

Chapter 12. Victim Services

PULL QUOTE: “Every year, millions of Americans suffer the shock and trauma of criminal victimization, affecting their well-being and sense of security and dignity. To these victims, we affirm our unwavering commitment to supporting them in their hour of need. We also commend the thousands of victim advocates and public safety professionals who labor tirelessly to secure victims’ rights and support survivors.”¹ – Attorney General William Barr, Department of Justice Commemorates National Crime Victims’ Rights Week.

Introduction of the Issue

Under the Victims’ Rights and Restitution Act (VRRRA), 34 U.S.C. § 20141, a crime victim is a person who has suffered direct physical, emotional, or financial harm as a result of the commission of a crime.² Victims may include deceased victims and their families; physically injured individuals; those injured while trying to escape harm; individuals presumed to have suffered emotional harm by being present during the commission of a crime, by being potential targets of the crime, or by witnessing a violent crime; or individuals or businesses who suffer financial harm.

Law enforcement officers play an important role in the experiences of crime victims, as officers are often a victim’s first point of contact with the criminal justice system. As a result, these interactions often have lasting consequences for the victim.

The Bureau of Justice Statistics (BJS) reports that less than half of all violent crimes are reported to the police.³ When victims trust the police, they are more likely to report to law enforcement and participate in the investigative process. A victim’s crime report and ultimately their participation in the investigative process is crucial to ensure that violent offenders are apprehended and taken off the streets, which in turn increases public safety. Victims who receive broad access to services and information can begin to address the trauma they experienced as a result of the crime committed against them. When the relationship between law enforcement and victims of crime is strong, it inspires community trust and publicly reinforces the core values of the police department.

To effectively respond to victims, many law enforcement agencies have strengthened their relationships with victim services organizations. By implementing strategies suggested by organizations such as the International Association of Chiefs of Police’s (IACP) *Enhancing Law Enforcement Response to Victims*, some agencies have embedded victim assistance units within their departments.⁴ Agencies have also begun establishing both formal and informal collaborations with victim service organizations in their communities. Additionally, other larger communities have established family justice centers (FJC) or child advocacy centers (CAC) to address these issues.

This trend to establish and improve victim services ensures that victims are connected to community services that provide the information and guidance needed to understand and navigate what is often a complex criminal justice system. Law enforcement also benefits when they form collaborative partnerships with victim services providers, including creating safer communities and bolstering individual and community trust.

The commission recognizes the many types of victimization, the vast number of victims, the overwhelming need for services, and the complexities of service delivery from the field of stakeholders. This chapter provides a snapshot of key issues, but the topics covered are not an exhaustive list. These recommendations focus on select areas of victimization that may be improved by increasing training requirements, refining

¹ Office of Public Affairs, “Department of Justice Commemorates National Crime Victims’ Rights Week,” U.S. Department of Justice, April 20, 2020, <https://www.justice.gov/opa/pr/departments-justice-commemorates-national-crime-victims-rights-week>.

² “Rights of Federal Crime Victims,” Federal Bureau of Investigation, accessed August 5, 2020, <https://www.fbi.gov/resources/victim-services/rights-of-federal-crime-victims>.

³ Rachel E. Morgan and Barbara A. Oudekerk, *Criminal Victimization, 2018* (Washington, DC: Bureau of Justice Statistics, 2019), 8, <https://www.bjs.gov/content/pub/pdf/cv18.pdf>.

⁴ “Enhancing Law Enforcement Response to Victims (ELERV),” International Association of Chiefs of Police, accessed July 15, 2020, <https://www.theiacp.org/projects/enhancing-law-enforcement-response-to-victims-elerv>.

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victim-related policies and procedures, and increasing federal funding. These concrete recommendations should inform the improvement of other issues within victim services.

12.1 Trauma-Informed Approach to Crime Victims

Background

Trauma is an event, series of events, or set of circumstances experienced by an individual that is physically or emotionally harmful or life-threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.⁵ Trauma occurs when a person is overwhelmed by events or circumstances and responds with intense fear, horror, and helplessness. Extreme stress often overwhelms the person's capacity to cope. Police officers must be able to recognize and address trauma. Using a trauma-informed approach, officers can have a greater awareness of a victim's needs, reduce the potential recurrence of criminal behavior through early intervention and community trust in police, and connect traumatized individuals to appropriate community services and supports.⁶

The impact of trauma on law enforcement officers and other professionals who respond to crime problems should not be ignored. When law enforcement officers encounter victims who have experienced a traumatic event, they too can be exposed indirectly to the trauma.⁷ This is referred to as vicarious trauma, and it can negatively affect an officer's productivity, mental and physical health, and world view.

Current State of the Issue

There is a direct correlation between trauma and physical health conditions, such as diabetes, COPD, heart disease, cancer, and high blood pressure.⁸ Seventy percent of adults—or 223.4 million people—in the United States have experienced some type of traumatic event at least once in their lives.⁹ The impact of trauma can be subtle, insidious, or destructive. How an event affects an individual depends on many factors, including characteristics of the individual, the type and characteristics of the event, developmental processes, the meaning of the trauma, and sociocultural factors.¹⁰

Although many law enforcement officers have received training on the neurobiology of trauma, often, they wrongly dismiss the accounts of survivors because they lack the understanding about how victims of violence react to trauma.¹¹ This can lead to re-traumatizing the victim, an ineffective investigation, and decreased public safety if the offender remains free to commit more crimes. In a blog for End Violence Against Women International, Lieutenant Mike Schentrup, Criminal Investigation Commander of the Gainesville, Florida, police department, describes a victim interview this way:

The inconsistent statements and lack of core details should be expected. These are not signs of

⁵ Substance Abuse and Mental Health Services Administration, *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach* (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014), https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf.

⁶ Altovise Love-Craighead, "Building Trust Through Trauma-Informed Policing," Vera Institute of Justice, *Think Justice* (blog), March 20, 2015, <https://www.vera.org/blog/police-perspectives/building-trust-through-trauma-informed-policing>.

⁷ International Association of Chiefs of Police Law Enforcement Policy Center, *Response to Victims of Crime: Model Policy, Concepts & Issues Paper* (Alexandria, VA: International Association of Chiefs of Police, 2018), <https://www.theiacp.org/sites/default/files/2018-08/VictimsBinder2018.pdf>.

⁸ "How to Manage Trauma," National Council for Behavioral Health, accessed June 30, 2020, <https://www.thenationalcouncil.org/wp-content/uploads/2013/05/Trauma-infographic.pdf?dof=375ateTbd56>.

⁹ National Council for Behavioral Health, "How to Manage Trauma," 1.

¹⁰ Center for Substance Abuse Treatment, *Understanding the Impact of Trauma* (Rockville, MD: Substance Abuse and Mental Health Services Administration), 2014), <https://www.ncbi.nlm.nih.gov/books/NBK207191/>.

¹¹ "The Importance of Understanding Trauma-Informed Care and Self-Care for Victim Service Providers," Office on Violence Against Women, July 31, 2014, <https://www.justice.gov/archives/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>.

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deception—these are biological reactions to trauma. In fact, suspects are usually much more believable because they are not suffering the effects of trauma and can weave a convincing account of their own blamelessness. I learned I should also accept that most victims will delay reporting due to feelings of shame and embarrassment. Needless to say, my current squad of special victims' unit detectives have been well schooled in this area, and they are second to none at helping survivors of sexual assault.¹²

According to the International Association of Chiefs of Police (IACP) “A trauma-informed agency is composed of people who realize and understand how trauma impacts communities and individuals who interact with the criminal justice system. It responds to victims by fully integrating knowledge about trauma into its policies, procedures, and practices, proactively avoiding re-traumatization.”¹³ This also means being able to identify the issue and respond effectively when it happens within one’s own agency.

To have a successful trauma-informed care program, there needs to be a culture shift stemming from agency leaders. Trauma-informed care that meets the needs of both the victims and officers results in improved care and overall productivity while also helping officers perform their roles more effectively.¹⁴

12.1.1 The Police Officers Standards and Training agency in each state should require that training be included in the state's basic academy curriculum and continuing education courses to address the state's victims' rights laws, services available locally to a wide variety of victims, trauma informed care, and the role of crime victim compensation. This training should relate to working with families of homicide victims, survivors of child and elder abuse, sexual assault, human trafficking, domestic violence, assaults and impaired driving crashes, robberies, burglaries, theft and other offenses.

This training requirement will ensure that officers are educated about new approaches, interventions, and research on trauma, trauma-informed care, and individualized victims needs, and ensure that officers better understand the physical, psychological, and social needs of victims and the role trauma plays in how victims respond after a violent crime. It should also provide information on the neurobiological impact of trauma, an understanding of perpetrator behavior, and how to conduct effective investigations.

A trauma-informed training program, that also contemplates a mandatory retraining requirement, strengthens the capacity of law enforcement to provide an effective response to victims of crime while simultaneously holding offenders accountable. It provides information on the neurobiological impact of trauma, the influence of societal myths and stereotypes, an understanding perpetrator behavior, and conducting effective investigations.

12.1.2 Law enforcement agencies should institute policies and procedures that reinforce their agency’s commitment to becoming a trauma-informed department by adopting a policy like the International Association of Chiefs of Police’s model policy on the response to victims of crime.

Trauma-informed policies and procedures are most effective when protocols are established which avoid victim re-traumatization, increase the safety of everyone involved, and increase the effectiveness and efficiency of interactions with victims. Non-sworn specially trained personnel could be used to leverage victim contact and follow-up to help avoid re-traumatization.

[CROSS-REFERENCE OFFICER SAFETY AND WELLNESS]

12.1.3 Law enforcement agencies should seek federal, state, and/or local funding to implement an

¹² Mike Schentrup, “Confessions of a Major Case Detective,” *From the Trenches of EVAWI* (blog), May 31, 2017, <http://www.fromthetrenchesofevawintl.org/2017/05/>.

¹³ International Association of Chiefs of Police Law Enforcement, *Response to Victims*.

¹⁴ Deborah A. Richardson, Victim Services Division Clinical Services Coordinator, Federal Bureau of Investigation, in discussion with the Victim Services Working Group, March 31, 2020.

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improved response to crime victims.

Funding for victim services through the Crime Victims Fund (CVF) is widely available at both the federal and state levels. At the federal level, the Office for Victims of Crime (OVC) and the Office on Violence Against Women (OVW) offer funding to hire victim advocates; create special units within police departments to investigate violent crimes against women; supplement resources in rural, tribal, and other isolated communities; and respond to elder abuse and neglect, victims with disabilities, and many others.¹⁵ Agencies may also seek funding through local private–public partnerships that may be available in their local state or regional areas.

12.1.4 Law enforcement leaders should implement the Enhancing Law Enforcement Response to Victims program within their departments.

Funded by OVC, the Enhancing Law Enforcement Response to Victims (ELERV) program is an “organizational strategy that introduces law enforcement leaders to the benefits, challenges, methods, and responsibilities for enhancing their response to victims of crime.”¹⁶ This strategy focuses on identifying the seven crucial needs of victims: safety, support, information, access, continuity, voice, and justice.¹⁷ Police departments across the nation have established and implemented ELERV with broad positive results, including Chattanooga, Tennessee; Saginaw, Michigan; and Casper, Wyoming.¹⁸

PULL QUOTE: “To not embrace the ELERV strategy is to not embrace police work. We’re there to help people at their time of need; in their worst possible moments, we’re there. The difference we can make by the way we treat those people in that moment of crisis is huge. That’s why we get into police work.”¹⁹ – Chief David Porter, DeWitt, IA Police Department and IACP Victim Services Committee Chair

12.1.5 Law enforcement agencies should identify local research partners and funding to help them assess the victim-related needs of their departments to effectively implement a trauma-informed approach to victim services.

Agencies may find that universities and colleges are willing to enter into research partnerships, as it benefits both the police department and the students studying topics such as criminology, sociology, political science, or juvenile justice. A study by the National Institute of Justice (NIJ) found agencies that partnered with researchers realized many benefits from those collaborations, including novel perspectives and ideas, perceived objectivity and validity, new resources, improved policies and procedures, improved community relations, and enhanced public safety.²⁰

Grants for researcher–practitioner partnerships are usually available through federal agencies such as the NIJ, the Bureau of Justice Assistance (BJA), and the Office of Community Oriented Policing Services (COPS Office).²¹

12.1.6 States should extend their victim’s bill of rights to provide crime victims with a reasonable opportunity to be heard and with reasonable notification of the plea bargaining results.

¹⁵ “Funding & Awards,” Office for Victims of Crime, accessed June 25, 2020, <https://ovc.ojp.gov/funding-and-awards>.

¹⁶ International Association of Chiefs of Police, “Enhancing Law Enforcement Response to Victims (ELERV).”

¹⁷ International Association of Chiefs of Police, *Enhancing Law Enforcement Response to Victims: 21st Century Strategy* (Alexandria, VA: International Association of Chiefs of Police, 2008), https://www.theiacp.org/sites/default/files/all/i-j/IACP_Strategy_REV_09_Layout_1.pdf, 11.

¹⁸ International Association of Chiefs of Police, *Enhancing Law Enforcement Response to Victims*.

¹⁹ David Porter, Chief of Police, DeWitt Police Department, IA, email communication with Victim Services Working Group, May 5, 2020.

²⁰ J. Andrew Hansen, Geoffrey P. Alpert, and Jeffrey J. Rojek, “The Benefits of Police Practitioner–Researcher Partnerships to Participating Agencies,” *Policing: A Journal of Policy and Practice* 8, no. 4 (2014), <https://doi.org/10.1093/police/pau035>.

²¹ “Current Funding Opportunities,” Office of Justice Programs, accessed June 25, 2020, <https://www.ojp.gov/funding/explore/current-funding-opportunities>.

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Victims' bills of rights exist under federal law and in all states.^[1] However, the explicit extension of these rights under plea bargaining are not universal. States should make certain that all victims are provided the opportunity to be notified of the results of plea bargaining. *In the* Texas Code Of Criminal Procedure Chapter 56, *victims have the right to* "be informed, when requested, by a peace officer about the defendant's right to bail and criminal investigation procedures, and from the prosecutor's office about general procedures in the criminal justice system, including plea agreements, restitution, appeals, and parole."^[2]

12.2 Services to Victims with Limited English Proficiency

Background

Individuals with a limited ability to read, speak, write, or understand English are regarded as having a limited English proficiency (LEP). Approximately 25 million Americans are limited-English proficient, and 37 million are deaf or hard of hearing.²²

Federal laws applicable to language access include Executive Order 13166 issued in 2000, Title VI of the Civil Rights Act of 1964, and Title VI regulations, which prohibit discrimination based on national origin. Title VI also asserts that persons with LEP must be afforded a meaningful opportunity to participate in programs that receive federal funds. Federally-funded programs for which such persons qualify must ensure that their policies and practices do not deny or have the effect of denying equal access to individuals with LEP.²³ To help federal agencies carry out these responsibilities, the DOJ issued the *Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency*.²⁴ This LEP guidance sets forth the compliance standards that recipients of federal financial assistance must follow to ensure that programs and activities that are normally provided in English are accessible to LEP individuals.²⁵

The DOJ Civil Rights Division states, the "Americans with Disabilities Act (ADA) requires Title II entities (i.e., state and local governments) and Title III entities (i.e., businesses and nonprofit organizations that serve the public) to communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities."²⁶

Language access must also address the needs of American Sign Language (ASL) users and persons who are deaf or hard-of-hearing. English is the second language of ASL users who may have a limited English proficiency. ASL extends beyond signed English as sign languages, like spoken languages, have different dialects and accents. There are multiple sign languages across the world, and they are not all uniform.

According to the National Association of the Deaf, "we use the lowercase deaf when referring to the audio logical condition of not hearing, and the uppercase Deaf when referring to a particular group of deaf people

^[1] "About Victims' Rights," *Victim Law*, accessed June 15, 2020, <https://victimlaw.org/victimlaw/pages/victimsRight.jsp>.

^[2] "Crime Victim's Rights," Texan Code of Criminal Procedure Title 1, Chapter 56, Article 56.02, accessed June 5, 2020, <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.56.htm>.

²² "Translating Justice," Vera Institute of Justice, accessed July 15, 2020, <https://www.vera.org/projects/translating-justice/learn-more>.

²³ Improving Access to Services for Persons with Limited English Proficiency, Executive Order 13166 (2000), <https://www.lep.gov/executive-order-13166>.

²⁴ Civil Rights Division, "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance," *Federal Register* 65, no. 159 (2000), <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20867.pdf>.

²⁵ Civil Rights Division, "Enforcement of Title VI."

²⁶ Civil Rights Division, *ADA Requirements: Effective Communication* (Washington, DC: U.S. Department of Justice, 2014), <https://www.ada.gov/effective-comm.htm>.

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who share a language—American Sign Language (ASL)—and a culture.”²⁷ This distinction is similar in that it identifies people and groups in the same way Hispanics, African Americans, or Pacific Islanders are identified. Further, persons who are deaf may not consider themselves disabled, only that they communicate in a different language.²⁸

Current State of the Issue

As specified by Pew Research, “The U.S. foreign-born population reached a record 44.4 million in 2017. Since 1965, when U.S. immigration laws replaced a national quota system, the number of immigrants living in the U.S. has more than quadrupled. Immigrants today account for 13.6 percent of the U.S. population, which nearly triples the number of immigrants present in 1970 (4.7 percent).”²⁹

Language is nuanced in that it is defined as a system of communication used by a particular country or community. In everyday interactions, non-verbal communication occurs in many ways. This communication is observed in gestures, facial expressions, tone of voice, eye contact (or lack thereof), body language, posture, and other ways people communicate without using language. Some of the ways people express themselves are based around culture and cultural norms. The knowledge of cultural norms is particularly useful when serving victims from diverse communities.

Effective communication in circumstances involving law enforcement can make the difference between managing a controlled situation or dealing with one that spirals out of control. For example, an LEP victim, with the assistance of an interpreter, may be slow to make eye contact or hesitate during an interview with a police officer. The cultural norm for the officer may place value on direct eye contact and may not believe the victim’s statements. However, the avoidance of eye contact may be the survivor’s cultural norm, a sign of respect, or indicative of traumatic impact.

Another example of cultural differences that may have an impact on victims is in the occurrence of sexual assault. In some cultures, there is no concept of marital rape.³⁰ The lack of cultural awareness or understanding the impact of trauma may lead to difficult and ineffective communication and findings.

In the case of an ASL user, ASL users communicate with their hands. If an ASL user signs in an animated manner, this could be misunderstood unless the police officer understands ASL and knows that this the way an ASL user may communicate. Also, if it becomes necessary and the ASL user is handcuffed, the officer should be aware of the person’s LEP needs and apply handcuffs to the individual in the front, not in the back.

Law enforcement personnel are first responders to many incidents. When officers are unable to communicate well with victims due to a victim having LEP or a disability, it is difficult for them to effectively do their job. Also, language barriers may cause victims to shy away from reporting incidents or giving details on a suspect, and this makes it “that much harder for police to gather evidence or provide protection...Language barriers can even threaten the safety of officers: being unable to communicate with an armed suspect can dangerously exacerbate a life-or-death situation.”³¹

According to the Vera Institute of Justice, “A growing number of agencies are developing policies for interacting with persons who are limited English proficient.”³² While many agencies realize the need to effectively serve individuals with LEP, there are still barriers that make efforts to provide language access

²⁷ “Community and Culture – Frequently Asked Questions,” National Association of the Deaf, accessed June 25, 2020, <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/>.

²⁸ Jannette Brickman, Senior Program Associate, Vera Institute of Justice, “Language Access” (PowerPoint presentation, Victim Services Working Group, virtual meeting, May 12, 2020).

²⁹ Jynnah Radford, “Key Findings about U.S. Immigrants,” Pew Research Center, June 17, 2019, <https://www.pewresearch.org/fact-tank/2019/06/17/key-findings-about-u-s-immigrants/>.

³⁰ Jennifer A. Bennice and Patricia A. Resick, “Marital Rape: History, Research, and Practice,” *Trauma, Violence, & Abuse* 4, no. 3 (2003), <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=201457>.

³¹ Anita Khashu, Insha Rahman, and Susan Shah, *Overcoming Language Barriers: Solutions for Law Enforcement* (New York: Vera Institute of Justice, 2007), 4, https://www.lep.gov/sites/lep/files/resources/vera_translating_justice_final.pdf.

³² Khashu, Rahman, and Shah, *Overcoming Language Barriers*, 9.

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difficult, such as insufficient funding, shortage of translation services, and a lack of knowledge about available resources, best practices, and legal requirements related to LEP. These recommendations are an effort to help counteract the difficulties that law enforcement encounter when assisting individuals with LEP.

12.2.1 Law enforcement agencies, in partnership with culturally specific organizations, should research and identify the demographics and cultures within their communities to determine the needs of persons with limited English proficiency.

Partnerships with culturally specific service organizations (i.e., organizations created by and for specific cultural communities) help establish an exchange of information and understanding between the entities and improves community relations. It also helps establish an effective LEP plan.

Law enforcement should make an effort to get to know their community on a deeper personal level with an emphasis on rapport building. For instance, when Chief Gina V. Hawkins joined the Fayetteville, North Carolina, police department in August 2017, she stated that “the first thing [she] knew [she] had to accomplish was to get to know as many people as possible, internally and externally. The most important partner is the community.”³³ Chief Hawkins immediately sought to engage with the community and encouraged the Fayetteville Police Department to expand upon their efforts to get to know the residents of the community. This was accomplished through various methods such as the Citizens Police Academy, faith forums, and other avenues of engagement.³⁴

12.2.2 Law enforcement agencies should establish and regularly evaluate language access policies and protocols. This includes regularly updating a list of qualified interpreters with specialized experience in trauma-informed care.

This recommendation ensures that the necessary steps to effectively assist individuals with LEP are considered and implemented. Jannette Brickman from the Center on Victimization and Safety at the Vera Institute of Justice provides steps that could be taken to help comply with language access policies. Along with staying up to date on the legal policies surrounding those with LEP, law enforcement can take several best practices, including

- building a list of potential interpreters that they can contact when needed
- developing protocols and including those protocols into a language access plan
- involving LEP and deaf individuals when developing the language access plan
- budgeting for language access and striving to increase the budget by 10 percent each year
- securing telephonic interpreters on a contract basis to assist with LEP needs, such as video remote sign language interpreters³⁵

A qualified interpreter should be used to interrogate a suspect or interview witnesses so as not to adversely affect them. Further, persons who use interpreters rely on a third party to convey their thoughts. This engagement requires a high level of confidence that the information conveyed by all parties involved occurs without compromising the rule of law, victims, or witnesses. The consequences of not using reputable, qualified interpreters can be grave. For instance, in *People v. Sandoval*, a recording of the interrogation “revealed that the person acting as interpreter failed to interpret accurately and made erroneous and conflicting statements to a defendant about his Miranda rights.”³⁶ Mistakes like this can cause significant

³³ “Our Chief, Chief Gina V. Hawkins,” Fayetteville Police Department, accessed June 25, 2020, <https://fayettevillenc.gov/government/city-departments/police/about-us/chief-gina-hawkins>.

³⁴ Fayetteville Police Department, “Our Chief.”

³⁵ Brickman, “Language Access,” May 12, 2020.

³⁶ National Association of Judiciary Interpreters and Translators, *NAJIT Position Paper: Language Assistance for Law Enforcement* (Atlanta: National Association of Judiciary Interpreters and Translators, 2006), 2, <https://najit.org/wp-content/uploads/2016/09/LanguageforLawEnforcement2006.pdf>.

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damage to the outcome of a case. It underscores the importance of selecting qualified interpreters with specialized experience in trauma-informed care.

12.2.3 Law enforcement agencies should diversify hiring practices to include adequate representation based upon community demographics.

An assessment of community characteristics, languages spoken, and other communication needs helps the agency make informed decisions on recruiting and deploying staff. When law enforcement agencies diversify their hiring practices, they can identify qualified bilingual staff with a demonstrated language proficiency in providing culturally relevant language services. Bilingual staff members can step in as needed to assist individuals with LEP.³⁷

12.3 Victims of Domestic and Intimate Partner Violence

Background

Domestic violence, also referred to as intimate partner violence, includes physical, sexual, or emotional abuse and sexual coercion and stalking. Each year, millions of women and men experience intimate partner violence in the United States. It occurs in every community and has an impact on all people regardless of race, gender, socio-economic status, geography, religion, or sexual orientation.³⁸

On average, nearly 20 people per minute are physically abused by an intimate partner in the United States.³⁹ Throughout the United States, 10 percent of women and 2 percent of men have reported being stalked by an intimate partner,⁴⁰ and 9.4 percent reported experiencing intimate partner sexual assault.⁴¹ When an abuser has access to a firearm, the risk of intimate partner homicide for the woman increases by 500 percent.⁴²

Intimate partners are also responsible for 72 percent of murder-suicides.⁴³ Gun-related domestic homicides increased by 26 percent from 2010 to 2017.⁴⁴ On a national level, the Centers for Disease Control and Prevention (CDC) found that domestic violence costs the United States more than \$5.8 billion dollars annually, with 70 percent representing care and mental health expenses as a result of the crime.⁴⁵

In addition, 75 percent of children who witness domestic violence will grow up to repeat the same behavior.⁴⁶ The Anxiety and Depression Association of America has found that intimate partner violence has long-lasting, serious effects on a woman's physical and mental health and that women are up to 10 times more likely to report depression and 17 times more likely to report anxiety if they are in violent relationships.⁴⁷

³⁷ Brickman, "Language Access," May 12, 2020.

³⁸ "Domestic or Intimate Partner Violence," Office on Women's Health, accessed July 15, 2020, <https://www.womenshealth.gov/relationships-and-safety/domestic-violence>.

³⁹ "Statistics," National Coalition Against Domestic Violence, accessed June 26, 2020, <https://ncadv.org/statistics>.

⁴⁰ "Preventing Intimate Partner Violence," Centers for Disease Control and Prevention, October 3, 2019, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>.

⁴¹ National Coalition Against Domestic Violence, *Domestic Violence* (Denver: National Coalition Against Domestic Violence, n.d.), 1, https://assets.speakcdn.com/assets/2497/domestic_violence2.pdf.

⁴² *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 14, 2020) (written statement of Kim Garrett, CEO and Founder, Palomar, Oklahoma City Family Justice Center), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

⁴³ National Coalition Against Domestic Violence, *Domestic Violence*.

⁴⁴ Laura M. Holson, "Murders by Intimate Partners Are on the Rise, Study Finds," *New York Times*, April 12, 2019, <https://www.nytimes.com/2019/04/12/us/domestic-violence-victims.html>.

⁴⁵ Garrett, *President's Commission on Law*, April 14, 2020.

⁴⁶ Kim Garrett, CEO and Founder, Palomar, Oklahoma City Family Justice Center (presentation to Victim Services Working Group, virtual meeting, April 16, 2020).

⁴⁷ Luana Marques, "Intimate Partner Violence – What Is It and What Does It Look Like?," Anxiety and Depression Association of America, accessed June 26, 2020, <https://adaa.org/learn-from-us/from-the-experts/blog-posts/consumer/intimate-partner-violence-what-it-and-what-does>.

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Current State of the Issue

Law enforcement professionals face significant challenges when encountering victims of intimate partner-related crimes as they have multi-faceted needs for specific services. Services which either (a) extend in duration far beyond what the embedded law enforcement victim advocate can provide during the investigation, prosecution, and sentencing stages of an individual case, or (b) exceed the expertise, capability, and training of embedded law enforcement victim services personnel. Many victims need a variety of services, including child and family, mental health, job, housing, legal aid, substance abuse, health and wellness, medical, therapy, or spiritual services. Small and rural law enforcement agencies and prosecutor offices are simply unable to provide and sustain such embedded victim services or advocate personnel. Larger agencies and prosecutor offices may provide embedded victim services personnel, but those services are often limited in expertise and time.

PULL QUOTE: “The Family Justice Center model is victim-centered and brings all services into one convenient location, reducing barriers and increasing access for families to receive a variety of services. . . . Partners have said what used to take seven weeks of coordinating between professionals, now takes seven minutes, thanks to physically working in the same location.”⁴⁸- Kim Garrett, CEO and Founder Palomar Family Justice Center

Although many governmental and non-governmental (NGO) entities provide specific services to victims, these services are often independent of each other and are siloed in multiple locations in the community. This leaves victims on their own to discover what services are available and to navigate how to access those services. This lack of coordination and co-location of services leaves victims confused and frustrated, resulting in many victims abandoning their pursuit of needed services and the case against their abuser.

In many areas, the Family Justice Model (FJC) model has provided effective, collaborative victim services in providing a coordinated community response.⁴⁹ FJCs bring together multiple victim-centered service partners, each with their own area of expertise and specialized training, to work collaboratively under one roof. FJCs focus on reducing the number of times victims tell their story, reducing the number of places victims must go for help, and increasing access to services and support for victims and their children from the moments following the abuse to far beyond the prosecution and sentencing of the offender.⁵⁰ This type of coordination allows for regular high-risk team meetings, which—together with law enforcement—ensures a rapid collective response to cases with the highest lethality potential.

Where FJCs are providing holistic, wrap-around services to the victim, law enforcement and prosecutors can more readily focus on the specific investigation and prosecution to ensure that the abuser is held accountable. FJCs are also a viable option in rural and smaller communities, where they can be established on a part-time or even once-a-week basis and in smaller venues.⁵¹ There are approximately 130 FJCs throughout the nation, and that number is growing.⁵²

Currently, unintentional barriers exist for various domestic violence service providers to share information in a collaborative model, like FJCs. For example, federal Violence Against Women Act (VAWA) grantees are required to protect the confidentiality of persons to whom those grantees are providing services, and they are also required to collaborate with other agencies. Yet, current federal policies limit sharing in collaborative and integrative environments. This incompatibility in policy cripples collaborative models that are trying to work together and frustrates victims who must retell their stories multiple times to different providers.

⁴⁸ Garrett, *President’s Commission on Law*, April 14, 2020

⁴⁹ Laura Rogers, Acting Director, Office of Violence Against Women, in discussion with Victim Services Working Group, virtual meeting, April 7, 2020.

⁵⁰ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 22, 2020) (written statement of Joyce Bilyeu, Survivor, Director of Client Services, Sacramento Regional Family Justice Center), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

⁵¹ Gael Strack and Casey Gwinn, *Dream Big, Start Small: How to Start and Sustain a Family Justice Center* (San Diego: National Family Justice Center Alliance, 2012).

⁵² Garrett, *President’s Commission on Law*, April 14, 2020.

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Victims who choose to get wraparound services in a collaborative model and agree to release their information should have the option of shared consent.

Social service providers face significant challenges in meeting the unique needs of victims of intimate partner-related crimes. OVW reports the most often cited areas of need mentioned by OVW grantees are

- sustaining core services for victims, particularly safe transitional and permanent housing
- addressing victims' basic needs, including food, shelter, transportation, mental health services, and childcare
- providing culturally and linguistically competent services, outreach, and education, especially interpretation and translation
- providing services and support to immigrant and refugee victims and their communities and improving training for service providers on the particular needs of these populations
- improving offender accountability through monitoring, batterer intervention programs (BIP), and stricter enforcement of protective orders
- ensuring that services are accessible to people with disabilities and addressing the specific needs of older adult victims
- providing civil legal representation for low-income victims in cases involving divorce, custody, and visitation
- mitigating barriers to consistent and comprehensive services for victims in rural areas and tribal communities, such as challenges to maintaining confidentiality and lack of transportation⁵³

12.3.1 All state, local, tribal, and federal prosecutors' offices should implement policies requiring basic and ongoing victim-centered training for cases that involve victims of intimate partner-related crimes.

Trauma-informed training is essential for prosecutors to help establish trust with the victim.⁵⁴ While many agencies use these practices and receive this training, they should be standard procedures nationwide.⁵⁵

12.3.2 Congress should provide increased funding to the Department of Justice to support additional victim services or advocates that are embedded inside law enforcement agencies and prosecutors' offices.

Law enforcement agencies that have victim advocates embedded in their agencies are able to convict more offenders. When victims have access to victim services during an investigation, their rate of cooperation increases. This gives law enforcement the necessary information they need to successfully prosecute the offender.⁵⁶ Unfortunately, according to Stan Knee, Chief of the Austin Police Department, "80 percent of crime victims may not have victim assistance available to them unless a unit exists within a police department."⁵⁷ Increased funding will likely increase the number of advocates embedded in agencies and the provision of services to all crime victims.

12.3.3 Congress should provide increased funding to the Department of Justice to support regionally based victim services or advocates to provide shared services among smaller or rural areas.

⁵³ Rogers, in discussion with Victim Services, April 7, 2020.

⁵⁴ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 22, 2020) (written statement of Natasha Alexenko, Founder, Natasha's Justice Project), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

⁵⁵ Garrett, *President's Commission on Law*, April 14, 2020.

⁵⁶ Susan G. Parker, *Establishing Victim Services Within a Law Enforcement Agency: The Austin Experience* (Washington, DC: U.S. Department of Justice, 2001), https://www.ncjrs.gov/ovc_archives/bulletins/evs_3_2001/NCJ185334.pdf, 1.

⁵⁷ Parker, *Establishing Victim Services*.

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Law enforcement agencies in smaller or rural areas may not always have the necessary resources that they need due to “availability, timeliness, and [the] quality of victim services.”⁵⁸ Programs such as the Victim Services in Rural Law Enforcement Initiative provide much-needed funding and resources to “integrate a strong victim assistance component into rural law enforcement agencies.”⁵⁹ These types of programs help rural areas bridge the gap in victim services.

12.3.4 Local governments should adopt family justice center collaborative models.

The FJC model supports the coordination and co-location of multi-agency (governmental and non-governmental organizations) and multidisciplinary services. This model provides easy access to victims, reducing the number of times victims must tell their story and the number of different places they must go to be served. Ideally, funding would support multi-agency teams within an FJC to create new positions including, but not limited to:

- prosecutors (both cross deputized and local)
- therapists and counselors
- civil legal assistance
- detectives
- advocates⁶⁰
- child and adult protective services assistance⁶¹

According to NIJ, “The most common sources of funding for FJCs is public funding (63 percent), federal grants (57 percent), and donations or fundraising (53 percent). The most commonly received federal grant was ‘Grants to Encourage Arrest and Enforce Protection Orders Improvement.’”⁶²

PULL QUOTE: “Over the past few decades, the Office on Violence Against Women (OVW) has developed several initiatives to support survivors of sexual assault. . . . I know several law enforcement officials who are grateful for the training they have received through these programs. While it may be difficult to determine by metrics and data, survivors are aware and grateful for these efforts.”⁶³ - Natasha Simone Alexenko, Founder, Natasha’s Justice Project

12.3.5 The Department of Justice should review the confidentiality requirements imposed on recipients grants that support victims of crime and modify those requirements.

Client confidentiality is of utmost importance. Therefore, the requirements should be revised to either allow the controlled sharing of information in collaborative victim services models among service providers or provide a single uniform informed consent form for collaborative service providers to use. This would allow the victim to provide consent for information sharing and to avoid having to recount their experience to multiple providers.

12.4 Age-Based Victims

⁵⁸ “Victim Services in Rural Law Enforcement,” National Criminal Justice Research Service, accessed July 15, 2020, https://www.ncjrs.gov/ovc_archives/reports/focuson/victimservices/pg2.html.

⁵⁹ National Criminal Justice Research Service, “Victim Services.”

⁶⁰ Garrett, *President’s Commission on Law*, April 14, 2020.

⁶¹ Lisa Bourgoyne, Director of Forensic Services, Children’s Assessment Center, in discussion with Victim Services Working Group, virtual meeting, May 7, 2020.

⁶² Abt Associates and Alliance for HOPE International, *Environmental Scan of Family Justice Centers, Final Report* (Cambridge, MA: Abt Associates, 2018), 8, <https://www.ncjrs.gov/pdffiles1/nij/grants/251561.pdf>.

⁶³ Alexenko, *President’s Commission on Law*, April 22, 2020.

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Background

The elderly and youth are both vulnerable populations who may be unintentionally overlooked when discussing victims of crime. Both are often unable to defend or protect themselves against a perpetrator, and they may be afraid to speak up for fear of additional harm. Moreover, they are often victims as the result of isolation, neglect, illness, or sheer opportunity. This section highlights some of the more prevalent crimes against the elderly and youth, and it provides recommendations on how law enforcement may best serve and support each population.

Elderly Victims of Crime

Elder abuse is an intentional or negligent act by any person that causes harm or a serious risk of harm to an older adult.⁶⁴ It is a term used to describe five subtypes of elder abuse: physical abuse; financial fraud; caregiver neglect and abandonment; psychological abuse; sexual abuse, scams and exploitation. Elder abuse is a serious crime against some of the nation's most vulnerable citizens, affecting at least 10 percent of older Americans every year.⁶⁵ Together with federal, state, local, and tribal partners, DOJ is committed to combatting all forms of elder abuse and financial exploitation through enforcement actions, training and resources, research, victim services, and public awareness.⁶⁶

The DOJ Elder Justice Initiative provides several resources to combat elder abuse and fraud, in addition to tools for law enforcement to better serve seniors within their respective communities.

The Justice Initiative states,

The 10 DOJ regional Elder Justice Task Forces bring together federal, state, and local prosecutors; law enforcement; and agencies that provide services to the elderly. These teams coordinate and enhance efforts to pursue nursing homes that provide grossly substandard care to their residents. The Elder Justice Task Forces are led by representatives from the U.S. attorneys' offices, state Medicaid Fraud Control Units, state and local prosecutors' offices, the Department of Health and Human Services (HHS), state Adult Protective Services agencies, Long-Term Care Ombudsman programs, and law enforcement.⁶⁷

The Elder Abuse Prevention and Prosecution Act allowed for the creation of training and resources for elder justice professionals. Recognizing the importance of state, local, and tribal law enforcement officials in supporting the safety of the elder population, the Elder Justice Initiative collaborated with law enforcement agencies to create the Elder Abuse Guide for Law Enforcement (EAGLE). EAGLE is an online platform that provides law enforcement with "resources including a first responder checklist, evidence collection tips, information on how to recognize an abuser, a zip code locator for community resources, a list of state statutes and possible charges, and training activities such as law enforcement-tailored webinars."⁶⁸

Youth Victims of Crime

Every year, thousands of children are victims of crimes or maltreatment involving physical, sexual, or emotional abuse /or neglect. Consequently, child victimization and abuse are associated with problem behaviors that may become apparent later in life. In addition, "abused and neglected children are 59 percent more likely to be arrested for juvenile crime [and] 28 percent more likely to be arrested as an adult."⁶⁹ Also, 93 percent of youth in detention reported exposure to previous adverse events, including physical and sexual

⁶⁴ "Elder Justice Initiative (EJI)," U.S. Department of Justice, October 19, 2015, <https://www.justice.gov/elderjustice>.

⁶⁵ U.S. Department of Justice, "Elder Justice Initiative."

⁶⁶ U.S. Department of Justice, "Elder Justice Initiative."

⁶⁷ "Elder Justice Task Forces," U.S. Department of Justice, accessed July 15, 2020, <https://www.justice.gov/elderjustice/task-forces>.

⁶⁸ Office of the Attorney General, *Attorney General's Annual Report to Congress on Department of Justice Activities to Combat Elder Fraud and Abuse* (Washington, DC: U.S. Department of Justice, 2019), 15-16, <https://www.justice.gov/file/1211066/download>.

⁶⁹ Bourgoyne, in discussion with Victim Services, May 7, 2020.

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abuse.⁷⁰

[CROSS REFERENCE JUVENILE JUSTICE]

Youth who have been victims of crime or who have experienced trauma—either from the incident leading to police involvement or in the past—may have even more difficulty cooperating with police.⁷¹ For most children, police are their first window into the justice system. These early interactions with law enforcement can color the views that young people hold about police and law enforcement throughout their adult lives. Further, when children witness a parent, guardian, or other family member being arrested, the child may experience long-term consequences. In 2014, IACP published a report indicating that most law enforcement agencies do not have specific policies for protecting children who are present during an arrest.⁷² Officers should have the training and tools to mitigate the trauma to children who are present during the arrest of an adult.⁷³

While not all child victims will engage in risky or delinquent conduct, almost all young people who end up in the juvenile justice system were also victims themselves. Approximately 70 percent of youth in the juvenile justice system have almost all lived through prior victimization and trauma.⁷⁴ While some juvenile justice systems have integrated this understanding into their responses to arrested youth, law enforcement has largely been left behind in these reforms.

Generally, the lack of law enforcement policies and training around youth development, and specifically trauma-related behaviors, is detrimental to both officers and youth. As Lisa Bourgoyne, the Director of Forensic Services for the Children’s Assessment Center in Houston, Texas, notes, “Sometimes victims don’t look the way [officers] think they should look, sometimes the stories don’t always sound creditable to [them], and sometimes officers don’t know or understand victimization.”⁷⁵ Officers need the training to recognize behaviors that are common responses to trauma in youth, to de-escalate situations and accurately assess behaviors.⁷⁶

Current State of the Issue

Despite the vigilant efforts of social service networks and law enforcement-based systems to better identify crimes against the elderly and youth, many crimes remain unnoticed. The nation has both aging and youth populations that are under-represented but are increasingly experiencing victimization.

Elderly Victims of Crime

According to the National Council on Aging, “approximately 1 in 10 Americans age 60 or older have experienced some form of elder abuse. Some estimates range as high as five million elders who are abused each year.”⁷⁷ Unfortunately, a disproportionate amount of cases are reported. Out of 14 cases, approximately one may be reported. Both men and women have been found to be abusers.⁷⁸ An alarming

⁷⁰ Bourgoyne, in discussion with Victim Services, May 7, 2020.

⁷¹ Rhonda McKitten, Youth Policy and Training Specialist, Philadelphia Police Department, PA, email communication with Victim Services Working Group, May 31, 2020.

⁷² International Association of Chiefs of Police, *Safeguarding Children of Arrested Parents Toolkit* (Alexandria, VA: International Association of Chiefs of Police, 2014), <https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit>.

⁷³ McKitten, email communication with Victim Services, May 11, 2020.

⁷⁴ Renee VandenWallBake, “Considering Childhood Trauma in the Juvenile Justice System: Guidance for Attorneys and Judges,” American Bar Association, accessed August 5, 2020, https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol_32/november-2013/considering-childhood-trauma-in-the-juvenile-justice-system--gui/.

⁷⁵ Bourgoyne, in discussion with Victim Services, May 7, 2020.

⁷⁶ McKitten, email communication with Victim Services, May 11, 2020.

⁷⁷ “Elder Abuse Statistics and Facts,” National Council on Aging, accessed June 26, 2020, <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>

⁷⁸ National Council on Aging, “Elder Abuse Statistics and Facts.”

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number of perpetrators are family members, and two thirds of offenders are older children or intimate partners.⁷⁹

The risk of death increases by 300 percent for elders who are maltreated.⁸⁰ Monetary loss resulting from financial abuse and fraud in the elderly population ranges from approximately \$2.9 billion to \$36.5 billion, but this loss may be underreported.⁸¹ Financial abuse is reported at a higher rate than other forms of abuse or neglect by those affected.⁸²

The commitment to eradicate elder scams, fraud, and exploitation is demonstrated in the establishment of the Transnational Elder Fraud Strike Force. The DOJ's 2018 and 2019 Elder Fraud Sweeps, in addition to the 2018 Rural and Tribal Elder Justice Summit, brought criminal and civil proceedings against more than 500 perpetrators of fraud. These perpetrators caused a total loss of \$1.5 billion from three million victims.⁸³

Federal asset forfeiture laws are frequently the most effective tool in recovering the proceeds and property of federal crime for use in compensating victims. Federal asset forfeiture statutes provide authority to return forfeited assets to victims of the crime underlying the forfeiture.⁸⁴ The DOJ Asset Forfeiture Program plays a critical and key role in transferring and restoring forfeited assets to victims.

"Fraud against the elderly is on the rise," said Attorney General Barr. "One of the most significant and pernicious causes for this increase is foreign-based fraud schemes. The new Transnational Elder Fraud Strike Force will bring together the expertise and resources of our prosecutors, federal and international law enforcement partners, and other government agencies to better target, investigate, and prosecute criminals abroad who prey on our elderly at home. The Department of Justice is committed to ending the victimization of elders across the country."⁸⁵

[CROSS REFERENCE REDUCTION OF CRIME]

Youth Victims of Crime

Despite being victimized more often than other age groups, adolescents are the least likely to report their victimization.⁸⁶ BJS's National Crime Victimization Survey (NCVS) asks victims of crime whether the crimes were reported to police. The 2018 NCVS report states, "The rate of violent victimizations not reported to police rose from 9.5 per 1,000 persons age 12 or older in 2015 to 12.9 per 1,000 in 2018, while the rate of violent victimizations reported to police showed no statistically significant change."⁸⁷

According to the Children's Advocacy Center, 1 in 10 children will be sexually abused before they turn 18, but most sexual assaults are never reported.⁸⁸ BJS reports that only a third of sexual assaults against youth were reported to police.⁸⁹ Often, it is difficult for victims of crime to come to terms with their experience. The shock and stigma surrounding victimization can deter victims from reporting the crime. This is no different for

⁷⁹ National Council on Aging, "Elder Abuse Statistics and Facts."

⁸⁰ "Elder Abuse Statistics," Nursing Home Abuse Center, accessed June 26, 2020, <https://www.nursinghomeabusecenter.com/elder-abuse/statistics/>

⁸¹ National Council on Aging, "Elder Abuse Statistics and Facts."

⁸² National Council on Aging, "Elder Abuse Statistics and Facts."

⁸³ U.S. Attorney's Office, Eastern District of New York, "Justice Department Announces Transnational Elder Fraud Strike Force," U.S. Department of Justice, June 13, 2019, <https://www.justice.gov/usao-edny/pr/justice-department-announces-transnational-elder-fraud-strike-force>.

⁸⁴ Civil Forfeiture, 18 U.S.C. § 981 (2000), <https://www.govinfo.gov/app/details/USCODE-2011-title18/USCODE-2011-title18-part1-chap46-sec981>.

⁸⁵ U. S. Attorney's Office, Eastern District of New York, "Justice Department Announces Transnational."

⁸⁶ Morgan and Oudekerk, *Criminal Victimization*, 2018.

⁸⁷ Morgan and Oudekerk, *Criminal Victimization*, 2018.

⁸⁸ Bourgoyne, in discussion with Victim Services, May 7, 2020; and Catherine Townsend and Alyssa A. Rheingold, *Estimating a Child Sexual Abuse Prevalence Rate for Practitioners: A Review of Child Sexual Abuse Prevalence Studies* (Charleston, SC: Darkness to Light, 2013), <https://www.d2l.org/wp-content/uploads/2017/02/PREVALENCE-RATE-WHITE-PAPER-D2L.pdf>.

⁸⁹ Lawrence A. Greenfeld, *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault* (Washington, DC: Bureau of Justice Statistics, 1997), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=3963>.

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teens who may have to contend with additional concerns, such as difficulty processing the fact that they were victimized and fearing retribution. Teens may also find it difficult to trust adults, and they may not have sufficient access to or knowledge about the appropriate services.⁹⁰In addition, “legal issues involved in working with minors, such as parental consent and mandatory reporting, make some victim service providers reluctant to reach out to them. As a result of these factors, needed services are not reaching many teen victims.”⁹¹

Children’s Advocacy Centers (CAC) provide a comprehensive model for tending to the needs of children. Their primary mission is to improve how cases of abuse and neglect are handled, increase the number of offenders that are brought to justice, and provide cost-effective integrated treatment services. A collaborative team of multiple service providers, including local government agencies, conduct interviews together and manage and investigate cases as a team. Some CACs have a designated team focused primarily on child fatalities resulting from abuse or neglect. These designated teams work towards preventing child abuse fatalities. In a span of 10 years, CACs have been implemented into approximately 300 communities.⁹²

12.4.1 The Police Officers Standards and Training agency in each state should require that victim services training be added to their basic academy curriculum and continuing education courses for both police officers and police chiefs. This training should include financial investigations to take proceeds away from criminals and return the funds to victims.

Most states mandate courses for basic training, in-service training for officers, and special training for police chiefs. The recommended training should be included in all three of these training programs. Chief Ken Walker of the West University Place, Texas, police department states, “The training won’t be standalone, but rolled into trainings that are already mandated. This will cut travel expenses.”⁹³Chief Walker also mentioned that rural law enforcement agencies may not have the funds to constantly send officers to training.⁹⁴ Approaching training in the aforementioned manner would not add hours to the programs. Therefore, no additional costs would be passed on to agencies that may not be able to afford the training. Training should also have a virtual option that includes audio, video, and examples rather than using PowerPoint presentations as the primary option for training.⁹⁵ This will ensure accessibility and consistency of training across the board.

12.4.2 Local governments should implement ongoing elder abuse training opportunities for first responders, prosecutors, judges, and advocates.

As the elderly population increases in age, law enforcement should have the necessary training and resources to handle crimes against the elderly. To address these needs, the IACP worked with the Pacific Architects and Engineers (PAE) and DOJ’s Elder Justice Initiative to create a video series to educate law enforcement on recognizing signs of abuse and a resource to help track areas of potential criminal activity.⁹⁶

12.4.3 Law enforcement agencies should ensure that appropriate policies and procedures exist to meet the specific needs of victims they encounter.

Agencies should research and identify specific demographics or cultures within their communities and create

⁹⁰ Julie Whitman and Elizabeth Joyce, *Reaching and Serving Teen Victims: A Practical Handbook* (Washington, DC: National Crime Prevention Council, 2005), 1-2, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/nci211701.pdf>.

⁹¹ Whitman and Joyce, *Reaching and Serving Teen Victims*, 1-2.

⁹² Office of Juvenile Justice and Delinquency Prevention, *Combating Violence and Delinquency: The National Juvenile Justice Action Plan* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1996), 65, <https://www.ncjrs.gov/pdffiles/jjplanfr.pdf>.

⁹³ Ken Walker, Chief of Police, West University Place Police Department, TX, in discussion with Victim Services Working Group, virtual meeting, May 28, 2020.

⁹⁴ Walker, in discussion with Victim Services, May 28, 2020.

⁹⁵ Carol Watkins and Erin Stark, *Learning About Victims of Crime: A Training Model for Victim Service Providers and Allied Professionals* (Washington, DC: Office for Victims of Crime, 2003), https://www.ncjrs.gov/ovc_archives/bulletins/VS2000trainingmodel/nci199934.pdf.

⁹⁶ “Identifying and Responding to Elder Abuse: An Officer’s Role,” International Association of Chiefs of Police, accessed August 5, 2020, <https://www.theiacp.org/elder-abuse>.

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partnerships with culturally specific service organizations to establish an exchange of information, which will help law enforcement better assess and respond to specific needs of victims.

12.4.4 Local governments should implement ongoing training requirements for law enforcement on crimes involving youth victims.

Ongoing officer training (i.e., academy and in- service) should occur in the following areas:

- adolescent development and youth trauma and how it affects interactions with police as victims, witnesses, or during arrest
- concrete strategies for officers to respond to signs of child trauma and victimization including de-escalation techniques and witness interview techniques
- Identification and follow up on indications of child sex trafficking

12.4.5 Congress should increase funding to support child advocacy centers.

CACs should be prioritized for long-term federal funding to support the coordination and co-location of multi-agency (i.e., governmental and non-governmental organizations) and multidisciplinary services. This model provides easy access to victims, which reduces the number of times victims need to tell their story and the number of different places they need to go to be served. Funding should support multi-agency teams within a CAC.

12.4.6 Congress should increase federal funding to support local law enforcement with system-based victim advocates that are trained to work with young victims.

System-based victim advocates provide a crucial service to youth by focusing on “supporting victims through the criminal justice system; providing information, education, and notification about what is occurring with their case; and [ensuring] that their rights are upheld.”⁹⁷ The delicate issues concerning the abuse of youth require the use of qualified advocates who can support youth through traumatic times in their lives.

12.4.7 Congress should increase funding to support local coordinated community response teams.

Coordinated community response teams address systems change, advancing both victim safety and offender accountability. They also support crimes against youth through multidisciplinary efforts, such as case coordination teams and other models of collaboration, including forensic centers and child fatality review teams.

12.5 Human Trafficking

Background

Human trafficking is referred to as modern day slavery, characterized by the forced labor of a person for the benefit of another.⁹⁸ Human trafficking touches every aspect of the criminal world from sex crimes to forced labor for household duties. It is essentially the maintenance of labor and or sexual services of another human being through force, coercion, or fraud. Victims do not have to be mobile or move from place to place for human trafficking to occur. More than a million individuals are victims of human trafficking.⁹⁹ Alison Boak,

⁹⁷ Maureen Baker, Erica King, and Tara Wheeler, "Section 5: Building Partnerships," National Institute of Corrections, 2016, <https://info.nicic.gov/wwvc/node/9>.

⁹⁸ "Human Trafficking," National Human Trafficking Hotline, accessed July 16, 2020, <https://humantraffickinghotline.org/type-trafficking/human-trafficking>.

⁹⁹ International Association of Chiefs of Police, *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation* (Alexandria, VA: International Association of Chiefs of Police, 2007), <https://www.theiacp.org/resources/document/the-crime-of-human->

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Co-founder and Executive Director of the International Organization for Adolescents (IOFA), confirmed that human trafficking can happen to anyone. She described the main human trafficking targets as individuals who are undocumented migrants, runaway or homeless youth; people with disabilities; victims of abuse or domestic violence; persons who are LGBTQ; those desperate for education, jobs, or better opportunities; displaced persons from civil unrest, natural disasters, or political instability; and individuals who are impoverished, indebted, or in a vulnerable state.¹⁰⁰ Human traffickers primarily prey on those who they deem to be vulnerable, regardless of race, class, or other criteria.¹⁰¹

Although human trafficking has affected many different communities, Native American and Alaskan Native communities have experienced the largest number of sex trafficked victims in the nation. U.S Senator Lisa Murkowski of Alaska explained that in a 10-city study on human trafficking, Alaska respondents reported more trafficking than New Orleans, New York, Los Angeles, Detroit, and Atlanta.¹⁰² “One in four homeless youth in Anchorage, Alaska, were trafficked,” she said.¹⁰³ “In 2015, the National Congress of American Indians found that an estimated 40 percent of women who are victims of sex trafficking identify as American Indian, Alaska Native, or First Nations.”¹⁰⁴

[CROSS REFERENCE RURAL AND TRIBAL]

According to Alison Boak, at least 28 percent of U.S. human trafficking cases are children and youth younger than age 18.¹⁰⁵ Victims younger than age 18 are distinctly different from those who are older, and they are automatically designated as human trafficking victims because they often lack the rational thinking to provide consent due to immaturity, developmental differences, or invisible trauma bonds. As a result, safe harbor laws have been established in many states to “ensure that minors are not criminalized for prostitution and that victim services are provided to all sexually exploited youth.”¹⁰⁶

President Trump signed the Executive Order on Combating Human Trafficking and Online Child Exploitation in the United States on January 31, 2020.¹⁰⁷ The task force was developed to conduct listening sessions through subject matter experts and local police and to create a broader cultural shift in the mitigation of human trafficking.¹⁰⁸ This milestone confirmed the importance of trafficking task forces being established on a federal, state, and local cooperative effort to combat trafficking.

While conducting investigations, law enforcement should be mindful of the ploys and tactics used by traffickers. Some of the many tactics employed by traffickers include using or threatening to use violence; making false promises; depriving the person of basic necessities such as food, water, or sleep; threatening deportation or law enforcement action; and restricting contact with family and friends.¹⁰⁹ The trauma caused

[trafficking-a-law-enforcement-guide-to-identification-and; “The Victims,” National Human Trafficking Hotline, accessed July 16, 2020, https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/victims.](https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/victims)

¹⁰⁰ Alison Boak, Executive Director, International Organization for Adolescents, “Youth Victims of Crime: Current Challenges, Recommendations, and Best Practices” (PowerPoint presentation, Victim Services Working Group, virtual meeting, April 30, 2020).

¹⁰¹ “Myths, Facts, and Statistics,” Polaris Project, November 7, 2018, <https://polarisproject.org/myths-facts-and-statistics/>.

¹⁰² “Senator Murkowski’s Opening Statement on Human Trafficking of American Indians & Alaska Natives,” YouTube, 2017, <https://www.youtube.com/watch?v=Uga71essxd0>.

¹⁰³ YouTube, “Senator Murkowski’s Opening Statement.”

¹⁰⁴ “Why Traffickers Go After Native American Women,” *Navajo-Hopi Observer* (Flagstaff, AZ), March 19, 2019, <https://www.freedomunited.org/news/why-traffickers-go-after-native-american-women/>.

¹⁰⁵ Boak, “Youth Victims of Crime,” April 30, 2020.

¹⁰⁶ “Safe Harbor: Does Your State Arrest Minors for Prostitution?,” Human Trafficking Search, 2018, <https://humantraffickingsearch.org/safe-harbor-does-your-state-arrest-minors-for-prostitution/>.

¹⁰⁷ Combating Human Trafficking and Online Child Exploitation in the United States, Executive Order 13903 (2020), <https://www.whitehouse.gov/presidential-actions/executive-order-combating-human-trafficking-online-child-exploitation-united-states/>.

¹⁰⁸ Stacie Harris, National Coordinator, Child Exploitation Prevention and Interdiction, U.S. Department of Justice, and Bill Woolfe, Principal Deputy Director, Office of Victims of Crime, “Human Trafficking and Child Exploitation” (presentation, Victim Services Working Group and Rural and Tribal Law Enforcement Working Group, virtual meeting, April 14, 2020).

¹⁰⁹ “Human Trafficking 101 for Law Enforcement,” *Police Chief Magazine*, July 1, 2014, 101, <https://www.policechiefmagazine.org/human-trafficking-101-for-law-enforcement1/>.

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to the victims can be so harmful that many may not identify themselves as victims or ask for help, even in highly public settings. Additionally, some victims fear law enforcement because of their immigration status in the country, while others mistrust law enforcement officers because of their own cultural differences and biases and their perception of how law enforcement responds to victims.

Adults who are coerced or forced into commercial sexual activities are not criminals and should not be incarcerated or treated as criminals, even if they appear to be willing participants at first appraisal.¹¹⁰

Current State of the Issue

It is important for survivors of trafficking to be given services that address trauma and to provide therapy and treatment for their healing within a cultural context. Without the appropriate programs to facilitate and combat it, trauma has been shown to manifest itself through alcoholism, drug abuse, and crimes. This is particularly crucial for certain areas with a greater need. The two leading cultural groups within the United States that have been disproportionately affected by human trafficking are American Indians and Alaskan Natives.¹¹¹ Stacie Harris, the National Coordinator for Child Exploitation Prevention and Interdiction and the National Human Trafficking Coordinator at DOJ, states that “there aren’t enough victims’ services in Indian Country.” She explains, “People in Indian Country want funding from the federal government, but they want the freedom to develop their own services” because they fear that services created without their input may not be culturally competent to meet their unique needs and traditions.¹¹²

The United States is making efforts to address human trafficking. More states have human trafficking laws, and more investigations are taking place in order to recover victims. As a result, the country is more supportive of putting in place resources that can assist.¹¹³ However, training within all sectors needs improvement to understand the diverse dynamics of human trafficking. This training applies to law enforcement trying to apply vice style tactics to human trafficking. Because human trafficking is a unique crime, it should have a specific investigative process. The victimology is considerably different from other crimes. Just like with other victims, interviewing and reporting by law enforcement are an integral part of building data and relationships with human trafficking victims. Law enforcement should have training in communicating with these types of victims.

12.5.1 Local, state, and federal agencies should form collaborative task forces to combat human trafficking.

Human trafficking is rarely confined to a single location, and it should be addressed on a local, state, and regional level. Best practice models for rural, suburban, and urban law enforcement responses to child sex trafficking should be provided to law enforcement officers and supported with training and implementing funding.¹¹⁴

12.5.2 States should ensure that funds collected via asset forfeiture are made available to compensate victims of human trafficking.

Special federal provisions allow funds recovered through asset forfeiture to be used for victims of human trafficking. This helps to ensure that the needs of human trafficking victims are met, because those who are rescued usually do not have the financial means to care for themselves immediately after going through such an ordeal.¹¹⁵

¹¹⁰ *Police Chief Magazine*, “Human Trafficking 101.”

¹¹¹ Harris and Woolfe, “Human Trafficking and Child Exploitation,” April 14, 2020.

¹¹² Harris and Woolfe, “Human Trafficking and Child Exploitation,” April 14, 2020.

¹¹³ Boak, “Youth Victims of Crime,” April 30, 2020.

¹¹⁴ Isaiah B. Pickens et al., *Victimization and Juvenile Offending* (Los Angeles: National Child Traumatic Stress Network, 2016), <https://www.nctsn.org/resources/victimization-and-juvenile-offending>.

¹¹⁵ Alice W. Dery and Jennifer Bickford, “Transferring Forfeited Assets to Victims through Remission, Restoration, and Restitution Asset Forfeiture and Money Laundering,” *United States Attorneys’ Bulletin* 67, no. 3 (2019), <https://www.justice.gov/usao/page/file/1205051/download>

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12.5.3 Law enforcement should adopt a victim-centered approach to human trafficking by embedding victim advocates within their investigative units.

This approach places the recovery and service delivery to victims on an equal or more important level than a prosecution. Victim advocates should be embedded with an investigative squad (i.e., a group who works with investigators of acute cases of suspected human trafficking) so that victims may successfully enter services.

The recovery and restoration of the victims over the long term enhances the ability for a successful prosecution, as the victim is more trusting of law enforcement and the victim makes for a better witness. With the combination of successful victim restoration and a successful prosecution, the chances of re-victimization or re-offending is greatly reduced. Funding or grants may be provided for victim advocates to be embedded with law enforcement, and funding for training that is specifically designed for a victim-centered approach to human trafficking investigations may also be beneficial.

Training should be conducted in collaboration with survivors to ensure it is focused on details of human trafficking and its complexities. Bella Hounakey, a human trafficking survivor and member of the U.S. Advisory Council on Human Trafficking, notes that instead of being rescued, she and the 20 girls being trafficked were arrested and subsequently placed in “child friendly” holding cells for questioning. She and the other victims spoke very little English and had been taught not to trust law enforcement. The law enforcement operation left many of the girls traumatized. Ms. Hounakey describes her experience as “very adversarial; we were treated as criminals as oppose to victims. There were no social workers present; no interpreters; [and an] overall lack of resources.”¹¹⁶

12.6 Hate Crimes

Background

The FBI defines hate crimes as “a criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”¹¹⁷ In 2018, the FBI’s Uniform Crime Reports (UCR) analysis of data for victims of 7,036 single-bias hate crime incidents involving 8,646 victims showed that

- 59.6 percent were directly related to racial, ethnic, or ancestral bias
- 18.7 percent were directly related to religious bias
- 16.7 percent were directly related to sexual orientation bias
- 2.2 percent were directly related to gender-identity bias
- 2.1 percent were directly related to disability bias
- 0.7 percent were directly related to gender bias¹¹⁸

Hate crimes are often directed towards individuals, but businesses and organizations can be targeted as well. Law enforcement agencies noted 8,819 hate crime victims in 2018 alone. ¹¹⁹ Statistics show that “173 were

¹¹⁶ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 20, 2020) (statement of Bella Hounakey, U.S. Advisory Council on Human Trafficking), <https://www.iustice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

¹¹⁷ “Hate Crimes,” Federal Bureau of Investigation, accessed June 29, 2020, <https://www.fbi.gov/investigate/civil-rights/hate-crimes>.

¹¹⁸ “2018 Hate Crime Statistics,” Federal Bureau of Investigation, accessed June 29, 2020, <https://ucr.fbi.gov/hate-crime/2018/topic-pages/victims>.

¹¹⁹ Federal Bureau of Investigation, “2018 Hate Crime Statistics.”

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victimized in separate multiple-bias incidents.... [Among those victimized by hate crimes in 2018], 33.6 percent were crimes against property, and 3.3 percent were crimes against society.”¹²⁰ Even when hate incidents do not rise to the level of criminal violations, they nevertheless have a significant adverse impact on families and communities.

There is a significant gap in hate crime reporting and data collection. The DOJ supports the FBI’s UCR reporting, which is derived from police data, and BJS’s NCVS, which is derived from victim reported information.¹²¹

Hate crimes are historically underreported, partly due to the differing definitions of hate crimes. Chief Will Johnson, the Chief of the Arlington County, Texas, police department, states that the FBI UCR program shows 6,000 to 8,000 hate-based crimes committed annually.¹²² BJS’s NCVS reports on average 204,600 annual hate crimes.¹²³ Further, according to Police Chief Magazine, there are approximately 250,000 hate crime victims each year, but only a third are reported.¹²⁴ The disparity in numbers between and among reporting agencies could be because of

- fear of retribution
- difficulty relaying the incident
- ineffective reporting by police
- noncriminal, hate-based incidents compared to hate based crimes reporting
- broad definitions of what the crime is, allowing for different interpretations
- no hate crime statutes¹²⁵

Additionally, some victims feel that their experience is not worthy of law enforcement’s time or that it will not be taken seriously, which prevents them from reporting the crime. On the other hand, law enforcement may not be reporting hate crimes because of a lack of law enforcement training on hate crimes or because police are less likely to arrest for hate crimes.¹²⁶ The key to understanding whether an incident is a hate crime is to try to discern the difference between First Amendment speech—which is not a crime—and a deliberate, organized, and focused conspiracy to commit biased inspired hate crimes—which is a crime.

To improve its data collection, the FBI UCR program is transitioning from the summary reporting system to the National Incident-Based Reporting System (NIBRS) in 2021 to better capture data.¹²⁷ Participation by

¹²⁰ Federal Bureau of Investigation, “2018 Hate Crime Statistics.”

¹²¹ International Association of Chiefs of Police and Lawyers’ Committee for Civil Rights Under the Law, *Action Agenda for Community Organizations and Law Enforcement to Enhance the Response to Hate Crimes* (Alexandria, VA: International Association of Chiefs of Police, 2019), https://www.theiacp.org/sites/default/files/2019-04/IACP_Hate%20Crimes_Action%20Agenda.pdf; Barbara Oudekerk, *Hate Crime Statistics* (Washington, DC: Bureau of Justice Statistics, 2019), <https://www.bjs.gov/content/pub/pdf/hcs1317pp.pdf>; and Lynn Langton and Madeline Masucci, *Hate Crime Victimization, 2004-2015* (Washington, DC: Bureau of Justice Statistics, 2017), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>.

¹²² Will Johnson, Chief of Police, Arlington Police Department, VA (presentation to Victim Services Working Group, virtual meeting, May 19, 2020); and “FBI Releases 2018 Hate Crime Statistics,” Federal Bureau of Investigation, November 12, 2019, <https://ucr.fbi.gov/hate-crime/2018/resource-pages/hate-crime-summary>.

¹²³ Oudekerk, *Hate Crime Statistics*.

¹²⁴ Ronald L. Davis and Patrice O’Neill, “The Hate Crimes Reporting Gap: Low Numbers Keep Tensions High,” *Police Chief Magazine*, July 2020, <https://www.policechiefmagazine.org/the-hate-crimes/>.

¹²⁵ Johnson, presentation to Victim Services, May 19, 2020; and International Association of Chiefs of Police and Lawyers’ Committee for Civil Rights Under the Law, *Action Agenda for Community Organizations*.

¹²⁶ Brittany E. Hayes, Assistant Professor, University of Cincinnati, “Evidence-Based Best Practices for Victims of Hate Crimes” (PowerPoint presentation, Victim Services Working Group, virtual meeting, May 19, 2020).

¹²⁷ “Data Collection: National Incident-Based Reporting System (NIBRS),” Bureau of Justice Statistics, last modified 2014, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=301>; Federal Bureau of Investigation, *30 Questions and Answers About NIBRS Transition—FBI* (Washington, DC: Federal Bureau of Investigation, 2018), <https://www.fbi.gov/file-repository/ucr/30-faqs-about-nibrs-transition-oct-2018.pdf/view>.

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state and local law enforcement in NIBRS is voluntary; however, the process of recording the information for future investigation and prosecution is of the utmost importance. Law enforcement agencies should understand and train their officers to correctly assess, report, and document all hate bias-related crimes.

Current State of the Issue

“Hate and biased-based crimes aren’t new, but the focused enforcement of them as a crime is new,” said Chief Johnson.¹²⁸ The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which was passed in October 2009, helped to bring attention to hate crimes at the federal level. The act gives DOJ “the power to investigate and prosecute defendants who selected their crime victim based on race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.”¹²⁹ At the state level, there is a patchwork of hate crime laws; however, some states have no hate crime laws at all.

Law enforcement and prosecutors need to understand the communities targeted by hate crimes, and training is necessary to provide culturally informed victim services.¹³⁰ Specific training on services and successful examples of hate crimes training are outlined in the 2018 IACP *Action Agenda for Community Organizations and Law Enforcement to Enhance the Response to Hate Crimes*. Among the trainings mentioned are the FBI training module, Sikh Coalition awareness training, and the Southern Poverty Law Center video roll call trainings.¹³¹ According to Dr. Brittany E. Hayes, Assistant Professor of the School of Criminal Justice at the University of Cincinnati, the most common hate crimes are motivated by race and are primarily stirred by anti-Black or anti-African American bias. Therefore, African Americans are disproportionately affected by hate crimes.¹³² The reasons that precipitate hate crimes towards African Americans could be racial stereotyping, race-based advertisements, or singular experiences that someone may have had with a person of color.

Dr. Hayes contends that the second most targeted group is based on religion, which is driven by the offenders’ biases. Jewish people are the target of most anti-religious hate crimes. Religious hate crimes suppress the rights of the person, but also affect religious congregations. It is a serious threat because the victimization far exceeds the individual who is threatened. The crime extends to a larger group even though there is an individual victim, and law enforcement should be aware of these hate crimes.¹³³ In addition, those in the LGBTQ community have also been targeted in hate crimes simply because of whom they choose to love. The current state of hate crime in the nation calls for law enforcement agencies to work together to find mechanisms for mitigating the obstacles to eliminate hate crimes in the United States.

12.6.1 Law enforcement academies and licensing standard boards should require basic and ongoing training throughout an officer’s career on hate crimes.

Basic officer training should ensure, at minimum, that law enforcement receive training that helps them to know their communities so that they can develop cultural awareness and cultural sensitivity. All human beings see the world through their own cultural lenses. When law enforcement understands how victims of hate crimes see and experience the world, it improves their capacity to have empathy for and interact with victims in more meaningful and effective ways. Knowing the differences among ethnic groups within diverse communities enhances communication and builds trust.

¹²⁸ Johnson, presentation to Victim Services, May 19, 2020.

¹²⁹ Legal Information Institute, “Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act,” Cornell Law School, accessed June 29, 2020, https://www.law.cornell.edu/wex/matthew_shepard_and_james_byrd_jr_hate_crimes_prevention_act; and The Legacies of James Byrd Jr. and Matthew Shepard: Two Decades Later, *Police Chief Magazine*, March 6, 2019, <https://www.policechiefmagazine.org/legacies-byrd-and-shepard/>.

¹³⁰ International Association of Chiefs of Police and Lawyers’ Committee for Civil Rights Under the Law, *Action Agenda for Community Organizations*.

¹³¹ International Association of Chiefs of Police and Lawyers’ Committee for Civil Rights Under the Law, *Action Agenda for Community Organizations*, 13.

¹³² Hayes, “Evidence-Based Best Practices,” May 19, 2020.

¹³³ Johnson, presentation to Victim Services, May 19, 2020.

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12.6.2 State and local prosecutors' offices should implement policies that require basic and ongoing victim-centered training for cases that involve victims of hate crimes for employees involved in pre- and post-adjudication services.

12.6.3 Law enforcement should collaborate with media engagement programs that encourage victims to report hate crimes to local law enforcement for investigation and encourage state and local entities to report all hate crime incidents to NIBRS.

Media and community engagement, including positive representation of all groups of people in the media, are an important part in the reduction of hate crimes. Police officers should engage community groups and encourage peaceful conflict resolution among community members. Hate crimes are less likely to be reported; therefore, law enforcement should identify creative ways to facilitate media engagement while forming collaborations with community leaders and promoting peaceful conflict resolution.

[CROSS-REFERENCE BUSINESS AND COMMUNITY DEVELOPMENT]

12.7 Mass Casualties

Background

Mass violence poses a significant threat in the nation. This type of violence is usually defined as “an intentional violent criminal act that results in physical, emotional, or psychological injury to a large number of people.”¹³⁴ These sudden attacks affect people of all walks of life, and there are many victims that require care following instances of mass violence. Schools, churches, and other areas such as offices, restaurants, and stores are often prime targets for mass attacks. In addition, college campuses present an avenue for terrorists to carry out their plans due to the very nature and design of most college campuses: open areas with hundreds of individuals present. An article in the *Washington Post* relays the grim reality of many unfortunate victims of mass crimes: “the people who were killed came from nearly every imaginable race, religion and socioeconomic background. Their ages range from the unborn to the elderly. In addition, thousands of survivors were left with devastating injuries, shattered families and psychological scars.”¹³⁵

While some communities have plans and resources in place to address the law enforcement and emergency medical services response to a mass violence event, few are equipped to manage the more challenging response of meeting the needs of victims and their families. Each emergency response plan should proactively provide for victim service providers (VSP) and training for VSPs; designate a temporary reception or notification center and a suitable place for a victim or family assistance center; and establish protocols for building an official list of survivors and victims' providing death notifications, handling victims' personal effects, and providing timely information updates to all victims.

Current State of the Issue

The unique needs of victims of mass violence are often overlooked in the chaos following an incident. Many local emergency operating plans do not include provisions to adequately meet the immediate and long-term needs of victims of mass violence. Regular communication with victims and families is fundamental to effective victim or family assistance and provides information and understanding at a time when victims and families greatly need them.

Local governments could better serve the unique needs of victims of mass violence by modeling local victim services response plans after the FBI's Victim Services Division. The FBI has a strong Victim Services Response

¹³⁴ “Mass Violence,” Victim Connect Resource Center, accessed June 29, 2020, <https://victimconnect.org/learn/types-of-crime/mass-violence/>.

¹³⁵ “The Terrible Numbers that Grow with Each Mass Shooting,” *Washington Post*, March 15, 2020, <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>.

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Team (VSRT), which is one of the most requested FBI assets in the aftermath of a criminal act that results in mass casualties. The VSRT assists local governments that are underprepared to respond to such an event.¹³⁶

12.7.1 Local governments should establish a mass casualty response through a memorandum of understanding, through a mutual aid agreement, or as part of an emergency operating procedure to provide immediate and long-term trauma-informed victim support.

Mass violence incidents require a coordinated, cross-sector approach among federal, state, local, tribal, and territorial governments; private entities; and nonprofit organizations. To assist local governments prepare for such events, OVC created the Helping Victims of Mass Violence and Terrorism Toolkit, which provides tools and resources for developing a comprehensive victim assistance plan that can be incorporated into a community's existing emergency response plan.¹³⁷

12.7.2 Local governments should ensure that their emergency response plans include having victim service providers available through a memorandum of understanding or mutual aid agreement with another entity.

Each local plan should proactively identify and engage with additional partners that can bring extensive experience and resources to a mass violence response, such as local FBI victim specialists, the American Red Cross, and other organizations. Partner organizations should regularly meet with and review victim service response plans prior to an incident to identify gaps and ensure synchronization among members.¹³⁸

When necessary, FBI's Victim Services Division can assist through a program called Excellence in Law Enforcement-based Victim Assistance Training and Enrichment (ELEVATE). ELEVATE teaches communities how to build, grow, or sustain a law enforcement victim assistance program and offers mentoring and specialized training for crisis intervention and mass casualty response.¹³⁹

12.7.3 Local governments should ensure that their emergency response plans include appropriate staffing, the designation of a temporary reception or notification center, and a suitable place for victim or family assistance center.

The reception or notification center is the place where family members will be directed if they seek information about potential victims in the immediate aftermath of an incident. A community should expect a reception or reunification center to be exclusively available for this use for approximately one or two days.¹⁴⁰ At this location, victims and families will be reunited, families will learn of hospitalized victims, and victims' next of kin will receive death notifications. Effective locations include hotels, schools, community centers, or convention centers.

The victim or family assistance center is where victims and family members will be directed to obtain information, updates, resources, and support services in the aftermath of a mass casualty.¹⁴¹ At the center, VSPs should always be present at briefings to tend to the needs of families and provide crisis intervention.¹⁴²

12.7.4 Local governments should ensure that their emergency response plans have established protocols to assist out-of-town victims or next of kin, distribute hospitalization plans, develop an official victim list,

¹³⁶ "A Rapid Deployment Team for Victims," Federal Bureau of Investigation, April 8, 2019, <https://www.fbi.gov/news/stories/victim-services-response-team-040819>.

¹³⁷ "Helping Victims of Mass Violence and Terrorism: Planning, Response, Recovery, and Resources," Office for Victims of Crime, accessed June 29, 2020, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/mvt-toolkit/index.html>.

¹³⁸ Office for Victims of Crime, "Helping Victims of Mass Violence and Terrorism."

¹³⁹ "ELEVATE: A Focus on Victim Services," Federal Bureau of Investigation Law Enforcement Bulletin, accessed July 16, 2020, <https://leb.fbi.gov/bulletin-highlights/additional-highlights/elevate-a-focus-on-victim-services>.

¹⁴⁰ Kevin Gutfleish, Terrorism and Special Jurisdiction Unit Chief, Federal Bureau of Investigation, email communication with Sharon Elliott, Federal Program Manager, Victim Services Working Group, May 4, 2020.

¹⁴¹ Gutfleish, email communication with Sharon Elliott, May 4, 2020.

¹⁴² Gutfleish, email communication with Sharon Elliott, May 4, 2020.

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provide death notifications, handle victims' personal effects, and provide timely information sharing to victims and family members.

All victims, including out-of-town victims, are entitled to the same information and services as local victims. The protocol should provide for travel assistance, the return of personal effects, and a procedure for death notifications for victims and next of kin who are in another jurisdiction.¹⁴³ Family members of those killed in mass violence incidents have consistently indicated that the death notifications they received were delayed, insensitive, or uninformed. Protocols should provide for conducting multiple simultaneous death notifications if necessary, using teams of trained law enforcement officers and VSPs or chaplains. Anyone who provides death notification should be trained via an evidence-informed protocol, such as the Victim Services Division (VSD) and Penn State University's training "We Regret to Inform You . . . Providing Sensitive Death Notifications with Professionalism, Dignity, and Compassion."¹⁴⁴

12.8 Victims of Motor Vehicle Crashes

Background

The National Safety Council states that "in 1913, there were about 1.3 million vehicles and 2 million drivers [and] the latest 2018 data report 277 million vehicles [and] 227 million licensed drivers."¹⁴⁵ With this increase in the number of vehicles and drivers, an increase in the number of traffic incidents and motor vehicle crashes is inevitable because "the United States is one of the busiest countries in terms of road traffic."¹⁴⁶ In 2018, approximately 4.5 million motor vehicle crashes resulted in injuries that required medical care.¹⁴⁷ According to the Department of Transportation's National Highway Traffic Safety Administration, approximately 36,120 deaths resulted from crashes involving motor vehicles in 2019.¹⁴⁸

Victims of motor vehicle crashes in the United States are often underserved and overlooked. They may not be viewed as victims in the traditional sense. Minor injuries sustained during a motor vehicle accident are often perceived as incomparable to injuries sustained from a violent crime. However, motor vehicle crashes involving severe injuries, such as paralysis, have significant and lasting effects on a victim in the same manner that the traumatic experience of a violent crime can have on a victim.¹⁴⁹ Although the traumatic experience may differ, the effects of both negative experiences share some similarities.

Current State of the Issue

According to Delores Poeppel, Director of Colorado State Patrol's Victims' Assistance Unit, traffic victims are considered to be victims of crime, yet motor vehicle crash victims receive very little assistance in the aftermath of horrific crashes where individuals are either seriously injured or killed.¹⁵⁰ Often, these motor vehicle crashes are the result of a violation of a law and sometimes a felony violation of the law. When there are no victim services available, the families may be left on their own to navigate a complex court process, and they may never be made aware of their rights as victims. In those cases, they may have no one other than the police officer who investigated the crime to answer their questions.¹⁵¹ Commissioner Craig Price,

¹⁴³ Gutfleish, email communication with Sharon Elliott, May 4, 2020.

¹⁴⁴ "Death Notifications," Penn State University, accessed June 29, 2020, <http://www.deathnotification.psu.edu/>; and "We Regret to Inform You...Impact Video," Federal Bureau of Investigation, accessed July 16, 2020, <https://www.fbi.gov/video-repository/newss-we-regret-to-inform-you-impact-video/view>.

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the Cabinet Secretary of the South Dakota Department of Public Safety states,

Making sure victims receive the services they deserve, takes a significant investment of time. Expecting a police officer to provide these complex services, takes those officers away from their regular duties. With the demands of their jobs, police officers don't always have the time to provide victims and their families with the follow-up services they deserve. Therefore, it's imperative to have victim services assigned to crash victims so the officers can concentrate on patrolling and responding to other calls for service. Having a crash assistance program embedded into a law enforcement agency has proven to be successful—motor vehicle crash victims are better served, and law enforcement resources aren't taken off the streets.¹⁵²

Motor vehicle crash victims miss out on services they deserve when no one is there to assist them. Agencies that have a crash assistance program such as the Colorado State Patrol Victims' Assistance Unit, provide a much-needed service. The Colorado Victim's Assistance Unit was spearheaded by Ms. Poeppel, who was instrumental in securing a grant and ensuring the program's successful implementation.¹⁵³ The impact of the program has been invaluable to motor vehicle crash victims. When a vehicle crash occurs, the victim advocate provides immediate crisis intervention and act as a support system until the victim's family arrives. The victim advocate helps arrange any travel to bring family members to the victim. The victim advocate also provides factual details about the crash, which may help the healing process. They serve as a point of contact for the agency until the officer is available to meet with the victim's family.

The victim advocate is particularly helpful immediately following a crash when victims and their families may not be in the right frame of mind to deal with pertinent matters, such as filing a claim with the insurance company and collecting items that may have been left behind at the scene of the crash. Victims are able to contact their advocate by phone at any time, because victim advocates work around the clock.¹⁵⁴

While car crash assistance programs are vital to ensuring that the needs of motor vehicle crash victims are met, there are several obstacles that prevent law enforcement agencies from being able to readily implement these programs. One of the main problems is a lack of funding to both develop the programs and secure personnel salaries. In addition, funding is needed to ensure that advocates have the necessary equipment, including vehicles, cell phones, office spaces, and uniforms. Although funding may be a roadblock at first, there are opportunities to receive funding through various means, such as applying for federal funding.¹⁵⁵ While obstacles to implementing motor vehicle crash assistance programs exist, law enforcement agencies should take the necessary steps to overcome these hurdles. Crash assistance programs and the individuals who serve as victim advocates are indispensable when it comes to ensuring that the needs of motor vehicle crash victims are addressed.

12.8.1 Law enforcement agencies should develop a crash assistance program to assist victims of car accidents.

To ensure that vehicle crash victims and their families are properly assisted, law enforcement agencies should develop crash assistance programs. Agencies can develop a victim advocate volunteer program, which will allow members in the department to give back. This could be a beneficial role for non-sworn staff that

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can act as a liaison for sworn law enforcement personnel. Once victim advocates are selected for the crash assistance program, they should be enrolled in a certification course or a victim advocate academy to expand their knowledge on how to attend to victims of vehicle crashes and how to manage the stress that comes along with such an integral position.¹⁵⁶ Services and benefits that a crash assistance program can offer include

- Provide critical support and information to the victims and their families
- Provide referrals to the appropriate agency and help identify resources if victims have specific needs or require further service
- Provide information to the victims and their families in understanding the criminal justice system and securing their right as a crime victim, when applicable
- Assist in keeping a daily record of all expenses and contacts related to the crash
- Determine if the crime victims' compensation fund can provide monetary assistance to motor vehicle crash victims of violent crimes for specified financial losses¹⁵⁷
- Assist eligible victims or family members in filing for Crime Victim Compensation
- Ensure translation services are provided, as needed
- Provide embassy assistance, when necessary
- Find lodging for travelers who have hospitalized family members
- Help families locate a funeral home specific to their needs, when necessary
- Locate lost pets involved in a crash
- Refer victims to other support agencies, such as Mothers Against Drunk Driving (MADD)
- Transport victims and their family members to places, such as the airport, court, or hospital¹⁵⁸

12.8.2 Law enforcement agencies develop or maintain a crash assistance program for victims of car crashes.

Crash assistance programs can be costly to develop and maintain. One of the operational costs associated with these programs is training. The Colorado State Patrol's Victims' Assistance Unit has a field training advocate who went through an 18-month training program.¹⁵⁹ The program was funded in part by fines from citations for those who did not have active insurance. The insurance citations have been a source of funds that provides the agency with about \$250,000 from that source alone. Many agencies may lack the funds to develop a crash assistance program, but there are several avenues for law enforcement to acquire the funds that they need. In addition to the insurance citations, law enforcement can secure funds through the Highway User Tax Fund, the Victims Assistance Law Enforcement (VALE) program, and the Victims of Crime

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Act (VOCA), which provide funds from the federal government.¹⁶⁰

12.8.3 The federal government should develop a national outline or policy to establish national operational procedures for crash assistance programs.

Creating a national policy on crash assistance programs would help law enforcement, victim service providers, and advocates clearly delineate the necessary components of crash assistance programs. The national policy should establish

- criteria to determine who qualifies for crash assistance program services
- when to call a victim advocate
- the types of services and referrals that advocates should provide to victims and their families¹⁶¹