacts of sexting.

Discuss the following points:

- The first act of sending the picture might have been consensual; the distribution of the picture to friends/internet was not consensual.
- Negative reputation and self-esteem:
 - In 2008 Jessica Logan, a Cincinnati, Ohio, teen, hanged herself after her nude photo, meant for her boyfriend, was sent to teenagers at several high schools. For months after, her father says, she was the subject of ridicule and taunts. "Everyone knew about that photo," Bert Logan says. "She could not live it down." On July 3, his wife found her. "She had been getting dressed to go out. The curling iron was still warm. It was so unexpected," Logan says. "I heard my wife scream, I ran up to Jessie's room, but

it was too late." No charges had been filed against Jessica's 19-year-old boyfriend, who disseminated the photo, nor had the school taken any action, Logan says.

- Prosecution for possession or distribution of child pornography:
 - In Wisconsin, a 17-year-old was charged with possessing child pornography after he posted naked pictures of his 16-year-old ex-girlfriend online.
 - In Alabama, authorities arrested four middle-school students for exchanging nude photos of themselves.
 - In Rochester, NY, a 16-year-old boy is now facing up to seven years in prison for forwarding a nude photo of a 15-year-old girlfriend to his friends.

Show That's Not Cool video clips. There are several thirty seconds to one minute clips to choose from. This is a public education campaign made by and for youth. That's Not Cool: <http://www.thatsnotcool.com/VideoIndex.aspx>

- Technology safety tips:
 - Encourage survivors to think carefully about what to share and post about themselves.
 - Talk about healthy and safe technology boundaries.
 - If a picture has already been sent and the person regrets it, they can ask the receiver to delete it.
 - Prohibiting access to technology is not the answer; parents can set rules just as they do for offline activities.
 - If the behavior constitutes harassment, the victim may be able to apply for an anti-harassment order.
 - If a survivor thinks a stalker/harasser is going to post pictures of them online they can proactively find

an attorney to write a letter to inform the ex of the possible consequences if he were to publish such photos. This may be enough to prevent him from uploading/sending photos.

- If the photo/video has already been posted then unfortunately, the survivor will have to contact each site to have it removed.

Activity: Roleplays
3:15-3:45 (30 minutes)

- 1. Divide the group into pairs – one will be the advocate and one will be the survivor.**
- 2. Instruct survivors to develop their empathy skills by representing what a survivor may really be experiencing. Memorize the scenario and ad lib if necessary; don't overwhelm the new advocate!**
- 3. Instruct the advocate to use their listening and communication skills to support the survivor.**
- 4. Pass out roleplay scenarios to each group. Each group will get two scenarios so each person can practice each role.**
- 6. Process the exercise as an entire group after the roleplays. Make sure all four scenarios are discussed and that each group has the chance to add questions or concerns.**

Points to cover:

- Encourage participants to talk about their successes and explore common issues or problems. Ask the group for suggestions to deal with particular challenges.**
- Discuss how it felt to play different roles. Provide feedback from your own observations about how different techniques were used effectively.**
- Provide participants with lots of positive reinforcement for being willing to show their vulnerabilities and learn from one another.**

Sources:

Bureau of Justice Statistics. (2009). *Stalking victimization in the united states* (NCJ 224527). Washington, D.C.: Office of Justice Programs.

Self-Care

Lesson 9: Self-Care

Time: 3:45-4:50

Length: 1 hour, 5 minutes

Lesson(s): Vicarious Trauma, Silent Witness, Self-Care, Creating Change

Learning Objective(s): To recognize the signs of vicarious trauma and identify ways to practice self-care.

Participant Handout(s): S.U.R.V.I.V.A.L. Guide for Compassionate Caregivers

**Lecture: Vicarious Trauma
3:45-3:55 (10 minutes)**

S: Vicarious Trauma

- It is well known that advocates experience vicarious trauma (VT) as a result of hearing about traumatic events and helping or wanting to help someone who has suffered trauma.
- It has historically included police officers, fire fighters, nurses, clergy, etc. Now it includes a wide range of people who work with families and children in crisis.
- Vicarious trauma is related to post traumatic stress disorder, secondary traumatic stress, compassion fatigue and professional burnout.
- The signs of vicarious trauma include:
 - fatigue

- poor sleep
 - headaches
 - anxiety
 - irritability
 - depression
 - hopelessness
 - withdrawal and isolation
 - aggression
 - cynicism
 - substance abuse
- The impact of vicarious trauma can be immense. It affects us personally and professionally and can become part of the organizational culture.
 - The survivors we work with are affected too. If our capacity to be fully present is diminished then we will not be as effective of an advocate.
 - For many of us, our personal experiences with sexual assault, domestic violence, historical trauma, etc. provide us with many strengths. At the same time, those experiences can also make vicarious trauma that much more intense.
 - All advocates have the potential to be affected and good personal and professional boundaries do not necessarily prevent it. Risk factors for increased rates of vicarious trauma include (Levin & Greisberg, 2003):
 - female gender identity
 - long work hours

- high caseloads
 - lack of professional success
 - prior history of personal trauma
 - previous treatment for psychological disorders
 - lack of professional experience
 - lack of professional supervision
 - organizational dissatisfaction
- Vicarious trauma is sometimes confused with “burnout.” However, burnout is a state of physical, emotional, and mental exhaustion caused by long term involvement in emotionally demanding situations.
 - Advocates can also experience burnout. It begins gradually and becomes progressively worse. It includes exhaustion, depersonalization, and a decreased sense of accomplishment.
 - We are now going to do an activity that will help you proactively identify the specific ways that vicarious trauma may impact you personally and professionally.

Activity: Snow Ball Exercise
3:55-4:10 (15 minutes)

- 1. Instruct the participants to consider two ways that they may be impacted by vicarious trauma. If they have been or already are in a helping profession, they can identify something current. If they do not already have experience as a helper, they can identify ways they think they may be impacted.**
- 2. Have them write these impacts on a blank piece of paper. These will be shared, but without the authors identity attached, so they can share to the level they are comfortable.**
- 3. Ask all the participants to crumple their sheet of paper into a ball and throw it in the middle of the room or into a bucket or receptacle.**
- 4. As the facilitator, mix up the paper (as to make it as anonymous as possible) and have everyone in the group take one.**
- 5. Have each participant read the paper they ended up with . Ask if anyone in the group wants to share what they have. The pupose of this acivity is to create a shared experience with the group.**
- 5. Debrief the activity.**

Note to trainer: Strongly encourage each participant to write at least one example. If they are having trouble coming up with something suggest they consider what a co-worker might say about them or how a family member might describe any changes in them as a result of this work.

Lecture: Self-Care
4:10-4:20 (10 minutes)

S: Self-Care

- Set limits!
 - We care. That's why we do what we do. But in order to continue to help others effectively, we need to start with ourselves.
 - Maintain clear boundaries between work and play.
 - Say "no!" if your plate is full. Don't take on more than you can handle.
 - Seek out emotional support from others, whether it's from co-workers, friends or family members. Seek out supervision as needed.
 - Limit exposure to traumatic materials! Forget the 6 p.m. news for a night, or reading the newspaper.
 - Develop strategies to take care of yourself!
- Understand that secondary trauma really does exist!
 - Anyone who has exposure to trauma victims is at risk of experiencing secondary trauma at some point.
 - Charles Figley coined the term "compassion fatigue" and described it as "A state of tension and preoccupation with the individual or cumulative trauma of clients."
 - It's important for those caring for victims in any capacity to understand that even a seasoned professional can suddenly feel a sense of hopelessness and despair.
- Recognize the signs and symptoms not only in ourselves, but in our co-workers as well.

- Symptoms may overlap with burnout or stress.
- Vacation!
 - 5 minutes, 5 days, 5 weeks.
 - Take time out for yourself and what's truly important in your life! Allow yourself a mental health day now and then!
 - Take a break from your routine.
- Identify stressors in your own life.
 - These may include: family, work, health, finances, pressures from clients, and system failures.
 - Identify your own stressors and look at ways to eliminate some of these!
- Vulnerability:
 - What are our triggers?
 - What hits home for us?
 - By having an awareness of what our triggers or "hot spots" are, we create an awareness that will help us be better prepared to deal with these situations.
 - Or...understand what situations we would be better to avoid.
 - Not only is this self-preservation, but it will be in the best interest of those you are working with as well.
- Accept your reactions!
 - Reactions to hearing horrible things are normal!
 - Fear, anxiety, depression, grief, irritability, emotional numbness, emotional distancing, intrusive thoughts, confusion, impaired memory, flashbacks, fatigue,

sleep disturbances, sexual dysfunction are all normal ways of coping with abnormal situations.

- Don't be embarrassed or ashamed to talk to someone about these reactions.
- If these reactions or symptoms continue for more than a month, consider seeking professional help.
- Live, love, laugh!
 - Nothing is more important than achieving a balance in your life.
 - Get rid of whatever it is that's eating at you and find ways to balance the stress of your work with play. How we accomplish that is up to each one of us!
 - Rollerblade, take your kids fishing, take your dog to the park, kayak, sing karaoke, plant a garden, seek spiritual guidance, take a long walk, ride your bike, paint, call a long-lost friend, take a bubble bath, compose a poem, ride a mechanical bull for the first time!
 - Try something new or stick with something you enjoy.
 - There will always be tragedies in our world. But the real tragedy would be if no one was there to care any longer.
 - Take of yourselves!

Activity: Silent Reflection
4:20-4:35 (15 minutes)

- 1. Introduce the activity.**
- 2. Instruct the participants to consider two self-care activities they plan to use to cope with vicarious trauma.**
- 3. Have them write these strategies on a blank piece of paper, preferably something that they will keep and take with them. You could hand out index cards.**
- 3. Ask all the participants to take 10 minutes to really think about how they are going to sustain themselves in this field.**
- 4. When everyone has had an opportunity to write down their self care ideas, ask the group if they would like to share anything that they wrote.**

Lecture: Creating Change
4:35-4:50 (15 minutes)

S: Creating Change

- Since organizations are made up of individuals, vicarious trauma can impact organizational culture.
- In addition to the suffering that is witnessed, vicarious trauma can be intensified by a demanding work environment and insufficient resources.
- On an organizational level, there are also many things that can be done to address vicarious trauma:
 - Provide quality supervision that recognizes vicarious trauma and supports self-care needs
 - Limit client caseloads

- Mandate vacations
- Debrief after difficult situations
- Celebrate successes
- It is important to recognize that we all as individuals contribute to the organizational culture at work. However, there may be policies and procedures that take time to change.
- As we work for change on a community and organizational level, it is crucial to identify and remember why we are doing what we're doing.

Hand out a note card to each participant or have them use the same note card that they used in the self-care activity.

Ask the participants to write down why they are doing what they are doing. What is their intention? Have them think back to the Tree of Life activity.

Instruct the participants to keep the note card to refer to in the future, especially as they face vicarious trauma.

- It is also important to recognize that vicarious trauma affects the wholeness of our mind/body/spirit.
- As we work for change on a multitude of levels – individual, family, community, institution, society, environmental – it is crucial that the suffering we take in through our advocacy and activism is processed and eventually moved out of our mind/body/spirit.
- Breathing and staying connected to our breath can be an easy yet powerful grounding exercise.

Ask the participants to sit or stand in a comfortable position.

Start by slowly breathing in and out. Breathe in, and as you breathe in raise your arms. Breathe out, and as you breathe out, lower your arms. Do this ten times.

Ask the participants to sit down in a comfortable position.

Tell them they won't be "doing anything" except breathing for three full minutes. Take deep inhales and deep exhales. Be open to what comes to your mind as you sit still.

Note to trainer: these exercises are adapted from the book Trauma Stewardship by Laura van Dernoot Lipsky (2008).

Wrap up the lesson.

Read the following poems and inspirational quotes:

The Dream Keeper
By Langston Hughes

Bring me all of your dreams,
You dreamers,
Bring me all of your
Heart melodies
That I may wrap them
In a blue cloud-cloth
Away from the too-rough fingers
Of the world.

Although firsthand experience with trauma leads to personal suffering, it can be sublimated into social or artistic action and thus can serve as a powerful agent for social change.
– Bessel van der Kolk

Don't ask yourself what the world needs; ask yourself what makes you come alive, and then go do that. Because what the world needs is people who have come alive.
– Howard Thurman

"There is no use trying," said Alice; "One can't do impossible things." "I dare say you haven't had much practice," said the queen. "When I was your age, I always did it for half an hour a day. Why, sometimes I've believed as many as six impossible things before breakfast."
– Alice's Adventures in Wonderland, by Lewis Carroll

You cannot use up creativity. The more you use, the more you have.

-Maya Angelou

Sources:

The Cost of Caring: Secondary Traumatic Stress and the Impact of Working with High-Risk Children and Families. (2002).

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Levin, A.P. & Greisberg, S. (2003). Symposium – Syndromes, frameworks and expert testimony: What jurists need to know: pace women’s justice center the second annual domestic violence think tank. Introductory remarks: Vicarious trauma in attorneys. *Pace Law Review*, 24, 245-252.

van Dernoot Lipsky, Laura (2008). *Trauma stewardship: An everyday guide to caring for self while caring for others*. Seattle, WA: Las Olas Press.

Wrap Up

Lesson 10: Wrap Up

Time: 4:50-5:00

Length: 10 minutes

Lesson(s): Main Points, Wall of Wisdom

Learning Objective(s): To summarize the content that was covered and to prepare participants for the next three days of skill building.

Participant Handout(s): none

**Lecture: Main Points
4:50-4:55 (5 minutes)**

Today we discussed:

- Role of a legal advocate and points in the criminal justice process that advocates can play a supporting role
- Rights of sexual assault survivors
- Confidentiality, release of information, and informed consent
- Civil legal issues including protection orders, employment, education, housing, and civil suits
- We hope that you have gained some insight into legal advocacy, crime victims' rights, legal remedies, technology safety, and self-care. At this time we would like to do a final exercise that will help you identify some of the key points that you have taken away from this part of the training.

Activity: Wall of Wisdom
4:55 – 5:00 (5 minutes)

- 1. Place a flipchart on the wall entitled “Wall of Wisdom.”**
- 2. Pass out colored post-it notes.**
- 3. Tell participants to think of 1-2 new things they learned and became more “wise” about and/or what can be brought back home with them.**
- 4. Have them write these on these on a post-it note and place it on the flipchart. This is now the “Wall of Wisdom.”**
- 5. Take a few minutes to have some participants review their responses. Tell them that they can also take some time to record some of the ones they feel most relevant to take with them for review later.**