

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.” – Attorney General William Barr, Department of Justice Commemorates National Crime Victims’ Rights Week

Introduction of the Issue

Providing effective victim services is significant to the work of law enforcement and vital to the communities they serve, yet law enforcement alone cannot meet all victims’ needs. 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 victims rights movement of the 1970s and 1980s resulted in the creation of many programs designed to assist victims of crime and in the passage of laws at the local, state, and federal level establishing certain rights for victims. These rights and services vary somewhat from state-to-state, depending upon the laws of each state and available resources.

Under the Victims’ Rights and Restitution Act (VRRRA), 34 U.S.C. § 20141, a crime victim is a person that has suffered direct physical, emotional, or financial harm as a result of the commission of a crime.¹ Under the Crime Victims’ Rights Act (CVRA), 18 U.S.C. § 3771, a crime victim is a person who has been directly and proximately harmed (physically, emotionally, or financially) as a result of the commission of a federal offense or an offense in the District of Columbia.²

Further, the Office for Victims of Crime’s *Attorney General Guidelines for Victim and Witness Assistance* (AG Guidelines) establish protocols to be followed by officers and employees of the Department of Justice (DOJ).³ These protocols apply to all staff members including investigative, prosecutorial, correctional, and parole components in the treatment of victims and witnesses to crime. In 1982, Congress directed the attorney general to implement the first AG Guidelines, which have been revised periodically to reflect changes in the law.⁴

Victims may include deceased victims and their families; co-habiting partners’ 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.

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. The recommendations in this chapter focus on select areas of victimization which may be improved by increasing training requirements, refining victim-related policies and procedures, and increasing federal funding. These concrete recommendations should inform the improvement of other issues within victim services.

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.⁵ Agencies have also begun establishing both formal and informal collaborations with victim service organizations in their communities.

¹ <https://www.fbi.gov/resources/victim-services/rights-of-federal-crime-victims>

² *ibid*

³ <https://www.hsdj.org/?abstract&did=719239>

⁴ *Ibid*

⁵ https://www.theiacp.org/sites/default/files/Adopted%202019%20Resolutions_Final.pdf

Deliberative and Pre-decisional

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.

According to the Bureau of Justice Statistics (BJS), less than half of all violent crimes are reported to the police.⁶ 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.

Only 13 percent of law enforcement agencies report having a specialized unit with full- or part-time personnel dedicated to victim assistance, and only 12 percent report having any dedicated victim assistance personnel.⁷ Large police agencies are more likely to report having a specialized victim assistance unit than smaller agencies,⁸ which is likely because larger agencies have greater access to the resources needed to implement these services. However, even when resources are scarce, law enforcement agencies can still forge relationships with their external community victim service organizations and experience similar benefits. Many agencies have not taken this step for a variety of reasons, including limited resources, not fully understanding the true benefits of this approach, and not knowing where to start. In response to this need, the federal government has introduced specific funding opportunities for law enforcement to develop or enhance programs that connect victims and their families to services.⁹ In addition, the federal government has developed practical tools and online training to guide law enforcement in their efforts to better serve victims of crime.

12.1 Trauma-Informed Approach to Crime Victims

Background

Over the past decade, criminal justice practitioners have paid increasing attention to the role that trauma plays in the lives of crime victims. 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.¹⁰ Because police officers are often the first point of contact for crime victims, they must be able to recognize and address trauma. Using a trauma-informed approach can help officers 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 the appropriate community services and

⁶ *Criminal Victimization, 2018*. Morgan, RE, Oudekerk, BA, US Department of Justice, 2019

⁷ DOJ, OJP, BJS, *Law Enforcement Management and Administrative Statistics (LEMAS), 2013* (Ann Arbor, MI: Inter-university Consortium for Political and Social Research, 2015).

⁸ Brian A. Reaves, *Police Response to Domestic Violence, 2006–2015*. (Washington, DC: DOJ, OJP, BJS, 2017).

⁹ Law Enforcement-Based Victim Specialist Program, OVC Solicitations issued in 2019 and 2020.

¹⁰ U.S. Department of Health and Human Services (HHS), SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014)

supports.¹¹

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.¹² This is referred to as vicarious trauma, and it can negatively affect an officer's productivity, mental and physical health, and world view. Agencies must have policies and procedures in place to provide ongoing and incident-specific support to officers who are experiencing the effects of vicarious trauma. Law enforcement leadership must clearly demonstrate their own commitment to the health and safety of their officers by promoting the importance of self-care and offering a variety of services. Various tools and resources have been developed to help agencies navigate this issue and implement good practices.

Current State of the Issue

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. There is a direct correlation between trauma and physical health conditions, such as diabetes, COPD, heart disease, cancer, and high blood pressure.¹³ Moreover, 70 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.¹⁴ Trauma can stem from childhood abuse or neglect; physical, emotional, or sexual abuse; accidents and natural disasters; war and other forms of violence; witnessing acts of violence; or cultural, intergenerational, and historical trauma.¹⁵

Exposure to trauma can stem from an isolated incident, from repeated incidents over time, or from a pattern of ongoing violence.¹⁶ Trauma affects everyone differently. The impact of trauma can be subtle, insidious, or outright destructive. How an event affects an individual depends on many factors, including characteristics of the individual, the type and characteristics of the event(s), developmental processes, the meaning of the trauma, and sociocultural factors.¹⁷ Too often, law enforcement officers wrongly dismiss the accounts of survivors because they lack the understanding about how victims of violence react to trauma.¹⁸ This can lead to re-traumatizing the victim, an ineffective investigation, and decreased public safety if the offender remains free to commit more crimes.

Today, many law enforcement officers have received training on the neurobiology of trauma, and this training has positively influenced how they investigate crimes like sexual assault. In a blog for End Violence Against Women International, Lieutenant Mike Schentrup, Criminal Investigation Commander of the Gainesville, Florida, police department, described a victim interview this way:

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

¹¹ "Building Trust Through Trauma-Informed Policing," Love-Craighead, Altovise, Captain, Philadelphia Police Department, VERA blog, 2015 <https://www.vera.org/blog/police-perspectives/building-trust-through-trauma-informed-policing>

¹² *Response to Victims of Crime*, IACP Model Policy, 2018 <https://www.theiacp.org/sites/default/files/2018-08/VictimsBinder2018.pdf>

¹³ <https://www.thenationalcouncil.org/wp-content/uploads/2013/05/Trauma-infographic.pdf?dof=375ateTbd56>

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Office on Violence Against Women, US Department of Justice, "The Importance of Understanding Trauma-Informed Care and Self-Care for Victim Service Providers," 2014. <https://www.justice.gov/archives/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>

¹⁷ <https://www.ncbi.nlm.nih.gov/books/NBK207191/>

¹⁸ Office on Violence Against Women, US Department of Justice, "The Importance of Understanding Trauma-Informed Care and Self-Care for Victim Service Providers," 2014. <https://www.justice.gov/archives/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>

Deliberative and Pre-decisional

detectives have been well schooled in this area, and they are second to none at helping survivors of sexual assault.¹⁹

The IACP developed a model policy on the response to victims of crime, which includes addressing the impact of trauma on victims. It states, “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.”²⁰ This also means being able to identify the issue and respond effectively when it happens within one’s own agency.

The Federal Bureau of Investigation’s (FBI) approach to trauma-informed care considers the victim services providers’ needs. While the top priority is to ensure that the victim’s needs are met, the FBI also advises officers to take care of themselves first so that they can adequately take care of victims and provide them with sufficient resources. Every officer is different where it concerns trauma and traumatic experience; therefore, the need for robust and long-term needs assessments among officers should be an ongoing process. Agencies also need to understand that their programs cannot assume that everyone will respond well to the same treatment options. 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.²¹

12.1.1 All law enforcement academies and licensing standard boards should require basic and ongoing training throughout the officers’ career on trauma and trauma-informed care as a condition of continued licensure or certification.

This training requirement will ensure that officers are educated about new approaches, interventions, and research on trauma-informed care 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.

A trauma-informed training program 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.

[CROSS-REFERENCE OFFICER SAFETY AND WELLNESS]

12.1.3 Law enforcement executives should ensure that services such as peer support and employee assistance programs are available to all sworn staff and service providers within the agency.

By taking these actions, leaders will help to reduce officers’ stigma often associated with mental health. IACP has developed a model policy that focuses on routinely making mental health services available to officers. It also offers specific guidance for how to provide this type of support. The Milwaukee, Wisconsin, police

¹⁹ “Confessions of a Major Case Detective,” Schentrup, M., End Violence Against Women International, 2017. <http://www.fromthetrenchesofevawintl.org/2017/05/confessions-of-major-case-detective.html>

²⁰ *Response to Victims of Crime*, IACP Model Policy, 2018 <https://www.theiacp.org/sites/default/files/2018-08/VictimsBinder2018.pdf>

²¹ Deborah A. Richardson, PhD, FBI, VSD Clinical Services Coordinator, in discussion with the Victim Services Working Group, March 31, 2020.

department enhanced their mental health and wellness program by ensuring that officers have access to a chaplain, an internal psychologist, and peer support. They used an integrated approach that allows the department to identify early signs that an officer may be in need and offers support in the aftermath of a critical incident.²²

The implementation of policies, procedures, and programs to foster a trauma-informed agency should be instituted and reinforced through regular training, effective programs, and open discussion.

12.1.4 Law enforcement agencies should seek federal, state, and/or local funding to implement an improved response to crime victims.

Funding for victim services through the Crime Victims Fund is widely available at both the federal and state levels. In addition, agencies may also seek funding through local private–public partnerships that may be available in their local state or regional areas. While access to funding may be difficult, Chief David Porter of the DeWitt, Iowa, police department states, “it’s a matter of [education and informing law enforcement]. A lot of funding is out there for services, but people lack knowledge of how to get it. Also, regionalized services may be better for smaller areas.”²³

At the federal level, 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.²⁴ At the state level, funding from the Victims of Crime Act (VOCA) is available to support law enforcement efforts to respond more effectively to victims, including hiring victim advocates.²⁵

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

Funded by OVC, the Enhancing Law Enforcement Response to Victims (ELERV) is an organizational strategy that introduces law enforcement leaders to the benefits, challenges, methods, and responsibilities for enhancing their response to victims of crime. This strategy focuses on identifying the seven critical needs of victims: safety, support, information, access, continuity, voice, and justice. The strategy is customizable to any agency or community. Police departments across the nation have established and implemented ELERV with broad positive results, including Chattanooga, Tennessee; Saginaw, Michigan; and Casper, Wyoming.²⁶

Implementing the ELERV strategy serves as a catalyst for a lasting cultural change within law enforcement agencies as it relates to serving victim of crime. As a result, the ELERV strategy does not have a start or finish date. Some agencies only require minor adjustments to their already strong practices, while others may require a complete shift in their approach to meeting the needs of victims of crime.

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.” – Chief David Porter, DeWitt Police Department and IACP Victim Services Committee Chair

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

²² Early warning systems pg. 1 and 2 <https://cops.usdoj.gov/RIC/Publications/cops-p371-pub.pdf>

²³ Chief David Porter, DeWitt (IA) Police Department, email communication with Victim Services Working Group, May 5, 2020.

²⁴ <https://www.ovc.gov/grants/index.html>.

²⁵ <https://navaa.org/state-administrator-directory/>

²⁶ [ELERV Executive Summary.pdf](#)

Deliberative and Pre-decisional

Agencies should partner with institutions of higher education in the same city, state, or region. Because the needs of each jurisdiction are unique, locally based institutions are more likely to understand these needs and study them in the context of those environments. 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.²⁷ 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).²⁸

12.1.7 Local governments should establish working groups made up of law enforcement, social service providers, and end users to develop strategies that maximize information sharing in a collaborative model.

Working group members should include visionary leaders from diverse professions who regularly interact with victims of crime.

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.²⁹

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.³⁰ 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*.³¹ 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.³²

The DOJ's *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* provides additional information for recipients about their Title VI obligations.³³ This guidance includes four factors which recipients can use to determine the steps they should take to provide meaningful access for LEP individuals. The following resources are available:

²⁷ "The Benefits of Police Practitioner-Researcher Partnerships to Participating Agencies," Rojek, J. and Alpert, G., *Policing* 8(4):307-320 December 2014

²⁸ <https://www.ojp.gov/funding/explore/current-funding-opportunities>.

²⁹ <https://www.lep.gov/executive-order-13166>)

³⁰ *ibid*

³¹ <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20867.pdf>

³² *ibid*

³³ [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#)

Deliberative and Pre-decisional

- What Federal Agencies and Federally Assisted Programs Should Know About Providing Services to LEP Individuals³⁴
- Law Enforcement Planning Tool³⁵
- Sample Police Department LEP Policy³⁶
- Corrections Planning Tool³⁷

In addition, 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.

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 who share a language—American Sign Language (ASL)—and a culture.”³⁸ 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.³⁹

Current State of the Issue

The 2015 U.S. Census states that, “While most of the U.S. population speaks only English at home or a handful of other languages like Spanish or Vietnamese, the American Community Survey reveals the wide-ranging language diversity of the United States,” said Erik Vickstrom, a statistician with the U.S. Census Bureau.⁴⁰ “For example, in the New York metro area alone, more than a third of the population speaks a language other than English at home, and close to 200 different languages are spoken. Knowing the number of languages and how many speak these languages in a particular area provides valuable information to policymakers, planners, and researchers.”⁴¹

According to 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).”⁴²

Language is nuanced in that it is defined as a system of communication used by a particular country or community. In everyday interactions, there exists many ways in which non-verbal communication occurs. 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

³⁴ [What Federal Agencies and Federally Assisted Programs Should Know about Providing Services to LEP Individuals](#)

³⁵ <https://www.lep.gov/language-access-planning>; https://www.justice.gov/crt/fcs/Law_Enforcement_Planning_Tool

³⁶ [Sample Police Department LEP Policy](#)

³⁷ <https://www.lep.gov/archive#toc-law-enforcement>; https://www.justice.gov/crt/fcs/LEP_Corrections_Planning_Tool

³⁸ <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/>

³⁹ Jannette Brickman, Senior Program Associate, Vera Institute of Justice, “Language Access” (PowerPoint Presentation, May 12, 2020).

⁴⁰ <https://www.census.gov/programs-surveys/acs/>

⁴¹ <https://www.census.gov/newsroom/press-releases/2015/cb15-185.html>

⁴² <https://www.pewresearch.org/fact-tank/2019/06/17/key-findings-about-u-s-immigrants/>;

<https://www.pewresearch.org/hispanic/2015/09/28/selected-u-s-immigration-legislation-and-executive-actions-1790-2014/>

Deliberative and Pre-decisional

people express themselves is based around culture and cultural norms. The knowledge of cultural norms is particularly useful when serving victims from diverse communities.

Clear communication is always important, particularly in a crisis. Effective communication in circumstances involving law enforcement can make the difference between managing a controlled situation or 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. 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 is signing in an animated manner, this could be misunderstood unless the police officer understands ASL and knows that this is part of the way an ASL user communicates. 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.

Language barriers are also associated with victimization and other adverse outcomes. Immigrants, particularly those who are LEP, who may be fearful of deportation or other types of victimization are at risk of being targeted by criminals. Perpetrators often use these circumstances against such persons as they may be hesitant to seek out police protection.

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 makes it 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."⁴³

PULL QUOTE: A growing number of agencies are developing policies for interacting with persons who are limited English proficient. - The Vera Institute of Justice

While many agencies have realized the need to effectively serve individuals with LEP, there are still barriers that make efforts to provide language access 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.

In response, 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) 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 level. 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

⁴³ <https://www.criminaljustice.ny.gov/ops/training/bcpo/veralanguagebarrierle.pdf>

Deliberative and Pre-decisional

possible, internally and externally. The most important partner is the community.”⁴⁴ 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.⁴⁵ When law enforcement takes the time to engage in discussions with the members of their community, it gives them the opportunity to understand the needs of the community members, including the level and types of LEP services that their residents may need.

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 interpreters⁴⁶

A qualified interpreter must be used for interrogation or witness interviews so as not to adversely affect the suspect or witness. 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.”⁴⁷ Mistakes like this can cause significant 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.⁴⁸

12.3 Victims of Intimate Partner Violence

⁴⁴ <https://fayettevillenc.gov/government/city-departments/police/about-us/chief-gina-hawkins>

⁴⁵ [Ibid](#)

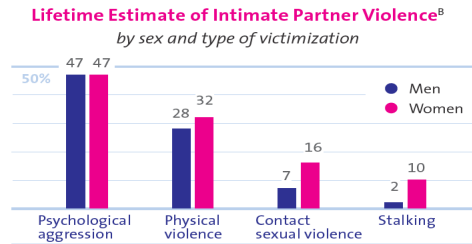
⁴⁶ Jannette Brickman, Senior Program Associate, Vera Institute of Justice, “Language Access” (PowerPoint Presentation, May 12, 2020).

⁴⁷ <https://najit.org/wp-content/uploads/2016/09/LanguageforLawEnforcement2006.pdf>

⁴⁸ Jannette Brickman, Senior Program Associate, Vera Institute of Justice, “Language Access” (PowerPoint Presentation, May 12, 2020).

Background

Domestic violence, sometimes called intimate partner violence, includes physical, sexual, or emotional abuse and sexual coercion and stalking. An intimate partner is a person who has or had a close personal or intimate relationship with someone else. Intimate partner violence affects millions of women and men each year 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.



Source: 2018 National Crime Victims' Rights Week Resource Guide: Crime and Victimization Fact Sheets, https://ovc.ncjrs.gov/ncvrw2018/info_flyers/fact_sheets/2018NCVRW_IPV_508_QC.pdf

On average, nearly 20 people per minute are physically abused by an intimate partner in the United States.⁴⁹ Throughout the United States, 10 percent of women and 2 percent of men have reported being stalked by an intimate partner,⁵⁰ and 9.4 percent reported experiencing intimate partner sexual assault.⁵¹ When an abuser has access to a firearm, the risk of intimate partner homicide for the woman increases by 500 percent.⁵²

Intimate partners are also responsible for 72 percent of murder-suicides.⁵³ Gun-related domestic homicides increased by 26 percent from 2010 to 2017.⁵⁴ 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.⁵⁵

In addition, 75 percent of children who witness domestic violence will grow up to repeat the same behavior.⁵⁶ 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.⁵⁷

Current State of the Issue

⁴⁹ <https://ncadv.org/statistics>

⁵⁰ <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>

⁵¹ https://assets.speakcdn.com/assets/2497/domestic_violence2.pdf

⁵² April 14, 2020 written testimony to Commission from Kim Garrett, CEO and Founder of Palomar – Oklahoma City's Family Justice Center, citing Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study. Jacquelyn C. Campbell, Daniel Webster, Jane Koziol-McLain, Carolyn Block, Doris Campbell, Mary Ann Curry, Faye Gary, Nancy Glass, Judith McFarlane, Carolyn Sachs, Phyllis Sharps, Yvonne Ulrich, Susan A. Wilt, Jennifer Manganello, Xiao Xu, Janet Schollenberger, Victoria Frye, Kathryn Laughon. Am J Public Health. 2003 Jul; 93(7): 1089–1097.

⁵³ https://assets.speakcdn.com/assets/2497/domestic_violence2.pdf

⁵⁴ *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> (citing underlying study)

⁵⁵ Kim Garrett, CEO and Founder of Palomar, Oklahoma City's Family Justice Center, written testimony to Commission, April 14, 2020, citing National Center for Injury Prevention and Control. Costs of Intimate Partner Violence Against Women in the United States. Atlanta (GA): Centers for Disease Control and Prevention; 2003. Retrieved on April 13, 2020 from: <https://www.cdc.gov/violenceprevention/pdf/ipvbook-a.pdf>

⁵⁶ Kim Garrett, CEO and Founder of Palomar, Oklahoma City's Family Justice Center, written testimony to Commission, April 14, 2020; Kim Garrett, CEO and Founder of Palomar, Oklahoma City's Family Justice Center, Presentation to Victim Services Working Group April 16, 2020.

⁵⁷ <https://adaa.org/learn-from-us/from-the-experts/blog-posts/consumer/intimate-partner-violence-what-it-and-what-does>

Law enforcement professionals face significant challenges when encountering victims of intimate partner-related crimes, such as domestic violence, sexual assault, dating violence, and stalking. Small and rural law enforcement agencies and prosecutor offices entities 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.

[illegible]

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.”⁵⁸ – Kim Garrett, CEO and Founder Palomar Family Justice Center

⁵⁸President's Commission on Law Enforcement and the Administration of Justice: Hearings on Crime Reduction April 14, 2020 (statement of Kim Garrett, CEO and Founder of Palomar, Oklahoma, Family Justice Center. <https://www.justice.gov/ag/page/file/1270041/download>

⁶⁰ Written testimony to Commission from Joyce Bilyeu, Survivor, Director of Client Services, Sacramento Regional Family Justice Center.

Deliberative and Pre-decisional

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.⁶¹ There are approximately 130 FJCs the nation, and that number is growing.⁶²

Currently, unintentional barriers exist for various DV service providers to share information in a collaborative model, like FJCs.⁶³ Federal VAWA grantees are required to protect confidentiality of persons to whom those grantees are providing services and are also required to collaborate with other agencies.⁶⁴ Yet, current federal policies limit sharing in collaborative and integrative environments.⁶⁵ 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. 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 transportation⁶⁶

12.3.1 All law enforcement academies, and licensing standard boards should require basic and ongoing victim-centered training for responding to victims of intimate partner-related crimes, such as domestic violence, sexual assault, dating violence, and stalking, as a condition of certification or continued licensure.

12.3.2 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, such as domestic violence, sexual assault, dating violence, and stalking.

⁶¹ Dream Big, Start Small: How to Start and Sustain a Family Justice Center (2012) By: Gael Strack and Casey Gwinn

⁶² Kim Garrett, CEO and Founder of Palomar, Oklahoma City's Family Justice Center, written testimony to Commission, April 14, 2020 ; Kim Garrett, CEO and Founder of Palomar, Oklahoma City's Family Justice Center, Presentation to Victim Services Working Group April 16, 2020.

⁶³ Kim Garrett, CEO and Founder of Palomar – Oklahoma City's Family Justice Center, written testimony to Commission, April 14, 2020 ; Kim Garrett, CEO and Founder of Palomar, Oklahoma City's Family Justice Center, Presentation to Victim Services Working Group April 16, 2020.

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ Laura Rogers, Acting Director of the Office of Violence Against Women, in discussion with Victim Services Working Group, April 7, 2020.

Deliberative and Pre-decisional

Trauma-informed training is essential for both law enforcement and prosecutors to help establish trust with the victim.⁶⁷ While many agencies use these practices and receive this training, they should be standard procedures nationwide.⁶⁸

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

12.3.4 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.

12.3.5 Congress should provide increased funding to the Department of Justice to support additional family justice center collaborative models to provide victim services.

Currently, OVW grants and sub-grants pay the salaries of nearly 300 law enforcement officers at any given time.⁶⁹ In a year, these officers' departments respond to more than 150,000 calls for service, investigate more than 150,000 cases, and refer over 70,000 cases to prosecutors.⁷⁰ OVW discretionary grants support more than 50 specialized law enforcement units. BJS reports that approximately 15 percent of agencies have a unit focused specifically on victim services.⁷¹ Increased funding would allow more law enforcement agencies to implement these specialized units to better assist victims.⁷²

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.." - Natasha Simone Alexenko, Founder, Natasha's Justice Project⁷³

12.3.6 Congress should provide increased funding to the Department of Justice to establish new family justice center collaborative models and to expand services of current family justice centers to provide services to more victims.

Seventy-five percent of centers reported receiving federal grants.⁷⁴ The most common sources of funding for FJCs is public funding (63 percent), federal grants (57 percent), and donations or fundraising (53 percent).⁷⁵ The most commonly received federal grant was "Grants to Encourage Arrest and Enforce Protection Orders Improvement."

A current funding source that may support FJCs include OVW's Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program (ICJR Program). This programs is designed to encourage partnerships among state, local, and tribal governments courts; victim service providers; coalitions; and rape crisis centers to ensure that sexual assault, domestic violence, dating violence, and stalking are treated seriously and require the coordinated involvement of the entire criminal justice system and community-based victim service providers.⁷⁶

The FJC model should be prioritized for long-term federal funding to support 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

⁶⁷ Natasha Simone Alexenko written testimony, Crime Victims Perspective Panelist April 22, 2020.

⁶⁸ Id.

⁶⁹ Laura Rogers, Acting Director of the Office of Violence Against Women, in discussion with Victim Services Working Group, April 7, 2020.

⁷⁰ Id.

⁷¹ <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6729>

⁷² Ibid

⁷³ President's Commission on Law Enforcement and the Administration of Justice, Hearing on Crime Reduction, (April 22, 2020), written statement of Natasha Simone Alexenko.

⁷⁴ <https://www.ncjrs.gov/pdffiles1/nij/grants/251561.pdf>

⁷⁵ Ibid

⁷⁶ <https://www.justice.gov/ovw/page/file/1117466/download>

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
- advocates
- child and adult protective services assistance

12.3.4 The Department of Justice should review the confidentiality requirements imposed on grant recipients of domestic violence-related grants and modify those requirements 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, which would allow the victim to provide consent for information sharing and to avoid having to tell their abuse story to multiple providers.

12.4 Age-Based Victims

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 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.⁷⁷ It is a term used to describe five subtypes of elder abuse: physical abuse; financial fraud; caregiver neglect and abandonment; psychological abuse; and sexual abuse, scams, and exploitation.⁷⁸ 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. 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.⁷⁹

Congress passed the Older Americans Act (OAA) in 1965 in response to policymakers' concerns about a lack of community social services for older persons. The original legislation established authority for grants to states for community planning and social services, research and development projects, and personnel training in the field of aging. The law also established the Administration on Aging (AoA) to administer the newly created grant programs and to serve as the federal focal point on matters concerning older persons.⁸⁰

⁷⁷ <https://www.justice.gov/elderjustice>

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ <https://acl.gov/about-acl/authorizing-statutes/older-americans-act>

Deliberative and Pre-decisional

Most states have some type of statutory requirement to report elder abuse, neglect, or exploitation. Reporting requirements are complex and vary greatly from state to state. They are typically included in the state's adult protective services laws, but they also may be imbedded in other statutes and regulations.⁸¹

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 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.⁸²

As required by the Elder Abuse Prevention and Prosecution Act, DOJ has developed a wide array of training, resources, and tools for elder justice professionals. Given the critical role that state, local, and tribal law enforcement officials play in combatting and addressing elder abuse, the Elder Justice Initiative has worked with national law enforcement organizations to develop the Elder Abuse Guide for Law Enforcement (EAGLE). EAGLE is a web module for law enforcement to use at their desk or while in the field. The EAGLE features 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.⁸³

Youth Victims of Crime

Almost 42 million adolescents are between the ages of 10 and 19 in the United States. Adolescents make up 12.9 percent of the population. As the U.S. population ages, adolescents will represent a smaller proportion of the total. By 2050, estimates show that adolescents will make up 11.3 percent of the population. While adolescents are predicted to represent a smaller portion of the total population, estimates show that the number of adolescents in the population will continue to grow, reaching almost 44 million in 2050.⁸⁴



Image Source: <https://www.cdc.gov/violenceprevention/youthviolence/fastfact.html>

⁸¹ <http://www.eldersandcourts.org/elder-abuse/key-issues>

⁸² <https://www.justice.gov/file/1211066/download>

⁸³ *ibid*

⁸⁴ U.S. Census Bureau. (2017). *Projected 5-year age groups and sex composition: Main projections series for the United States, 2017-2060*. Washington, DC: U.S. Census Bureau, Population Division. Retrieved from <https://www2.census.gov/programs-surveys/popproi/tables/2017/2017-summary-tables/np2017-t3.xlsx>

Deliberative and Pre-decisional

Every year, thousands of children are victims of crimes or maltreatment involving physical, sexual, or emotional abuse and/or neglect. Consequently, child victimization and abuse are associated with problem behaviors that may become apparent later in life. Children who have experienced trauma are more likely to engage in early initiation of smoking, sexual activity, illicit drug use, and suicide. Children with multiple traumas have significantly higher rates of heart disease, lung disease, hepatitis, depression, and diabetes. 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.⁸⁵ In addition, 93 percent of youth in detention reported exposure to previous adverse events, including physical and sexual abuse.⁸⁶

When adolescents are victims of crime or witnesses to crime, their interactions with law enforcement will often be different than those of an adult because of developmental differences between teens and adults. During adolescence, the emotional systems in the brain are very active, while the parts of the brain that helps control emotion, make decisions, and retrieve information are less developed. This can make it more difficult for youth to control their impulses or emotions or to process questions and instructions. 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.⁸⁷

[CROSS REFERENCE JUVENILE JUSTICE]

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. 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.⁸⁸ Officers should have the training and tools to mitigate the trauma to children who are present during the arrest of an adult.⁸⁹

When most people think of victims of crime, the first image is of the direct victim of a criminal act. In policing and the justice system, which is designed to respond to criminal acts, the word “victim” reinforces this common meaning—the individual directly harmed during the incident. When the justice system considers other types of victimization, including past victimization of a defendant or harm to the community, it is usually in determining what sentence or disposition should be imposed after guilt has been established, well after law enforcement’s involvement in the case has ended.⁹⁰

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. Between 70–90 percent of youth in the juvenile justice system have almost all experienced prior victimization and trauma.^{91 92} 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

⁸⁵ Lisa Bourgoynne, Director of Forensic Services, Children’s Assessment Center in discussion with Victim Services Working Group, May 7, 2020.

⁸⁶ Ibid

⁸⁷ Rhonda McKitten, Youth Policy and Training Specialist/ JAC Project Director Philadelphia Police Department, email Communication with Victims Services Working Group, May 11, 2020.

⁸⁸ <https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit>

⁸⁹ Rhonda McKitten, Youth Policy and Training Specialist/ JAC Project Director Philadelphia Police Department, email Communication with Victims Services Working Group, May 11, 2020.

⁹⁰ Ibid

⁹¹ Carly B. Dierkhising, Susan J. Ko, Briana Woods-Jaeger, Ernestine C. Briggs, Robert Lee & Robert S. Pynoos (2013) Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network, *European Journal of Psychotraumatology*, 4:1, DOI: [10.3402/ejpt.v4i0.20274](https://doi.org/10.3402/ejpt.v4i0.20274)

⁹² Trauma-informed juvenile justice systems: A systematic review of definitions and core components [Christopher Edward Branson, Carly Lyn Baetz, Sarah McCue Horwitz, and Kimberly Eaton Hoagwood](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5664165/)

Deliberative and Pre-decisional

Lisa Bourgoyne, the Director of Forensic Services for the Children’s Assessment Center in Houston, Texas, stated, “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.”⁹³ Officers need the training to recognize behaviors that are common responses to trauma in youth, to de-escalate situations and accurately assess behaviors.”⁹⁴

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 youthful populations that are under-represented but are increasingly experiencing victimization.

Elderly Victims of Crime

PULL QUOTE: “In the United States it is estimated that over 10 percent of those age 65 and older experience some form elder abuse in a given year.” – Department of Justice Elder Justice Initiative

Approximately 1 in 10 Americans age 60 or older have experienced some form of elder abuse. Some estimates range as high as 5 million elders who are abused each year. One study estimated that only 1 in 14 cases of abuse are reported to authorities. Abusers are both women and men.⁹⁵ The perpetrator is a family member in almost 60 percent of elder abuse and neglect incidents. Two thirds of perpetrators are adult children or spouses.⁹⁶

Elders who have been abused have a 300 percent higher risk of death when compared to those who have not been mistreated. While likely under-reported, estimates of elder financial abuse and fraud costs to older Americans range from \$2.9 billion to \$36.5 billion annually.⁹⁷ Yet, financial exploitation is self-reported at rates higher than emotional, physical, and sexual abuse or neglect.⁹⁸

On October 18, 2017, President Trump signed into law the Elder Abuse Prevention and Prosecution Act of 2017 (P.L. 115–70), which identifies the need for data on elder abuse. An elder abuse case has many stages from the incident through investigation (by adult protective services or law enforcement), prosecution, and trauma recovery. Several federal agencies currently collect elder abuse data—including physical abuse, neglect, and financial exploitation—on an ongoing basis at different points in the process.

In addition, several non-governmental agencies such as the Nursing Home Abuse Center provide notable statistics for prevalent areas of elder abuse:⁹⁹

Physical Abuse

- Seniors who were physically abused had a 300 percent greater risk of prematurely dying compared to those who had not been.
- Spouses or other partners were the greatest culprits of physical abuse, accounting for nearly 60 percent of all cases.
- In 2013, more than 9,700 complaints about nursing home abuse were filed in the United States. The most common type of complaint involved physical abuse.

Financial Fraud

⁹³ Lisa Bourgoyne, Director of Forensic Services, Children’s Assessment Center in discussion with Victim Services Working Group, May 7, 2020.

⁹⁴ Rhonda McKitten, Youth Policy and Training Specialist/ JAC Project Director Philadelphia Police Department, email Communication with Victims Services Working Group, May 11, 2020.

⁹⁵ <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/#intraPageNav1>

⁹⁶ *ibid*

⁹⁷ *ibid*

⁹⁸ *ibid*

⁹⁹ <https://www.nursinghomeabusecenter.com/elder-abuse/statistics/>

Deliberative and Pre-decisional

- Seniors lose at least \$2.6 billion a year due to financial abuse.
- Only 1 in 44 cases of financial abuse is reported.
- Financial abuse can take many forms, including identity theft, use of debit or credit cards, lottery scams, telemarketing or internet scams, or abuse of power of attorney.

Caregiver Neglect and Abandonment

- Caregiver neglect is the most unreported type of abuse, with 1 in 57 cases being reported. Neglect is also one of the most common types of elder abuse.
- A 2011 study found that 21 percent of nursing home residents were neglected at least once over a 12-month period.
- Neglect accounted for 14 percent of complaints against nursing homes.

Psychological Abuse

- Caregivers are more likely to emotionally abuse seniors (as opposed to spouses or family members).
- Roughly 54 out of 129 seniors with dementia experienced some form of psychological abuse from their caregivers.

Sexual Abuse

- Sexual abuse remains the least reported type of elder abuse.
- Nearly 16,000 reports of sexual abuse in nursing homes have been made since 2000.
- From 2013 to 2016, more than 1,000 nursing homes were cited for sexual abuse. Roughly 100 of these homes received multiple citations during this time.

The commitment to combating elder scams, fraud, and exploitation is further 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, collectively brought criminal and civil actions against more than 500 defendants responsible for defrauding more than \$1.5 billion from at least three million victims.¹⁰⁰

The Transnational Elder Fraud Strike Force is a joint law enforcement effort that focuses on investigating and prosecuting individuals and entities associated with foreign-based fraud schemes that disproportionately affect American seniors. These include telemarketing, mass-mailing, and tech-support fraud schemes.¹⁰¹

"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."¹⁰²

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

¹⁰⁰ <https://www.justice.gov/usao-edny/pr/justice-department-announces-transnational-elder-fraud-strike-force>

¹⁰¹ *ibid*

¹⁰² *ibid*

Deliberative and Pre-decisional

forfeited assets to victims of the crime underlying the forfeiture.¹⁰³ The DOJ Asset Forfeiture Program plays a critical and key role in transferring and restoring forfeited assets to victims.

Since 2002, the Department has transferred more than \$8 billion¹⁰⁴ in forfeited funds to victims of crime, including over \$800 million to victims of fraud schemes facilitated by Western Union¹⁰⁵ and MoneyGram¹⁰⁶ and over \$4 billion to victims of Bernie Madoff.¹⁰⁷ Through forfeiture, the DOJ compensated elderly victims of Bernie Madoff's Ponzi scheme, many of whom lost significant funds from their retirement portfolios. In addition, seniors were targeted by fraudsters who used Western Union and MoneyGram to facilitate "grandparent scams," in which fraudsters posed as victims' relatives, usually a grandchild in need of immediate money; "lottery" or "sweepstakes scams," in which victims received phone calls telling them that they had won large cash prizes, but needed to pay fees to reclaim the prizes; and "romance scams," which preyed on seniors searching for love or companionship on the internet.

Youth Victims of Crime

Despite being victimized more often than other age groups, adolescents are the least likely to report their victimization. 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."¹⁰⁸

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.¹⁰⁹ The BJS reports that only a third of sexual assaults were reported to police.¹¹⁰

PULL QUOTE: Repeat or chronic victims of violence and abuse most need service, but are least likely to trust service providers. – Reaching and Serving Team Victims

The shock, shame, and stigma attached to being a victim of crime often make it difficult even for adults to report their victimization. Teens face many additional obstacles:

- lack of understanding that what they experienced was a crime
- fear that no one will believe them
- fear of being blamed or punished
- feelings of guilt, shame, and self-blame
- fear of retaliation
- mistrust of adults

¹⁰³ See 18 U.S.C. § 981(e)(6) (civil forfeiture); 21 U.S.C. § 853(i)(1) (criminal forfeiture).

¹⁰⁴ "Transferring Forfeited Assets to Victims Through Remission, Restoration, and Restitution," 67 DOJ J. Fed. L. & Prac., no. 3, 219 (2019). <https://www.justice.gov/usao/page/file/1205051/download>

¹⁰⁵ Press Release, U.S. Dep't of Justice, Department of Justice Begins First Distribution of Funds Recovered Through Asset Forfeiture to Compensate Victims of Western Union Fraud Scheme (Mar. 10, 2020). <https://www.justice.gov/opa/pr/departments-justice-begins-first-distribution-funds-recovered-through-asset-forfeiture>

¹⁰⁶ Press Release, U.S. Dep't of Justice, MoneyGram International Inc. Agrees to Extend Deferred Prosecution Agreement, Forfeits \$125 Million in Settlement with Justice Department and Federal Trade Commission (Nov. 8, 2018). <https://www.justice.gov/opa/pr/moneygram-international-inc-agrees-extend-deferred-prosecution-agreement-forfeits-125-million>

¹⁰⁷ Press Release, U.S. Dep't of Justice, Justice Department Announces Additional Distribution of More than \$378 Million to Victims of Madoff Ponzi Scheme (Apr. 20, 2020). <https://www.justice.gov/opa/pr/justice-department-announces-additional-distribution-more-378-million-victims-madoff-ponzi>

¹⁰⁸ <https://www.bjs.gov/content/pub/pdf/cv18.pdf>

¹⁰⁹ Lisa Bourgoynne, Director of Forensic Services, Children's Assessment Center in discussion with Victim Services Working Group, May 7, 2020.

¹¹⁰ <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=3963>

Deliberative and Pre-decisional

- belief that nothing will be done
- lack of knowledge about available services
- lack of access to services
- perceived and real limits of confidentiality¹¹¹

These obstacles represent a formidable barrier to vulnerable teens seeking help, even when outreach and referral programs are in place. Furthermore, 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.¹¹²



Source: Alison Boak, MPH, Executive Director, International Organization for Adolescents

The complexities of providing services to youth are further exacerbated by their lack of knowledge around their rights and what is or is not considered a crime. This lack of knowledge coupled with not knowing where to go for support or how to report a crime can be daunting. The criminal justice system is difficult even for adult crime victims to navigate. Teens face additional hurdles such as difficulty understanding legal terms, unrealistic expectations, need for parental consent, and a lack of legal standing. Collaborations between victim service providers and the courts can ease the burden of participating in a criminal case for teen victims.¹¹³

Children's Advocacy Centers (CAC) provide a community-based approach and their goal is to improve management of abuse and neglect cases, increase the rate of prosecutions, and ensure that victims and their families receive coordinated treatment services. Over the past 10 years, nearly 300 communities have established CACs. Multidisciplinary teams conduct joint interviews and share in decision-making concerning the management and investigation of cases, providing a range of services for victims and their families. Some CACs have special teams that focus on preventing child fatalities arising from abuse and neglect, including providing child abuse prevention education.¹¹⁴

CACs provide increased substantiation and prosecution of abuse cases, decreased post-abuse trauma to victims through centralized intake procedures, and enhanced support to victims of abuse and their families. They also provide two additional long-term benefits: CACs focus community attention on child abuse prevention and raise community awareness of the problems of child abuse, and they also provide locally developed infrastructure that facilitates collaboration among key local government agencies. Communities

¹¹¹ <https://www.ovc.gov/pdf/txt/ncj211701.pdf>

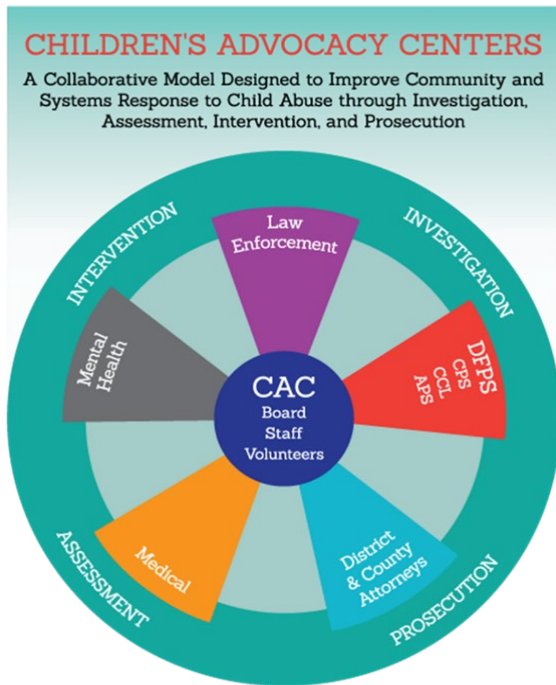
¹¹² Ibid

¹¹³ Ibid

¹¹⁴ <https://ojidp.ojp.gov/sites/g/files/xyckuh176/files/action/sec5.htm>

Deliberative and Pre-decisional

that have developed such infrastructures increase the efficiency of their systems, improve the quality of care in a cost-effective manner, and address a multitude of local juvenile justice and human services issues with increased cooperation.¹¹⁵



Source: Lisa Bourgoyne, Director of Forensic Services, Children's Assessment Center in discussion with Victim Services Working Group, May 7, 2020

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 currently 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."¹¹⁶

Chief Walker also mentioned that rural law enforcement agencies may not have the funds to constantly send officers to training.¹¹⁷ Approaching training in the aforementioned manner would not add hours to the programs. Therefore, no additional costs should 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, instead of using PowerPoints as the primary option for training.¹¹⁸ 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

¹¹⁵ Ibid

¹¹⁶ Ken Walker, Chief, West University Place (TX) PD, Victim Services Working Group Member, in discussion with Working Group, May 28, 2020.

¹¹⁷ Ibid

¹¹⁸ https://www.ncjrs.gov/ovc_archives/bulletins/VS2000trainingmodel/ncj199934.pdf

responders, prosecutors, judges, and advocates.

Over the past 10 years, the population age 65 and over increased from 37.8 million in 2007 to 50.9 million in 2017 (a 34 percent increase), and it is projected to reach 94.7 million in 2060.¹¹⁹ With this continued upward swing in demographics, law enforcement will need extensive training, tools, and strategies to confront the evolving types of crime committed against this segment of the population. The IACP, in collaboration with Pacific Architects and Engineers (PAE) and DOJ's Elder Justice Initiative addresses these needs through the development of

- a six-part roll call video series to enable law enforcement to better identify signs of elder abuse and recognize evidence that can lead to the successful prosecution of criminals
- a spreadsheet that can help identify patterns of exploitation and develop graphic representations of suspected criminal activity¹²⁰

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 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 Congress and the Department of Justice should provide more funding to support victim services or advocates embedded inside law enforcement agencies and prosecutors' offices who specialize in elder abuse.

Increased funding would position prosecutors to more effectively address elder abuse and take actions which may avoid loss of independence and dignity, financial ruin, and premature death for elderly victims. The prosecutor is the gatekeeper to the criminal justice system. It is the responsibility of the prosecutor and other law enforcement personnel to advocate for justice and ensure that the voices of older victims are heard.¹²¹

12.4.5 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
- common signs of child victimization that law enforcement may see
- concrete strategies for officers to respond to signs of child trauma and victimization including de-escalation techniques and witness interview techniques
- training for officers to identify and follow up on indications of child sex trafficking
- officer training to minimize trauma for children who are present during an arrest

12.4.6 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 (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. Funding would support multi-agency teams within a CAC.

¹¹⁹<https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2018OlderAmericansProfile.pdf>

¹²⁰ <https://www.theiacp.org/elder-abuse>

¹²¹ <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/NCSC-Prosecuting-Elder-Abuse-Cases-Basic-Tools-and-Strategies.pdf>

12.4.7 Congress should increase federal funding to support local law enforcement with system-based victim advocates 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.”¹²² The delicate issues concerning the abuse of youth require the use of qualified advocates who can support youth through traumatic times in their lives.

12.4.8 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 youth crimes multidisciplinary case coordination teams and other models of collaboration, such as 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. 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. Human trafficking is never voluntary, but the general belief is that victims know what they are getting into when they are brought into the trafficking world. Victims do not have to be mobile or move from place to place for human trafficking to occur.

It is estimated that 900,000 people have been trafficked worldwide with 17,000 in the United States alone.¹²³ These victims can be sold and resold over their lifetime, forcing repeated suffering of the victim and their families. Alison Boak, 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/domestic violence, 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 anyone who finds themselves in a vulnerable state.¹²⁴ Human traffickers primarily prey on those who they deem to be vulnerable, regardless of race, class, or any other criteria.¹²⁵

¹²² <https://info.nicic.gov/wwvc/node/9>

¹²³ <https://www.theiacp.org/sites/default/files/2018-07/CompleteHTGuide.pdf>

¹²⁴ IOFA Youth Crime Victims PowerPoint Presentation "Youth Victims of Crime: Current Challenges, Recommendations, and Best Practices" delivered by Alison Boak, MPH, Executive Director, IOFA. April 30, 2020

¹²⁵ <https://polarisproject.org/myths-facts-and-statistics/>

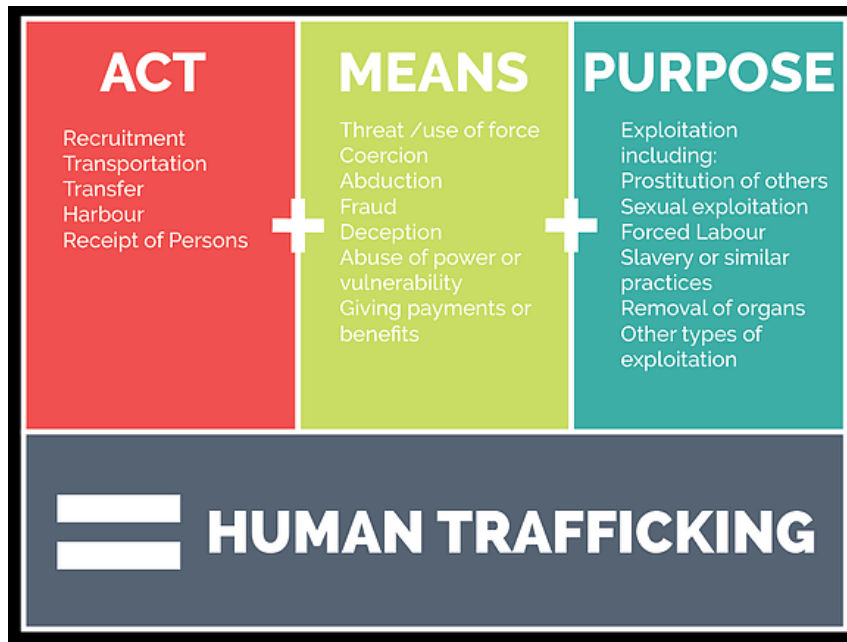


Image Source: [ACT Model - Human Trafficking](#)

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, Las Angeles, Detroit, and Atlanta.¹²⁶ “One in four homeless youth in Anchorage, Alaska, were trafficked,” she said.¹²⁷ “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.”¹²⁸

Victims of human trafficking in the United States can be any age. According to Ms. Boak, about 28 percent of U.S. human trafficking cases are children and youth younger than age 18.¹²⁹ 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.”¹³⁰

¹²⁶ <https://www.youtube.com/watch?v=Uga71essxd0>

¹²⁷ Ibid

¹²⁸ <https://www.freedomunited.org/news/why-traffickers-go-after-native-american-women/>

¹²⁹ IOFA Youth Crime Victims PowerPoint Presentation "Youth Victims of Crime: Current Challenges, Recommendations, and Best Practices" delivered by Alison Boak, MPH, Executive Director, IOFA. April 30, 2020

¹³⁰ <https://humantraffickingsearch.org/safe-harbor-does-your-state-arrest-minors-for-prostitution/>



Image Source: <https://www2.texasattorneygeneral.gov/human-trafficking/types-of-human-trafficking>

Victims of human trafficking are often reluctant to report or make it known that they are a victim for a number of reasons. Lack of reporting occurs because of a victim's fear for the safety of their family and threats made against their family members. Many of the criminal networks of human trafficking are far reaching and feared by victims. Some 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.

President Trump signed the Executive Order on Combating Human Trafficking and Online Child Exploitation in the United States on January 31, 2020.¹³¹ This executive order created a multi-agency federal enforcement working group to address human trafficking of American Indians and Alaskan Natives, the two leading cultural groups within the United States that have been disproportionately impacted by human trafficking.¹³² This human trafficking 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.¹³³ This milestone established 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

¹³¹ <https://www.whitehouse.gov/presidential-actions/executive-order-combating-human-trafficking-online-child-exploitation-united-states/>

¹³² April 17, 2020 - Victims' Services Working Group and Tribal and Rural Law Enforcement Working Group meeting presentation on Human Trafficking and Child Exploitation by Subject Matter Experts: Stacie Harris and Bill Woolfe.

¹³³ Ibid.

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.¹³⁴ The trauma caused to the victims can be so harmful that many may not identify themselves as victims or ask for help, even in highly public settings.

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.¹³⁵

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 trauma, trauma has been shown to manifest itself through alcoholism, drug abuse, and crimes.¹³⁶ This is particularly crucial for certain areas with a greater need. 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.¹³⁷

There is a greater understanding of human trafficking in the nation today. Although federal human trafficking numbers are down, it is still a significant issue. Overall, the United States is making efforts to address human trafficking. As a consequence, 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.¹³⁸ 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.

Many people believe that human trafficking only occurs in far-away places, but human beings for sale can be found through online websites, such as Backpage.com. According to Boak, there has been an increase in child pornography, with one study stating that the number of pictures of under-aged children on the internet doubled in 2019.¹³⁹

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 must have training in communicating with these types of victims.

12.5.1 Law enforcement academies and licensing standard boards should require basic and ongoing victim-centered training for responding to victims of human trafficking as a condition of certification or continued licensure.

Basic and ongoing victim-centered training should include evidence-based practices, which are key to having a stronger and positive impact on serving human trafficking victims. The most successful training programs adopt a victim-centered approach within a cultural context and promote an understanding of trauma-

¹³⁴ <https://www.policchiefmagazine.org/human-trafficking-101-for-law-enforcement1/>

¹³⁵ Ibid

¹³⁶ Stacie Harris, the National Coordinator for Child Exploitation Prevention and Interdiction and the National Human Trafficking Coordinator at the Department of Justice

¹³⁷ Ibid.

¹³⁸ IOFA Youth Crime Victims PowerPoint Presentation "Youth Victims of Crime: Current Challenges, Recommendations, and Best Practices" delivered by Alison Boak, MPH, Executive Director, IOFA. April 30, 2020

¹³⁹ Ibid.

informed care. The victim-centered approach puts the needs and experience of the victim first and provides nonjudgmental assistance and support.¹⁴⁰ Victims of human trafficking are traumatized by their harrowing experience and must be treated accordingly. Practicing a victim-centered approach to serving these victims is essential to avoid subsequent trauma.

12.5.2 Law enforcement should proactively seek out and identify human trafficking victims by employing methods such as going undercover and familiarizing themselves with the signs of human trafficking.

Human trafficking victims are sometimes hidden in plain sight. For instance, when it comes to youth, Rhonda McKitten, a Youth Policy and Training Specialist and Juvenile Assessment Center Project Director, stated,

Trafficking is easy to spot when a minor is picked up for prostitution, but officers encounter trafficked youth for a much wider array of behaviors. In addition to running away, trafficked children often engage in survival crimes like retail theft and trespass and are often given drugs by their traffickers to keep them compliant and dependent. Officers should be trained to recognize signs of trafficking in these types of cases. Law enforcement agencies should collaborate with child welfare agencies, prosecutors and courts to get victims of trafficking into treatment while assisting law enforcement in identifying and apprehending the traffickers. Many law enforcement agencies have helped to lead efforts to identify trafficked children and bring their traffickers to justice, but in many other jurisdictions, officers have not received training to recognize the signs that a child is being victimized.¹⁴¹

Officers should be on the lookout for potential victims of human trafficking. Often, the victims are not able to speak up due to fear instilled in them by their captors. When police make a concerted effort to look out for signs of human trafficking, they can step in and rescue more individuals.

12.5.3 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 must be addressed on a local, state, and regional level. Many law enforcement agencies have led efforts to identify trafficked children and bring their traffickers to justice, but officers in other jurisdictions have not received training to recognize the signs that a child is being victimized. Child sex trafficking is not just an urban issue or one that is limited to truck stops on interstate highways. Best practice models for rural, suburban, and urban law enforcement responses to child sex trafficking should be provided and supported with training and implementing funding.¹⁴²

12.5.4 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 will help 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.¹⁴³

12.5.5 The Department of Justice and Health the Human Services should partner with survivors and experienced marketers to raise awareness of human trafficking.

Human trafficking is severely underreported. Increasing awareness of human trafficking to both youth and adults will help communities to speak out and save more people from human trafficking.

12.5.6 Courts should end the practice of issuing material witness warrants in human trafficking cases.

¹⁴⁰ Ibid.

¹⁴¹ Email communication May 31, 2020 - Rhonda McKitten, the Youth Policy & Training Specialist and Juvenile Assessment Center Project

¹⁴² "National Child Traumatic Stress Network, "Victimization and Juvenile Offending," Isaiah B. Pickens, PhD, Christine B. Siegfried, MSSW, Michael Surko, PhD, Carly B. Dierkhising, PhD https://www.nctsn.org/sites/default/files/resources/victimization_juvenile_offending.pdf

¹⁴³ "Transferring Forfeited Assets to Victims Through Remission, Restoration, and Restitution," 67 DOJ J. Fed. L. & Prac., no. 3, 219 (2019). <https://www.justice.gov/usao/page/file/1205051/download>

Often, victims may be reluctant or still reeling from the trauma to testify in court against their captor. Courts have the power to arrest witnesses for the sole purpose of obtaining their testimony. When this occurs, the victim is arrested and sometimes detained in jail while the case is still pending. An article from the Human Trafficking Legal Center points out that “arresting and detaining victims as material witnesses—especially in the context of trafficking prosecutions—raises a critical question: At what cost to trafficking victims should traffickers be brought to justice?”¹⁴⁴

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.”¹⁴⁵ Hate crimes, such as the November 2019 Mississippi case where two men were sentenced to federal prison for burning crosses in a primarily African American community, leave lasting marks on the victims and create divisiveness in many communities. The men “admitted to knowing that burning crosses have historically been used to threaten, frighten, and intimidate African Americans, and that they wanted to make the community members in the neighborhood fearful. [It] was mostly directed at a young African American victim and placed near the victim’s home.”¹⁴⁶

In 2018, the FBI’s Uniform Crime Reports (UCR) analysis of data for victims of single-bias hate crime incidents showed that

- 59.6 percent were targeted because of the offenders’ bias against race, ethnicity, or ancestry
- 18.7 percent were victimized because of bias against religion
- 16.7 percent were targeted because of bias against sexual orientation
- 2.2 percent were victims of gender-identity bias
- 2.1 percent were targeted because of bias against disability
- 0.7 percent were victims of gender bias¹⁴⁷

The victim of a hate crime may be an individual, a business or financial institution, a government entity, a religious organization, or the society or public as a whole. In 2018, the nation’s law enforcement agencies reported that there were 8,819 victims of hate crimes.¹⁴⁸ Of these victims, 173 were victimized in separate multiple-bias incidents. Among those victimized by hate crimes in 2018, 63.1 percent were crimes against persons, 33.6 percent were crimes against property, and 3.3 percent were crimes against society.¹⁴⁹ Even where 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. The FBI’s 2015 UCR reported 5,818 hate crime incidents, while the BJS NCVS estimates that 250,000 hate incidents had occurred.¹⁵⁰

¹⁴⁴ https://www.htlegalcenter.org/wp-content/uploads/Material-Witness-Report-FINAL-FOR-PUBLICATION_April-2020.pdf

¹⁴⁵ <https://www.fbi.gov/investigate/civil-rights/hate-crimes>

¹⁴⁶ <https://www.justice.gov/hatecrimes/hate-crimes-case-examples>

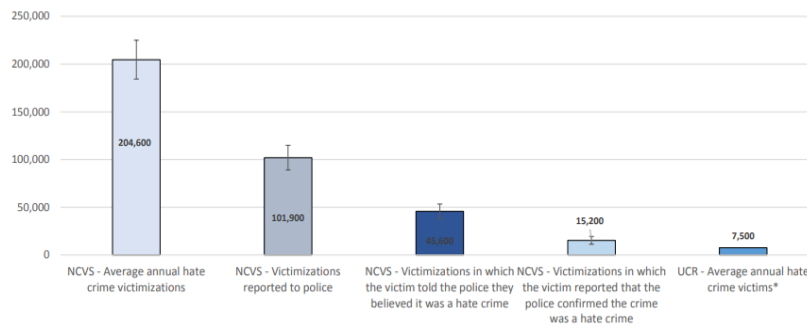
¹⁴⁷ <https://ucr.fbi.gov/hate-crime/2018/topic-pages/victims>

¹⁴⁸ <https://ucr.fbi.gov/hate-crime/2018/topic-pages/victims>

¹⁴⁹ *Id.*

¹⁵⁰ https://www.theiacp.org/sites/default/files/2019-04/IACP_Hate%20Crimes_Full%20Report.pdf (citing to authorities); <https://www.bjs.gov/content/pub/pdf/hcs1317pp.pdf>; <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>

Figure 1. NCVS and UCR Hate Crime Statistics, 2013-2017



Note: In the NCVS, crime is classified as hate crime if the victim perceived that the offender was motivated by bias because the offender used hate language, left behind hate symbols, or the police investigators confirmed that the incident was a hate crime. Numbers rounded to the nearest 100. Error bars on NCVS estimates are based on 95% confidence levels. See appendix table 1 for standard errors.
 *Includes victims who experienced murder/nonnegligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, other crimes against persons, robbery, burglary, larceny-theft, motor vehicle theft, arson, destruction/vandalism, other crimes against property, and crimes against society.
 Source: Bureau of Justice Statistics, National Crime Victimization Survey (NCVS), 2013–2017; and FBI, Uniform Crime Reporting (UCR) Program, Hate Crime Statistics, 2013–2017.

Source: <https://www.bjs.gov/content/pub/pdf/hcs1317pp.pdf>

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, stated that the FBI UCR program shows 6,000 to 8,000 hate-based crimes committed annually.¹⁵¹ BJS's NCVS shows 500,000 hate-based crimes.¹⁵² The disparity in numbers between and among reporting agencies could be because of

- 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 statutes¹⁵³

Other reasons for the large reporting gap for hate crimes could be that victims chose to not report suspected hate crimes, they may feel that what they experienced is not worthy of law enforcement's time or attention, or that law enforcement will not take the issue seriously. On the other hand, law enforcement may not be reporting hate crimes because of lack of law enforcement training on hate crimes or because police are less likely to arrest for hate crimes.¹⁵⁴ As the rise in hate speech and political polarization increases, law enforcement agencies facilitate inter-agency working groups to try to understand and stem the tide and proliferation of hate crimes and the victims who suffer from them. 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 NIBRS incident-based system in 2021 to better capture data.¹⁵⁵ Participation by state and local law enforcement in NIBRS is voluntary. Law enforcement agencies must understand and train their officers to document all hate bias-related crimes. The process of recording the information for future investigation and prosecution is of the utmost importance, and basic training should reflect this process.

¹⁵¹ Reported by Chief Will Johnson, Victim Services Working Group Meeting Summary, May 19, 2020

¹⁵² Ibid

¹⁵³ Reported by Chief Will Johnson, Victim Services Working Group Meeting Summary, May 19, 2020

¹⁵⁴ Evidence-Based Best Practices for Victims of Hate Crimes PowerPoint, By Brittaney E Hayes, University of Cincinnati, May 19, 2020

¹⁵⁵ <https://www.fbi.gov/services/cjis/ucr/nibrs>; <https://www.fbi.gov/file-repository/ucr/30-facts-about-nibrs-transition-oct-2018.pdf/view>

Deliberative and Pre-decisional

Because identifying hate crimes can be challenging, law enforcement should gain a better understanding of what is considered a hate crime to correctly assess and report them.

Current State of the Issue

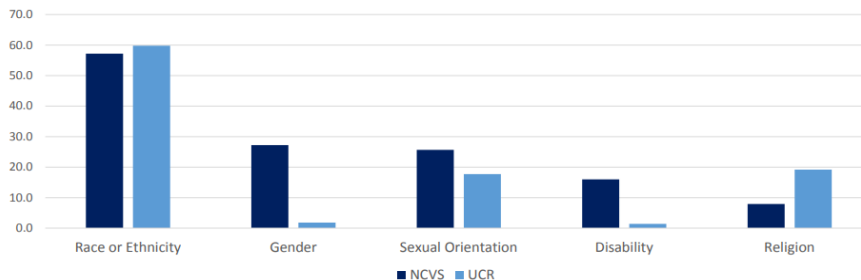
“Hate and biased-based crimes aren’t new, but the focused enforcement of them as a crime is new,” said Chief Johnson.¹⁵⁶ The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which was passed in October 2009, helped to bring attention to hate crimes at the federal level. The act gives DOJ “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.”¹⁵⁷ At the state level, there is a patchwork of hate crime laws; however, some states have no hate crime laws at all.

Hate crimes usually affect not only the victim of the crime, but it can have an impact on the community where the victim belongs. There is a far-reaching impact that does not just affect the victim. Fear may spread quickly through the community because others feel that they could be a future victim.

Law enforcement and prosecutors need to understand the communities targeted by hate crimes, and training is necessary to provide culturally informed victim services.¹⁵⁸ 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.¹⁵⁹

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. Thus, African Americans are disproportionately impacted by hate crimes.¹⁶⁰ The reasons that precipitate hate crimes towards African Americans could be racial stereotyping in the media, race-based advertisements, or singular experiences that someone may have had with a person of color.

Figure 2. Percent of hate crime victimizations by type of bias in the NCVS and UCR, 2013-2017



Note: In the NCVS, hate crime includes incidents confirmed by police as bias-motivated and incidents perceived by victims to be bias-motivated because the offender used hate language or left behind hate symbols. Detail might not sum to total due to victims reporting more than one type of bias motivating the hate-related victimizations. In the UCR, hate crime includes victims of single-bias incidents who experienced murder/nonnegligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, other crimes against persons, robbery, burglary, larceny-theft, motor vehicle theft, arson, destruction/vandalism, other crimes against property, and crimes against society. About 1.5% of all hate crime victims reported multiple-bias incidents in the UCR. See appendix table 2 for estimates and standard errors.

Source: Bureau of Justice Statistics, National Crime Victimization Survey (NCVS), 2013-2017; FBI, Uniform Crime Reporting Program, Hate Crime Statistics, 2013-2017.

Source: <https://www.bjs.gov/content/pub/pdf/hcs1317pp.pdf>

Dr. Hayes contends that the second most targeted group is based on religion, which is driven by the

¹⁵⁶ Reported by Chief Will Johnson, Victim Services Working Group Meeting Summary, May 19, 2020

¹⁵⁷ <https://www.law.cornell.edu/wex/matthew-shepard-and-james-byrd-jr-hate-crimes-prevention-act>;

<https://www.policechiefmagazine.org/legacies-byrd-and-shepard/>

¹⁵⁸ https://www.theiacp.org/sites/default/files/2019-04/IACP_Hate%20Crimes_Full%20Report.pdf

¹⁵⁹ https://www.theiacp.org/sites/default/files/2019-04/IACP_Hate%20Crimes_Full%20Report.pdf, Page 13.

¹⁶⁰ Evidence-Based Best Practices for Victims of Hate Crimes PowerPoint, By Brittaney E Hayes, University of Cincinnati, May 19, 2020

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. Overall, this affects first amendment issues of the affected religious congregations. It is a serious threat because the victimization far exceeds the person that is threatened. The crime is extended to a larger group even though there is an individual victim. The group is victimized, and law enforcement must be in tune with that knowledge.¹⁶¹

In addition, those in the LGBTQ community have also been targeted in hate crimes simply because of who 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 The Police Officers Standards and Training agency in each state should require that hate crimes training be added to their basic academy curriculum and continuing education courses for both police officers and police chiefs.

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 to interact with victims in more meaningful and effective ways.

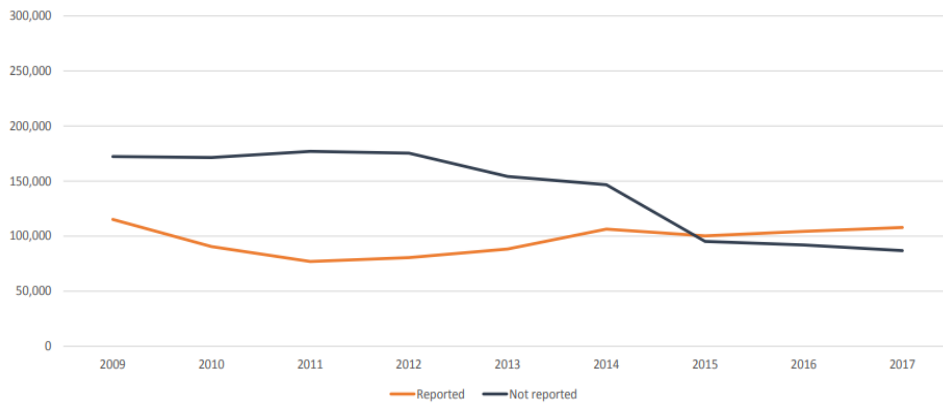
Trauma affects victims in multifaceted ways. Training law enforcement to understand these differences when interfacing with victims of hate crimes is associated with lower adherence to trauma misperceptions among police officers and overall healing among victims. Knowing the differences among ethnic groups within diverse communities enhances communication and builds trust.

12.6.2 State and local prosecutor 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.

The best practices for meeting the needs of survivors is to provide trauma-informed training. The trauma-informed approach involves providing staff training that focuses on physical and emotional safety, acknowledges the complexity of trauma, provides an understanding and awareness of triggers, recognizes the need for privacy and confidentiality, and ensures law enforcement expresses respect toward victims and an appreciation for their cultural differences.

¹⁶¹ Presentation to Victim Services Working Group on Hate Crimes, Arlington Police Chief Will Johnson 05/19/2020

Figure 3. Number of hate crime victimizations reported and not reported to police, 2009-2017



Note: Hate crime includes incidents confirmed by police as bias-motivated and incidents perceived by victims to be bias-motivated because the offender used hate language or left behind hate symbols. Estimates based on 3-year rolling averages. See appendix table 3 for estimates and standard errors.
Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2009-2017.

Source: <https://www.bjs.gov/content/pub/pdf/hcs1317pp.pdf>

12.6.3 Law enforcement should collaborate with media engagement programs that encourage victims to report hate crimes to local law enforcement for investigation.

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 strive to engage community groups to encourage peaceful conflict resolution among community members. Hate crimes are less likely to be reported; therefore, it is paramount that law enforcement identifies creative ways to facilitate media engagement while forming collaborations with community leaders and promoting peaceful conflict resolution.

[CROSS-REFERENCE BUSINESS AND COMMUNITY DEVELOPMENT]

12.6.4 Federal and state governments should place a national focus on recognition of hate crimes across the United States.

There is a significant amount of underreporting and inconsistencies in the reporting of hate crimes from both victims and law enforcement. A national spotlight on hate crimes will help emphasize proactive policing, which will ultimately help prevent and reduce hate crimes. As Chief Will Johnson states, “Hate groups often times try to cloak themselves within the protections of the First Amendment.”¹⁶² An organized strategy to educate the public and law enforcement on hate crimes will help to uncover the veil that is often placed on these crimes.

12.7 Mass Casualties

Background

Acts of terrorism pose significant threats in the nation; they are usually defined as “an intentional violent criminal act that results in physical, emotional, or psychological injury to a large number of people.”¹⁶³ 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

¹⁶² Reported by Chief Will Johnson, Victim Services Working Group Meeting Summary, May 19, 2020

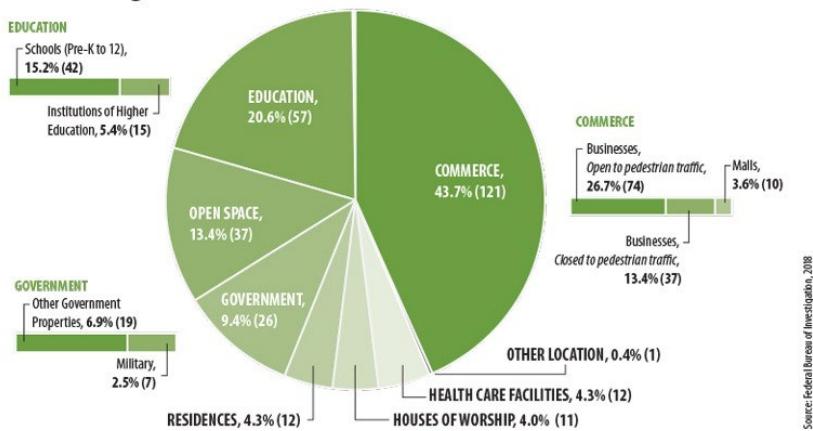
¹⁶³ <https://victimconnect.org/learn/types-of-crime/mass-violence/>

Deliberative and Pre-decisional

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.”¹⁶⁴

Quick Look: 277 Active Shooter Incidents in the United States Between 2000 - 2018

Location Categories



Source: <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-graphics>



Source: <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-graphics>

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

¹⁶⁴ <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>

proactively provide for victim service providers (VSP) and training for VSPs; designate a temporary reception or reunification center and a suitable place for a victim or family assistance center; and establish protocols for building an official victim list, 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 a fundamental part of 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 robust Victim Services Response 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.

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

Incidents of mass violence and terrorism present unique challenges to the communities in which they occur. These incidents require a coordinated, cross-sector approach among federal, state, local, and tribal governments; private entities; and nonprofit organizations to drive an effective response. To assist local governments in preparing 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.¹⁶⁵

12.7.2 Local governments should ensure their emergency response plans provide victim service providers either onsite or 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.

For communities with limited victim assistance resources or a lack of mass casualty training, the FBI 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.

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

The reception or reunification 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. At this location, victims and families will be reunited, families will learn of hospitalized victims, and victims' next of kin will receive death notifications. Ideal locations should have adequate seating and many private meeting areas to handle the potential convergence of roughly four to six family members per victim. The

¹⁶⁵ <https://www.ovc.gov/pubs/mvt-toolkit/index.html>

location must have adequate parking, access to food and water, security, and a buffer zone for the media. Effective locations include hotels, schools, community centers, or convention centers.

The victim or family assistance center is where victims and family members, in the weeks following an incident, will be directed to obtain information, updates, resources, and support services in the aftermath of a mass casualty. A community should expect a family assistance resource center to be available for approximately one to two weeks following the incident, and victim service providers to be available for up to a year. VSPs should be included in the process to evaluate and choose these locations because they will play a key role in the provision of victim services and may already have experience in evaluation and set-up of these centers.

Further, VSPs should always be present at briefings to tend to the needs of families and provide crisis intervention. It may be necessary to hold separate briefings for the next of kin of the deceased and for victims who were injured, as their needs and experiences will likely differ from other groups that attend a general briefing session. For any victims or next of kin unable to attend in person, a simultaneous video or phone conference call should be used to ensure these victims and family members have the same opportunity to participate. For victims or next of kin who are unable to attend in-person, a VSP from the local jurisdiction where each victim or family member resides should be present to provide in-person support, when possible.

12.7.4 Local governments should ensure their emergency response plans have established protocols for assisting out-of-town victims or next of kin, hospitalization plans, developing an official victim list, providing death notifications, handling victims' personal effects, and providing timely information sharing to victims and family members.

Protocols should acknowledge that hospitalized victims receive the same services, information, opportunity to ask questions, access briefings, and return of personal effects as other victims and next of kin. Non-hospitalized victims often have more opportunities to receive in-person resources because they can physically go to a victim or family assistance center or visit with available VSPs, mental health providers or crisis counselors, non-government organizations, pro bono service providers, or investigators. Non-hospitalized victims can also more easily participate in investigative briefings and meetings with law enforcement or other government representatives.

Like hospitalized victims, 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.

Victims and family members have an immediate need for information right after an incident of mass violence. Preparing and maintaining an official victim list is necessary to meet that need. The list should document each victims' name, status, location, contact information for legal next of kin, other relevant family members, preferred method of contact for each, and preferences on information sharing.

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."¹⁶⁶

Death notification responsibilities vary by jurisdiction, so it is important to determine in advance who is responsible for identifying the deceased, the manner of identification (e.g., forensic, visual, or preliminary), and whether an autopsy is required for identification. Each of these factors influence how long identification

¹⁶⁶ www.deathnotification.psu.edu.

can expect to take per victim. The protocol should also determine whether death notifications should be conducted one at a time as victims are identified or should occur simultaneously after all of the deceased have been identified.

In addition to ensuring timely information sharing, the emergency response plan should identify how to effectively handle victims' personal effects. The victim services response plan should include a protocol for collecting and cataloguing victims' personal effects and should pre-identify a separate team of individuals who will only be responsible for collecting, cataloguing, and storing personal effects until they can be returned. These team members should be highly organized and trained in handling biohazardous personal effects. Victims and next of kin may wait several months or longer before deciding if they want their personal effects returned. The protocol should contemplate accountability and storage of any personal effects with high financial value, such as money, jewelry, and vehicles. The personal effects team should coordinate with evidence collection to determine what items were collected as evidence so victims or families can be advised if the items are evidence. This information can comfort a victim by knowing their item was not lost, and it helps manage their expectations because evidence is not often returned quickly.

12.7.5 Local governments should establish working groups made up of law enforcement, social service providers, and end users to develop strategies that maximize information sharing in a collaborative model.

According to Pamela Elton, Unit Chief of the Victim Program Management Unit at the FBI,¹⁶⁷ their victim services response team is a multi-disciplinary team consisting of more than 70 victim specialists, agents, analysts, and Victim Services Division Headquarters personnel. Creating this type of team provides many benefits. They can

- deploy a team anywhere in the country when the impact of the crime exceeds the ability of local resources to address victim needs
- provide on-scene assistance to victims and families
- assist with death notifications
- coordinate support services to hospitalized victims and families of deceased victims
- support the development and management of victim lists
- facilitate cleaning and return of personal effects
- support victim assistance or resource centers for victims and families
- plan for and manage family briefings and site visits

Although the composition of the team may vary based on the needs of that area, working group members should include visionary leaders from diverse professions who regularly interact with victims of crime.

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."¹⁶⁸ 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."¹⁶⁹ In

¹⁶⁷ Pamela Elton, FBI, Unit Chief for the Victim Program Management Unit, Presentation to the Victim Services Working Group, April 21, 2020.

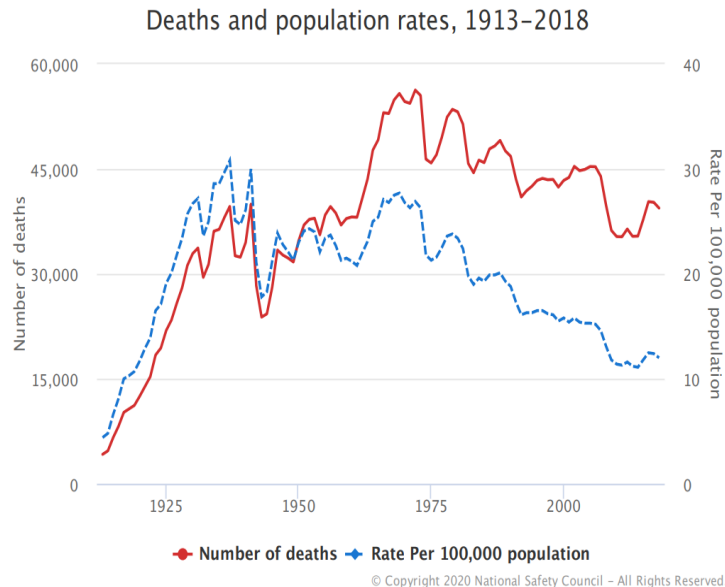
¹⁶⁸ Ibid.

¹⁶⁹ <https://www.statista.com/topics/3708/road-accidents-in-the-us/>

Deliberative and Pre-decisional

2018, approximately 4.5 million motor vehicle crashes resulted in injuries that required medical care.¹⁷⁰ According to the U.S. Department of Transportation's National Highway Traffic Safety Administration, approximately 36,120 deaths resulted from crashes involving motor vehicles in 2019.¹⁷¹

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 car crash are often perceived as incomparable to injuries sustained from a violent crime. However, motor vehicle crash injuries 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. Although the traumatic experience may differ, the effects of both negative experiences share some similarities.



Source: [Deaths and Population Rates Image](#)

2 MILLION
Around 2 million drivers in car accidents
experience permanent injuries every year

Image Source: <https://www.driverknowledge.com/car-accident-statistics/>

PULL QUOTE: “If someone is shot or stabbed, people are [alarmed], but if an individual is killed in a car crash, the incident [does not seem to carry the same weight].” - Dolores Poeppel, Director of Colorado State Patrol’s Victims’ Assistance Unit¹⁷²

Current State of the Issue

According to Delores Poeppel, 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

¹⁷⁰ <https://injuryfacts.nsc.org/motor-vehicle/overview/introduction/>

¹⁷¹ <https://www.nhtsa.gov/press-releases/early-estimates-traffic-fatalities-2019>

¹⁷² Victim Services Working Group meeting May 14, 2020 Presentation: Dolores Poeppel, Director, Colorado State Patrol’s Victims’ Assistance Unit

Deliberative and Pre-decisional

injured or killed. 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.¹⁷³ Commissioner Craig Price, 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.¹⁷⁴

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.¹⁷⁵ The impact of the program has been invaluable to car crash victims. When a car 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 car crash. Victims are able to contact their advocate by phone at any time, because victim advocates work around the clock.¹⁷⁶

¹⁷³ Email Communication – Commissioner Craig Price-5/21/2020

¹⁷⁴ Ibid; Victim Services Working Group meeting May 14, 2020 Presentation: Dolores Poeppel, Director, Colorado State Patrol's Victims' Assistance Unit

¹⁷⁵ Victim Services Working Group meeting May 14, 2020 Presentation: Dolores Poeppel, Director, Colorado State Patrol's Victims' Assistance Unit

¹⁷⁶ Ibid.

Deliberative and Pre-decisional

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.¹⁷⁷ While obstacles to implementing car crash assistance programs exist, law enforcement agencies should take the necessary steps to overcome these hurdles. Car 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.



Source: <https://www.cdc.gov/injury/features/global-road-safety/index.html>

[BEGIN TEXT BOX]

Colorado State Patrol: Victims' Assistance Unit Responsibilities¹⁷⁸

- Ensure that the Colorado State Patrol is in complete compliance with the Colorado Victim Rights Act through the services that they offer.¹⁷⁹
- Inform victims of their rights with materials, such as brochures.
- Ensure services, resources, and guidance are provided to victims at the time of the incident and throughout the criminal justice process.
- Document all communication with victims, their family members, and witnesses.
- Compile data including the number of victims served and services provided to victims for grant reporting purposes.
- Provide accurate information to victims and their family members about the status of the investigation.
 - Provide contact information on the trooper assigned to the case.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid; <https://www.colorado.gov/pacific/dcj/victim-rights>

Deliberative and Pre-decisional

- Provide information on the charges to be filed and the initial court date.
- Provide information on the status of the driver responsible for the crash.
- Provide the contact information of the district attorney assigned to the case.

[END TEXT BOX]

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

To ensure that car crash victims and their families are properly assisted, crash assistance programs should be developed. Agencies can develop a Victim Advocate Volunteer Program, which will allow members in the department to give back. Once victim advocates are selected for the agencies crash assistance program, they must be enrolled in a certification course or a Victim Advocate Academy to expand their knowledge on how to attend to victims of car crashes and how to manage the stress that comes along with such an integral position.¹⁸⁰ Included below are some of the services and benefits that a crash assistance program can offer:

- 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 losses.¹⁸¹
- 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 hospital.¹⁸²

12.8.2 Law enforcement agencies should secure funding to 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.¹⁸³ 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

¹⁸⁰ Ibid

¹⁸¹ Email Communication – Commissioner Craig Price-5/21/2020

¹⁸² Victim Services Working Group meeting May 14, 2020 Presentation: Dolores Poeppel, Director, Colorado State Patrol's Victims' Assistance Unit

¹⁸³ Ibid

that provides the agency with about a quarter of a million dollars 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 Act (VOCA), which provide funds from the federal government.¹⁸⁴

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 families¹⁸⁵

12.8.4 The federal government should develop a national field training advocate manual to ensure consistency in training.

Training is a necessary part of the victim advocate role in crash assistance programs. Many training opportunities are available to victim advocates; however, a manual should be developed that bridges any gaps in training. The intricate nature of motor vehicle incidents requires the standardization of training to ensure that the same level of care is provided nationwide.

12.8.5 Law enforcement agencies should integrate victim advocates into their agency and build opportunities for self-care into their crash assistance program for the advocates.

Officers should understand the role that victim advocates play when assisting motor vehicle crash victims. To encourage successful collaboration between law enforcement personnel and victim advocates, agencies should ensure “buy-in” from the officers. Agencies should provide enough information to the officers so that they can understand the value of the services that victim advocates provide. Agencies should convey to officers that allowing victim advocates to handle the emotional aspects of the crime and coordinating care for the victim and their families will allow the officers to focus on investigating the crash. Officers must also be informed of when to call on victim advocates. In Colorado, it is mandatory to secure an advocate for all crimes that fall under the Victim Rights Act (VRA).¹⁸⁶

In addition to acclimating law enforcement to the use of victim advocates, the advocates must also be immersed into the agency so that they feel that they are an integral part of the agency. This can be accomplished by incorporating them into conferences, trainings, networking opportunities, and regular team meetings. Because the role of a victim advocate can be challenging, agencies should also establish psychological resources specifically for the advocates to ensure that they are not overwhelmed by the totality of their responsibilities. Because the role often requires being on call 24/7, advocates should be allowed to take time off on a regular basis to help them recharge and prevent burn out.¹⁸⁷

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

Deliberative and Pre-decisional

Appendix B: Methodology

Field Visits

Hearings

Literature search

Trauma-informed Care Resources

Human Trafficking Task Force E-Guide <https://www.ovcttac.gov/taskforceguide/eguide/>

Becoming Trauma-Informed: Learning and Appropriately Applying the Neurobiology of Trauma to Victim Interview <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=1364>

The Importance of Understanding Trauma-Informed Care and Self-Care for Victim Service Providers <https://www.justice.gov/archives/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>

Building trust through trauma-informed policing, Love-Craighead, Altovise. Think Justice Blog, Police Perspectives. Vera Institute of Justice, 2015. <https://www.vera.org/blog/police-perspectives/building-trust-through-trauma-informed-policing>

Confessions of a Major Case Detective, Schentrup, Mike. End Violence Against Women International's From the Trenches Blog Series, 2017. <http://www.fromthetrenchesofevawintl.org/2017/05/confessions-of-major-case-detective.html>

Response to Victims of Crime: Model Policy; Concepts and Issues Paper; Need to Know... IACP Law Enforcement Policy Center, August, 2018. <https://www.theiacp.org/sites/default/files/2018-08/VictimsBinder2018.pdf>

Trauma-Informed Sexual Assault Investigation Training, IACP, <https://www.theiacp.org/projects/trauma-informed-sexual-assault-investigation-training>

IACP Model Policies and Concepts & Issues Papers on Critical Incident Stress Management and Employee Mental Health Services http://www.theiacp.org/model-policy/model_policy/critical-incident-stress-management and http://www.theiacp.org/model-policy/model_policy/employee-mental-health-services/

Intimate Partner Violence Resources

- <https://www.familyjusticecenter.org/>
- <https://www.familyjusticecenter.org/wp-content/uploads/2019/06/What-is-a-FJC.-2019-FINAL-Reduced-1.pdf>
- <https://www.allianceforhope.com/>
- <https://www.familyjusticecenter.org/wp-content/uploads/2017/10/Identifying-and-Serving-Victims-of-Human-Trafficking-Through-Family-Justice-Centers -A-Rural-Family-Justice-Center s-Approach-to-Collaboration.pdf> (focuses on rural application of FJC)
- Presentation by Laura L. Rogers, Acting Director, Department of Justice Office of Violence Against Women of April 7, 2020, and supporting materials
- Presentation by Kim Garrett, CEO, Palomar Family Justice Center, on April 16, 2020

Additional Resources Used

IACP Resolution: Support for Incorporating an Enhanced Response to Victims as a Priority in Daily Law

Deliberative and Pre-decisional

Enforcement Operations

[The Brief: Law Enforcement–Based Victim Services—Strong Foundations Lead to Improved Victim Outcomes](https://www.policechiefmagazine.org/the-brief-law-enforcement-based-victim-services-strong-foundations/)
<https://www.policechiefmagazine.org/the-brief-law-enforcement-based-victim-services-strong-foundations/>

Establishing or Enhancing Law Enforcement-Based Victim Services – What are the key considerations? (June 2019) <https://www.theiacp.org/projects/law-enforcement-based-victim-services-lev>

What Does the Data Tell Us About Law Enforcement-Based Victim Services? (April 2018)
<https://www.policechiefmagazine.org/what-does-the-data-tell-us/>

The Vicarious Trauma Toolkit <https://vtt.ovc.ojp.gov/>

Law Enforcement-Based Victim Specialist Program, OVC Solicitation, 2020

Mass Casualties Resources

<https://www.motherjones.com/politics/2012/07/mass-shootings-map/>

<https://www.ovc.gov/pubs/mvt-toolkit/victim-assistance.html>

https://www.ovc.gov/providers/domestic_terrorism.html

<https://www.fbi.gov/news/stories/fbi-course-elevates-victim-services-102519>

Woods, T. O. (2008). First Response to Victims of Crime: A Guidebook for Law Enforcement Officers, Office for Victims of Crime.

<https://www.ovc.gov/publications/infores/pdf/txt/FirstResponseGuidebook.pdf>

<https://files.asprtracie.hhs.gov/documents/aspr-tracie-mass-casualty-triage-final-508.pdf>

<https://www.nmvvrc.org/>

Limited English Proficiency Resources

DOJ Model Guidance and [Sample](#)

LEP.gov LE Language Access Planning [Tool](#)

Battered Women’s Justice Project Language Access Compliance for Law Enforcement – [Model Guidance](#)

[Migration Policy Institute](#), The Limited English Proficient Population in the United States,

Example of a [Language Identification Guide](#):

[Overcoming Language Barriers: Solutions for Law Enforcement](#)

[Communication Access with Police and Law Enforcement](#)

Translating Justice [Trainers Toolkit](#)

Elderly Victims of Crime Resources

<https://www.justice.gov/elderjustice>

<https://acl.gov/about-acl/authorizing-statutes/older-americans-act>

<https://ncea.acl.gov/What-We-Do/Policy/State-Laws.aspx>

Deliberative and Pre-decisional

<https://www.justice.gov/file/1211066/download>

<https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/#intraPageNav1>

<https://www.justice.gov/elderjustice/eappa-data-overview>

<https://www.nursinghomeabusecenter.com/elder-abuse/statistics/>

<https://www.justice.gov/usao-edny/pr/justice-department-announces-transnational-elder-fraud-strike-force>

“Transferring Forfeited Assets to Victims Through Remission, Restoration, and Restitution,” 67 DOJ J. Fed. L. & Prac., no. 3, 219 (2019). <https://www.justice.gov/usao/page/file/1205051/download>

Press Release, U.S. Dep’t of Justice, Department of Justice Begins First Distribution of Funds Recovered Through Asset Forfeiture to Compensate Victims of Western Union Fraud Scheme (Mar. 10, 2020).

<https://www.justice.gov/opa/pr/department-justice-begins-first-distribution-funds-recovered-through-asset-forfeiture>

Press Release, U.S. Dep’t of Justice, MoneyGram International Inc. Agrees to Extend Deferred Prosecution Agreement, Forfeits \$125 Million in Settlement with Justice Department and Federal Trade Commission (Nov. 8, 2018). <https://www.justice.gov/opa/pr/moneygram-international-inc-agrees-extend-deferred-prosecution-agreement-forfeits-125-million>

¹ Press Release, U.S. Dep’t of Justice, Justice Department Announces Additional Distribution of More than \$378 Million to Victims of Madoff Ponzi Scheme (Apr. 20, 2020). <https://www.justice.gov/opa/pr/justice-department-announces-additional-distribution-more-378-million-victims-madoff-ponzi>

Ken Walker, Chief, West University Place (TX) PD, Victim Services Working Group Member, in discussion with Working Group, May 28, 2020.

<https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2018OlderAmericansProfile.pdf>

<https://www.theiacp.org/elder-abuse>

Youth Victims of Crime Resources

<https://www.theiacp.org/sites/default/files/2018-08/CEVToolkit.pdf>

The IACP and Yale, with support from OJJDP, have launched the Enhancing Police Responses to Children Exposed to Violence: A Toolkit for Law Enforcement which provides practical tools and resources to assist law enforcement agencies in building or enhancing effective operational responses to children exposed to violence (with or without a mental health partner).

Adolescent Development / Youth Trauma Training Tailored to Law Enforcement

1. PA DMC Youth/Law Enforcement Curriculum www.penndmc.org
2. Trauma Training for Criminal Justice Professionals <https://www.samhsa.gov/gains-center/trauma-training-criminal-justice-professionals>
3. Policing the Teen Brain <https://strategiesforyouth.org/services/ptb-training/>

Child Sex Trafficking Trainings and Resources

1. IACP Child Sex Trafficking: Tools for Law Enforcement <https://www.theiacp.org/projects/child-sex-trafficking-tools-for-law-enforcement>
2. LA County Law Enforcement First Responder Protocol for CSEC <https://lacounty.gov/residents/public-safety/first-responder-protocol/>

Deliberative and Pre-decisional

Collaborative Teams/ Police Programs

1. Cambridge Safety Net
<https://www.cambridgema.gov/cpd/communityresources/safetynetcollaborative>
2. Child Development- Community Policing (New Haven)
https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/gun_violence/profile48.html

Parents Arrested in Presence of Children

1. First Do No Harm: Model Practices for Law Enforcement Agencies When Arresting Parents in the Presence of Children https://strategiesforyouth.org/sfysite/wp-content/uploads/2012/09/First_Do_No_Harm_Report.pdf
2. Safeguarding Children Of Arrested Parents Toolkit (IACP)
<https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit>

IACP: [*Law Enforcement's Leadership Role in Juvenile Justice Reform: Actionable Recommendations for Practice & Policy*](#)

SME briefings

Enhancing Law Enforcement Response to Victims (ELERV) – March 24, 2020

- Chief David Porter, Dewitt (IA) PD
- Lt. David Kendorski, Saginaw (MI) PD

Trauma Informed Care for Victims and Officers – March 31, 2020

- Deborah A. Richardson, PhD, FBI, VSD Clinical Services Coordinator
- Sgt. Chris Scallon, (Ret.) Norfolk Police Department

Domestic Violence, Sexual Assault, Dating Violence, and Stalking – April 7, 2020

- Laura Rogers, Acting Director, OVW

Human Trafficking – April 14, 2020

- Bill Woolfe, Principal Deputy Director, OVC
- Stacie Harrison, National Coordinator for Child Exploitation Prevention and Interdiction, and National Human Trafficking Coordinator at the Department of Justice.

Family Justice Centers – April 16, 2020

- Kim Garrett, CEO and founder of Palomar, Oklahoma City's Family Justice Center

Deliberative and Pre-decisional

Mass Casualties – April 21, 2020

- Pamela Elton, FBI, Unit Chief for the Victim Program Management Unit.
- Kevin Gutfleish, FBI, Unit Chief of the Terrorism and Special Jurisdiction Unit within the FBI's Victim Services Division.

Elderly Victims of Crime – April 28, 2020

- Bonnie Brandl, Founder and Director of the National Clearinghouse on Abuse in Later Life (NCALL).

Youth Victims of Crime – April 30, 2020

- Alison Boak, International Organization for Adolescents

Youth Victims of Crime – May 7, 2020

- Lisa Bourgoyne, Director of Forensic Services, Children's Assessment Center

Limited English Proficiency – May 12, 2020

- Jannette Brickman, Senior Program Associate, Vera Institute of Justice

Victims of Car Crashes – May 14, 2020

- Dolores Poeppel, Director, Victims' Assistance Unit, Colorado State Patrol

Hate Crimes – May 19, 2020

- Will Johnson III Chief of Police Arlington Police Department
- Ronald A. Sellon Chief of Police Mansfield Police Department

Hate Crimes – May 21, 2020

- Brittany E. Hayes, Ph.D., Assistant Professor, Department of Criminal Justice and Criminology, Assistant Director, Crime Victims' Institute

SMEs Submitting Written Contributions:

- Youth Victims of Crime - Rhonda McKitten, Youth Policy and Training Specialist, Philadelphia Police Department, and Project Director for Philadelphia's Juvenile Assessment Center
- Youth Victims of Crime - Brittany E. Hayes, Ph.D., Assistant Professor, Department of Criminal Justice and Criminology, Assistant Director, Crime Victims' Institute
- Data - List any datasets which were reviewed, referenced in your WG deliberation – including title of the dataset, year, and description of how/what part of your WG activity it informed, and include a hyperlink to the dataset. Assuming here that there hasn't been any data analysis for any of the chapters. If there is, please discuss with your team lead.

Deliberative and Pre-decisional

Business meetings (conference calls)

- Information will be compiled when research is complete