

Dear Governor [_____],

Twenty-four years after the passage of the Trafficking Victims Protection Act, 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 we seek your assistance in remedying 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

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 [_____] to proactively take action to respond to this injustice in your state. Consider taking the following action steps to support trafficking 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 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.

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.

Indeed, some states have already taken steps like these recommended to address unjust criminalization and incarceration of trafficking survivors. For example, Tennessee currently 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. Similarly, Georgia is in the planning stages of an initiative to assess its prison population for trafficking victimization and connect identified survivors with legal services so that incarcerated survivors can seek post-conviction relief under Georgia's vacatur law.

Governor [_____], we hope you will consider taking action on this and help right some of the wrongs experienced by this particularly vulnerable population of trafficking survivors. We welcome the opportunity to discuss this with you further and to support your efforts when you take on this critical issue.

Sincerely,

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

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