

Effective Interviewing As A Tool For Justice

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Interviewing Considerations for Persons Who Have Experienced Trauma¹

- 1) **Recognize & mitigate special challenges to communication.**²
 - a) **Lack of trust.**
 - Persons who have been trafficked may have been deceived by those they trusted.
 - They may fear arrest.
 - They may have been told incorrect things about lawyers.
 - They may have good reasons to fear people who cooperate with the government.
 - Address and explain confidentiality.
 - Keep your word in all matters.
 - b) **Psychological.**
 - Lack of trust (above) and hope.
 - PTSD and depressive symptoms.
 - Shame.
 - Fear of being overwhelmed/flooded.
 - Be patient, the process is gradual. Do not force client to talk about anything until they are ready.
 - c) **Sociocultural.**
 - Barriers may be triggered by interviewer's age, gender, social class, ethnicity, nationality, etc.
 - Consider gender of client. Should gender of attorney match or differ from that of client, due to cultural reasons or due to nature of the matter at hand?
 - Try to set aside your own cultural assumptions; listen to understand from client's point of view. Address culturally relevant variables such as spirituality, family, social roles.
 - Ask client to explain things you do not understand culturally.
 - Develop expertise in cross-cultural interviewing:
 - Understand what culture is generally.

¹ Thanks to Alena Tupper for research assistance. Materials we consulted include: *New Neighbors, Hidden Scars: Handbook for Working with Refugees Who May Be Torture or War Trauma Survivors*, The Center for Victims of Torture (2001). See also www.cvt.org. Julie Brindel, *Press for Change: A Guide for Journalists Reporting on Prostitution and Trafficking of Women* (www.catwinternational.org) (www.womenlobby.org).

² This section draws particularly upon Alison Beckman, LCSW, MSW, Center for Victims of Torture, Minnesota, *Understanding and Minimizing Secondary Trauma*, (October, 2008).

- Understand your own various cultural backgrounds and how they affect your world view.
 - Learn as much as you can about the various cultures of your clients.
 - Never assume that anything you learn about a culture applies to any particular individual.
- d) **Language.**
- Appropriateness and accuracy of interpreter.
 - Develop expertise in interviewing with the assistance of interpreters.
- d) **Physical.**
- Pain or discomfort as a result of abuse: difficulty sitting for long periods of time.
 - Fatigue.
 - Sensory deficits, such as partial blindness or deafness.
- e) **Environmental.**
- Lack of privacy.
 - Comfort of interview setting.
 - Inadequate time for the interview.
 - A physical setting that emphasizes differences in power and control between the interviewer and survivor.
 - Environmental aspects reminiscent of the trauma or torture experience, such as bright lights or having to wait a long time before seeing the interviewer.

2) **Realize that interviewing a person who has suffered trauma may be a re-traumatizing event. Sometimes that is necessary.**³

- a) Explain why you need to talk about the difficult subject. (How does discussing it relate to the legal matter at hand?)
- b) Acknowledge that discussing it may be painful.
- c) Slow the pace to avoid overwhelming the client.
- d) Be sure your office has a box of tissues and offer them if the interviewee looks as if they are about to cry. Be compassionate.
- e) Ask if the interviewee has counseling resources. Suggest available ones if they do not. Be sure to refer to culturally competent providers.
- f) Although re-traumatization may not be avoided, recognize and try to minimize and manage it.
- g) **Provide closure at the end of the interview.** Do not let a person walk away with open emotional wounds from an interview. Leave time to talk about non-traumatic topics, allow the person to compose and make the transition to present. Acknowledge the difficulty of talking about past abuse and then going back into world. Validate and normalize the manner in which the person conducted themselves during the interview. Offer a sense of hope but be careful not to make false assurances or promises.

- 3) **Treat client with utmost dignity and respect.**
 - a) Avoid labels such as “victim” or “survivor.” Persons who have suffered trauma often simply want to be “normal.” A label such as victim or survivor suggests that they are their label rather than a multi-faceted person. The terms also may re-traumatize.
 - b) Avoid any language tending to blame client for any situation they found themselves in. Emphasize the client’s problems as solvable and not the client’s fault.
 - c) Try to stand in your client’s shoes and understand not only the facts but the emotional meaning of their experiences. Accept client where they are.
 - d) Find ways to give control and power to the client.

- 4) **Double check facts.**
 - a) Persons who have had traumatic experiences may have memory problems, suffer confusion, or have suppressed painful details.
 - b) Review matters with client to be sure you got it right.
 - c) Know that multiple interviews may be necessary.

- 5) **Develop expertise when appropriate in the particular issues related to interviewing children.**
 - a) Children are not miniature adults. Be aware of the impact that witnessing traumatic events can have on children.
 - b) Children may be more vulnerable to trauma than are adults due to size, age and dependency.

- 6) **Gain familiarity with available resources.**
 - a) Know signs of immediate need for medical tests.
 - b) Be aware of possible mental health issues and have resources at hand.
 - c) Be prepared to refer for safety planning when necessary.

- 7) **Realize that interviewing about trauma can traumatize you.**
 - a) Understand this phenomenon.
 - b) Take care of yourself.