

Introduction

- Hello, my name is Sean Tepfer, and I am the National Program Manager for the US Department of Justice's Human Trafficking Prosecution Unit. In addition to my duties with the US government I am also the current Chair of the INTERPOL Human Trafficking Expert Group.
- DOJ's victim protection efforts are informed by the experiences of trafficking survivors. Effective protection is closely tied to our victim-centered, trauma-informed, and culturally-responsive approaches. Victims should have access to appropriate financial remedies, including restitution. They should also have access to comprehensive services and legal protections, including protection from inappropriate arrest, detention, prosecution, or removal.
- Protecting victims is required under various U.S. legislation, including the Trafficking Victim Protection Act (TVPA), the Crime Victims' Rights Act (CVRA), the Victims' Rights and Restitution Act (VRRA), and the Attorney General Guidelines for Victim and Witness Assistance. These actions are vital to DOJ's mission of protecting and vindicating the rights of vulnerable individuals. These actions are also critical to the ability of law enforcement officials to bring traffickers to justice, provide victim access to the justice system, and redress the crime's harm through restitution, expungement of criminal records, and other remedies available to survivors. Proving the elements of human trafficking crimes usually depends on victim testimony, which requires that victims are able to safely come forward and confide in law enforcement agencies.
- To enhance its overall capacity to protect human trafficking survivors, the United States through DOJ takes specific actions to increase its capacity to provide victim-centered assistance to trafficking survivors, deliver training and conduct outreach to support financial restoration of victims, enhance victim access to comprehensive services, and protect victims from inappropriate arrest, detention, prosecution, or removal.

Victim versus survivor terminology

- We use the terms "victim" and "survivor" to refer to individuals who were subjected to human trafficking. Both terms are important and

have different implications when used in the context of victim advocacy and service provision. For example, the term “victim” has legal implications within the criminal justice process and refers to an individual who suffered harm as a result of criminal conduct. The laws that give individuals particular rights and legal standing within the criminal justice system use the term “victim.” Federal law enforcement uses the term “victim” in its professional capacity. “Survivor” is a term used widely in service providing organizations to recognize the strength and courage it takes to overcome victimization. We differentiate when speaking about an individual vs. defining a person’s role within an investigation or prosecution.

Victim-centered approach

- The victim-centered approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner. A victim-centered approach seeks to minimize re-traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.
- A comprehensive effort should include organizations with expertise in reaching targeted populations in culturally sensitive and linguistically correct ways, as well as those with expertise in trauma, emotional bonding, climate of fear, and other circumstances. The victim-centered approach plays a critical role in supporting victims' rights, dignity, autonomy, and self-determination, regardless of whether they chose to report or cooperate with law enforcement. For victims who do choose to work with law enforcement, employing a victim-centered approach to criminal investigations is fundamental to a successful criminal case.

Trauma-informed approach

- A trauma-informed approach begins with understanding the physical, social, and emotional impact of trauma on the individual, as well as on the professionals who help them. This includes victim-centered practices. It incorporates three elements: 1) Realizing the prevalence of trauma. 2) Recognizing how trauma affects all individuals involved with the program, organization, or system, including its own workforce. 3) Responding by putting this knowledge into practice.

- Using a trauma-informed approach also helps produce better case results for law enforcement. For example, it leads to more effective interviews of victims and witnesses; it maximizes the chances of cooperation with law enforcement; and it helps structure the search for evidence to present a trauma-informed story in court to the fact-finder (judge/jury) and for the purposes of pretrial litigation. In the end, the judge or jury will need to understand the effects of trauma to properly evaluate testimony and credibility in reaching a just verdict.
- While each individual's experience of trauma may be different, it is important to understand how it can tax the individual's coping resources and lead to the initiation of biologically driven survival strategies. Trauma may be the result of a single event (natural disaster, witnessing or experiencing a violent act) or a series of ordeals (long-term abuse). The majority of trafficking situations are the culmination of many traumatic experiences, most of which are untreated. Trauma affects how victims see themselves ("I am helpless," "worthless"), their worldview (the world is dangerous, no one can protect me), and relationships ("I cannot trust anyone"). These beliefs affect how victims respond to services and the criminal justice system, and underscore the importance of task forces taking a trauma-informed approach, not only through service delivery but also throughout the investigation and prosecution process.
- Professional training in trauma and trauma-informed care is essential and strongly encouraged as this training can transform the work of a task force. The bottom line to all interactions with a victim might look like this: "How can I create a situation in which the victim feels safe, makes his or her own choices, and feels understood?"

Culturally-responsive approach

- The ability of an individual or organization to interact effectively with people of different cultures. This includes drawing on knowledge of culturally based values, traditions, customs, language, and behavior to plan, implement, and evaluate service activities. Some organizations use the terms "cultural accountability" or "cultural responsiveness." For example, each case is assessed individually and the specific needs of a survivor in this case may be very different than in another case.

Being culturally responsive means understanding that this particular person who may have a certain faith, or may be from a certain culture, or has different needs to stabilize them in this situation. The more practitioners in the criminal justice system can understand this fact and take steps to understand those differences and how their response may need to differ, the more successful they will be in seeking a survivor's cooperation.

Survivor-informed policies and programs

- A program, policy, intervention, or product that is designed, implemented, or evaluated with intentional partnership, collaboration, and input from survivor leaders or experts to ensure that the program or product accurately represents the needs, interests and perceptions of the target victim population. This definition, and the framework for survivor-informed policies, breaks down your project into these steps: First, obtain perspective by figuring out your project. Identify what is to be improved as a result of this partnership. Then, clearly identify which components are required to make the desired improvements. Lastly, model professionalism when engaging survivors as partners. Be explicit regarding the role of survivors in your project. Ensure clear and consistent communication throughout the partnership. The push to be intentional includes engaging survivors as partners, but it also calls providers to ask deeper questions about their own roles and responsibilities. These survivor leaders should be compensated for their expertise just as the government would with any other expert.

DOJ regularly consults with the U.S. Advisory Council on Human Trafficking, the National Survivor Network and other groups and organizations made of survivor leaders. The groups bring issues to DOJ that they observe or that were presented to them by other survivors for consideration. DOJ consulted with these groups in the development of the DOJ Strategy to Combat HT released earlier this year. In addition, local and regional task forces regularly consult with and often employ survivor leaders to assist with establishing rapport and stabilization when encountering potential crime victims. These survivor leaders should also be compensated for their participation.

- Thank you for your time.

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