



POLICY GOAL

Child sex trafficking victims have access to victim protections in the criminal justice system.

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 victims.¹ 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.² 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.³ However, these essential supports and protections are not always available to child sex trafficking victims.

One key part of a victim-centered criminal justice response is access to victim advocates. 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.⁴ 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.⁵ They can also help the victim and their family access crime victims' compensation funds.⁶ 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. Accordingly, victim advocates are an essential resource to crime victims because they understand the importance of victim-centered advocacy and meeting the individual needs of each child.⁷ 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.

Child victims who testify against their exploiter also need robust supports during their testimony. To minimize the trauma and emotional distress of testifying in open court about their abuse, child sex trafficking victims should be able to request various accommodations and supports, such as having a support person of the child's choosing accompany the child during their testimony, or having a support animal, such as a courtroom dog be present while they testify. Other accommodations include excluding the public from the courtroom and allowing the child to testify from a more comfortable location than the witness box. While closed circuit testimony can help mitigate some of the distress of giving testimony by providing an alternative to live, in-court testimony, this protection may not be available at all phases of the prosecution, so courtroom supports remain as a needed protection for child sex trafficking victim-witnesses, and state law should ensure these supports are available to child sex trafficking victims who testify during trial and other court appearances related to the prosecution of their exploiter(s).

Yet another essential protection for child sex trafficking victims in the criminal justice process is protection from

having their identifying information publicly disclosed in court records and other public documents associated with the investigation and prosecution of their exploiter. Maintaining confidentiality of this information about child victims is essential to preventing the trauma of this information being made public, especially given

the nature of the abuse suffered by child sex trafficking victims. Additionally, confidentiality of a victim's identifying and locating information is an important aspect of protecting their safety as they often fear retribution from their trafficker and others who may be associated with their trafficker.

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.
- ▶ Ensure child victims who testify against their exploiter are provided robust courtroom supports during their testimony.
- ▶ Protect identifying information about child sex trafficking victims from being publicly disclosed in court records and other public documents related to the investigation and prosecution of their exploiter(s).

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 provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

SUPPORTING RESOURCES:

- ▶ Protected Innocence Challenge Framework Brief (Section 5)

- 1 See Yasmin Vafa & Cherice Hopkins, *Child Sex Trafficking Victim Witnesses Must be Protected*, THOMSON REUTERS FOUND. NEWS (Feb. 21, 2018, 14:54 GMT), <https://news.trust.org/item/20180221145440-fkal6/>; 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).
- 2 *Victim-Centered Approach*, OFF. VICTIMS CRIME, <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>.
- 3 *Id.*
- 4 *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 (last visited Nov. 16, 2020).
- 5 *Id.*
- 6 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>.
- 7 HANDBOOK ON HUMAN TRAFFICKING, DOMESTIC & SEXUAL VIOLENCE ADVOCATE (2d ed. 2004).