

## TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

**POLICY GOAL:** Child sex trafficking victims have the right to a victim advocate at all stages of the investigation and prosecution of the perpetrator(s).

**Reporting a crime and participating in a resulting investigation and prosecution can be daunting for any crime victim; however, it is particularly intimidating for child victims of sexual violence, including child sex trafficking.**<sup>1</sup>

Victim-centered investigations and prosecutions can mitigate the impact of fear and minimize re-traumatization by providing collaborative supports and empowering survivors as engaged participants in the process.<sup>2</sup> Recognizing the vital role victims play in successful prosecutions, addressing the needs of a survivor through access to services, and ensuring protection of their rights as crime victims are the key components of victim-centered human trafficking investigations and prosecutions.<sup>3</sup> Victim advocates are a key part of this approach; they understand the importance of victim-centered advocacy and meeting the individual needs of each child.<sup>4</sup> To mitigate the trauma associated with participation in criminal justice processes, state law should ensure that all child sex trafficking victims are afforded access to a victim advocate at all stages of the criminal justice process regardless of the specific offenses charged to the perpetrator.

Victim advocates are an important support to child sex trafficking victims for many reasons. First, they can support a victim throughout the criminal justice process, from the moment a crime is reported through post-conviction. This can include provision of crisis intervention services at the time a crime is reported, assessment of safety needs, explanation of victims' rights at every stage, explanation of court processes and preparation of

victims for hearings or victim impact statements, and assistance of victims with concerns related to inmates.<sup>5</sup> Victim advocates are also adept at collaborative responses and working with multiple systems while understanding the importance of confidentiality and safety, all of which are critical in working with child sex trafficking victims.<sup>6</sup> They can also help the victim and their family access crime victims' compensation funds.<sup>7</sup> Moreover, victim advocates can play an important role in supporting a positive rapport between the child victim, law enforcement, and the prosecutor, ultimately contributing towards more successful investigations and prosecutions.

Finally, they can play a key role in specialized multi-disciplinary team (MDT) approaches in child sex trafficking cases. The MDT approach facilitates a coordinated response that addresses the holistic needs of survivors throughout the criminal justice process and prioritizes the wellbeing of the survivor through provision of trauma-informed support and services. Including victim advocates as a core component of survivor-centered multidisciplinary team responses can ensure the provision of a victim advocate to all child sex trafficking victims that are currently involved in the investigation or prosecution of a perpetrator. It can also help to ensure that the child is supported by the same victim advocate from investigation through sentencing. Finally, victim advocates working with child sex trafficking victims should be specifically trained to serve that population and, ideally, have expertise in doing so.

## **DRAFTING CONSIDERATIONS:** *To accomplish this policy goal, state law should...*

- ▶ Ensure that all child sex trafficking victims are afforded a victim advocate at all stages of the investigation and prosecution.

## **RELATED ISSUES:**

- 3.2** State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.
- 5.1** State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.
- 5.2** State law allows child sex trafficking victims to testify by closed circuit television regardless of the prosecuted offense.

## **SUPPORTING RESOURCES:**

- ▶ [Protected Innocence Challenge Framework Brief \(Section 5\)](#)

<sup>1</sup> See Yasmin Vafa and Cherice Hopkins, *Child Sex Trafficking Victim Witnesses Must be Protected*, THOMSON REUTERS FOUNDATION NEWS (Feb. 21, 2018, 14:54 GMT), <https://news.trust.org/item/20180221145440-fkal6/>. (last visited Oct. 12, 2020); see also Jazmine Ulloa, *California Bill Would Make Testifying in Court Easier for Young Victims of Human Trafficking*, L.A. TIMES (Aug. 7, 2016, 12:05 AM), <https://www.latimes.com/politics/la-pol-sac-human-trafficking-young-witnesses-20160806-snap-story.html> (last visited Nov. 12, 2020).

<sup>2</sup> *Victim-Centered Approach*, OFFICE FOR VICTIMS OF CRIME, <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/> (last visited Nov. 16, 2020).

<sup>3</sup> *Id.*

<sup>4</sup> HANDBOOK ON HUMAN TRAFFICKING, DOMESTIC & SEXUAL VIOLENCE ADVOCATE (2d ed. 2004).

<sup>5</sup> *Worksheet 3.1, Participant Worksheets*, NATIONAL VICTIM ASSISTANCE ACADEMY TRACK 1: FOUNDATION-LEVEL TRAINING [https://www.ovcttac.gov/downloads/views/TrainingMaterials/NVAA/Documents\\_NVAA2011/WorksheetHandouts/NVAA\\_MAR\\_2011\\_TR1\\_partwkshts\\_508.pdf](https://www.ovcttac.gov/downloads/views/TrainingMaterials/NVAA/Documents_NVAA2011/WorksheetHandouts/NVAA_MAR_2011_TR1_partwkshts_508.pdf) (last visited Nov. 16, 2020).

<sup>6</sup> *Id.*

<sup>7</sup> SURVIVOR PROTECTION: REDUCING THE RISK OF TRAUMA TO CHILD SEX TRAFFICKING VICTIMS, RIGHTS4GIRLS (Jan. 2018) <https://rights4girls.org/wp/wp-content/uploads/r4g/2018/01/Survivor-Protection.pdf> (last visited Nov. 16, 2020).