

Dear Governor Lee,

Over the past 20 years since the enactment of the federal Trafficking Victims Protection Act, Tennessee has become a leader in advancing survivor-centered reforms. Your state has demonstrated an ongoing commitment to robust and protective responses to child trafficking survivors. As the nation embarks on the next stage of policy reform to improve protections for trafficked children and youth, we now look to you, as Tennessee's top executive leader, to continue to lead the nation in protecting trafficking survivors from unjust criminalization.

Twenty-four years after enactment of the TVPA, many victims of sex trafficking are charged and prosecuted by states with sex trafficking offenses that are directly linked to their victimization. This phenomenon, known as victim-offender intersectionality, ignores the realities of sex trafficking victimization and related trauma. It further reflects and results in the misidentification and unjust treatment of survivors. The criminalization of child sex trafficking victims for conduct related to their trafficking victimization is contrary to the purpose and intent of state anti-trafficking laws and requires measures to remedy the consequential revictimization and harm caused.

Increasingly, cases are coming to light where child sex trafficking survivors have been prosecuted and convicted. Child sex trafficking survivors are often treated as adults and ushered into the criminal justice system rather than identified as victims and directed to restorative care and support. Not only does this response cut off child survivors' access to needed services and deny the underlying trauma that led to their involvement in criminal activity, but it also raises the stakes exponentially. Legal frameworks often favor direct file or transferring minors accused of violent felonies, including trafficking, to criminal court. Thus, child survivors commonly proceed through adult courts without an opportunity to assert a defense to the charges or to avert adult court involvement entirely. Child sex trafficking survivors who are convicted as adults face substantially longer sentences—sometimes 10, 20 or even 50 times longer than what they would receive in juvenile court—as well as collateral consequences that are wholly inappropriate in light of their age and status as trafficking victims.

The scope of harm is immense, but governors across the country are in a unique position to remedy this injustice.

Shared Hope International, with over 20 years of experience, is committed to addressing the ongoing injustice of trafficking survivors being criminally charged and prosecuted as a result of their own trafficking victimization, especially when that results in trafficked children facing prosecution and incarceration in the adult criminal justice system.

*"I wanted to be treated like a person, like the victim that I am, instead of the perpetrator that is on the surface that they chose to perceive." – Tiffany Simpson, Survivor; served 11 years*

Indeed, Tennessee is one of the few states that has taken action to address this ongoing injustice, since Tennessee already screens its women's prisons for trafficking victimization and provides services to identified survivors, both within the prison and upon release, by connecting them with specialized providers.

As the top executive leader in your state, you hold the power to locate child sex trafficking victims currently incarcerated within your prisons or under the oversight of probation departments. Survivors on probation face the risk of being incarcerated for even minor missteps, which frequently occur due to

survivors' trauma backgrounds and responses and the compounded harm caused by unjust criminal justice involvement. Governors are increasingly called on to right historical criminal justice wrongs, in many states granting clemency or providing pardons to survivors who were unjustly criminalized for the offenses related to their victimization. In light of this unique and important role that governors play, we are calling on you, Governor Lee, to continue to proactively take action to respond to this injustice in your state. We ask that you consider taking the following action steps to support survivors in your state.

- Screen all minors who have been prosecuted as an adult to determine if they have experienced trafficking victimization. This screening should include individuals who are now adults but were initially charged or prosecuted when they were a minor, and should include individuals committed to adult prisons or juvenile facilities, or under the oversight of adult probation services.
- Provide access to appropriate services, including re-entry services that support survivors after they are released from prison.
- Provide access to legal services that help survivors to address the short and long-term consequences of being criminalized.
- Advance legal protections, including non-criminalization, immunity, affirmative defenses and vacatur, to provide relief from unjust criminalization and ideally prevent it at the outset.
- Expand access to funded community-based services to provide alternatives to prosecution and incarceration for responding to child trafficking survivors.

Again, Tennessee is one of the few states that has taken action to address this ongoing injustice that we hope other states will follow. We are grateful for Tennessee's leadership and commitment to a survivor-centered and trauma-informed approach to identifying and responding to trafficking survivors.

The Shared Hope Institute for Justice and Advocacy released [Responding to Sex Trafficking Victim-Offender Intersectionality: A Guide for Criminal Justice Stakeholders](#) to promote trauma-informed responses to sex trafficking victims, such as the efforts we are now urging governors to take across the country. Governor Lee, we hope Tennessee will continue to lead the charge in taking action on this and help right some of the wrongs experienced by this particularly vulnerable population of trafficking survivors. We look forward to working alongside you and supporting your efforts to take on this critical issue.

Sincerely,

Yvonne Hubbell, Lived Experience Expert and Girls Like Me Campaign Leader

Kim Figueroa, Lived Experience Expert and Girls Like Me Campaign Leader

Linda Smith (U.S. Congress 1994-98), President & CEO of Shared Hope International

Susan Coppedge, Esq. (United States Ambassador-at-Large to Monitor and Combat Trafficking in Persons 2015-18)

Ernie Allen, OBE, Global Expert and Advisor on Child Protection

Margie Quin, Commissioner of the Tennessee Department of Children's Services

Joel Shapiro, Esq., Co-founder & Executive Director of the Trafficking Law Center