

## PREVENTION AND TRAINING

### **POLICY GOAL:** State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

**Prosecutors have an enormous potential to positively impact the lives of child victims and secure justice against their offenders.** A successful and victim-centered prosecution relies on recognizing the indicators of victimization and an understanding of the dynamics of sex trafficking,<sup>1</sup> which may include victims' trauma responses, perpetrator's use of force, fraud, and coercion, and victim-offender intersectionality. To support prosecutors' role in ensuring child victims' access to justice in the criminal justice process, state law should mandate the provision of training on child sex trafficking to facilitate appropriate charging and plea-bargaining decisions and support victim-centered prosecutions.

Trafficking-specific training is particularly imperative for prosecutors because of victim-offender intersectionality that frequently occurs in trafficking cases. Prosecutors face particular challenges as they may be both in the position of working with child sex trafficking victims as victim-witnesses and also in the position of prosecuting child sex trafficking victims for crimes they commit as a result of their victimization. Studies have shown that conditions of the juvenile justice process, secure confinement, and the stigma of criminal records further harm and traumatize child sex trafficking victims.<sup>2</sup> To minimize re-traumatization, prosecutors should consider alternative responses that take the impact of victimization into account when addressing criminal or delinquent activity.<sup>3</sup>

Furthermore, trafficking-specific training for prosecutors is important because the victims' trauma may impact

a human trafficking case differently than it may other types of cases. Victims of child sex trafficking are unlikely to self-identify, they may have trauma bonds with their traffickers that result in efforts to protect them, and they may waver in terms of participation in support services and investigation processes.<sup>4</sup> This may increase the amount of time needed to build rapport, empower the victim throughout the process to enhance participation, and address inconsistencies in statements across time. Accordingly, state law should also include a mandate that prosecutors receive training on victim-centered investigations and prosecutions, which respect the dignity of the victim and strive to meet their needs and wishes.<sup>5</sup>

While some agencies voluntarily require trafficking-specific training for their prosecutors, codifying these training requirements in state law remains important. Mandating this effort through state law recognizes the complexity of sex trafficking prosecutions and ensures that these efforts will continue as agency-level priorities as needs change. Further, mandating training can offer an opportunity to ensure uniformity and quality of training across the state. Quality training facilitates accurate understanding and uniform enforcement of sex trafficking laws and equips prosecutors statewide with tools for successfully prosecuting these crimes.

Finally, to guide the implementation, states should consider including additional language on training requirements within the law. For example, state law should ensure that the training content is survivor-informed by a group of survivors with a diverse

set of experiences who can provide valuable first-hand knowledge related to traffickers, buyers, grooming and recruitment tactics, and victim vulnerabilities as well as successful methods for identifying and engaging this population in the investigation process.<sup>6</sup> State law may also provide direction related to content such

as requiring that the training address victim-offender intersectionality and trauma-informed, victim-centered responses. With the breadth of survivor-informed training resources available, prosecutors could utilize existing resources to fulfill training requirements.

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

- ▶ Mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.
- ▶ Require both initial and on-going trafficking-specific trainings.

## **RELATED ISSUES:**

- 2.5** State law prohibits the criminalization of minors under 18 for prostitution offenses.
- 2.6** State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.
- 2.7** State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.
- 2.8** State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

## **SUPPORTING RESOURCES:**

- ▶ Intervene

- 1 Aequitas, *Enhancing Prosecutions of Human Trafficking and Related Violence Against Sexually Exploited Women*, STRATEGIES: THE PROSECUTOR'S NEWSLETTER ON VIOLENCE AGAINST WOMEN (2012) <https://aequitasresource.org/wp-content/uploads/2018/09/Enhancing-Prosecutions-of-Human-Trafficking.pdf> (last visited Nov. 16, 2020).
- 2 HUMAN RIGHTS PROJECT FOR GIRLS, et. al. *The Sexual Abuse to Prison Pipeline*, <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2019/02/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls%E2%80%99-Story.pdf> (last visited Nov. 16, 2020).
- 3 SHARED HOPE INT'L, *Responding to Sex Trafficking: Victim-Offender Intersectionality* (2020) [https://spopy1bvira2mldnj1hd926e-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/SH\\_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020\\_FINAL\\_updatedApril2020.pdf](https://spopy1bvira2mldnj1hd926e-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/SH_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020_FINAL_updatedApril2020.pdf) (last visited Nov. 11, 2020).
- 4 OFFICE FOR VICTIMS OF CRIMES (n.d.) *Human trafficking task force e-guide: strengthening collaborative responses*. TRAINING AND TECHNICAL ASSISTANCE CENTER. <https://www.ovcttac.gov/taskforceguide/eguide/> (last visited Nov. 11, 2020).
- 5 *Id.*
- 6 MARISSA CASTELLANOS, M.S.W., GRETCHEN HUNT, J.D., BETHANY GILOT, M.S., AMY NACE-DEGONDA, B.A., MELODY WRAY, THE SOUTHEAST REGIONAL HUMAN TRAFFICKING ADVISORY GROUP, *GUIDING PRINCIPLES: FOR AGENCIES SERVING SURVIVORS OF HUMAN TRAFFICKING* (2018).