

# The WARNATH GROUP

## **WHAT DOES VICTIM-CENTERED MEAN FOR CRIMINAL JUSTICE ACTORS?**

Acting in a Victim-Centered way means you will work to

- 1) Protect the victim from harm;
- 2) Do no further harm; and
- 3) Do what is within your power and ability to help the victim.

**Protect the victim from harm** includes keeping them from suffering physical harm or psychological harm caused by the trafficker, friends of the trafficker, members of their community or even their own family.

**Do no further harm** means you must be careful not to psychologically harm the victim as you do your job. Be aware that you can do harm by causing the victim to suffer additional trauma (retraumatizing) when you are just trying to do your job. Victims can be retraumatized as a result of you having them tell the story of their traumatic experience during an interview, forcing a victim to do something against their will like cooperate with the investigation, judging the victim and their behavior, blaming the victim for what has happened to them, sharing private information about the victim without the victim's permission, or otherwise making the victim feel unsafe or threatened.

**Do what is within your power and ability to help the victim** - this includes determining what you can do for the victim as a person not just what you need to do for your case. If the victim tells you of a specific need or you have identified a specific need ask yourself what, if anything, you can do to help fulfill that need. It may be as simple as making a referral to someone at the Department of Social Work (DSW), responding to a request for help to make contact with a family member, taking the victim to get emergency medical care or psychological counseling. This is not to suggest that as a criminal justice actor you should take on the role of the DSW worker or directly provide any services to the victim – but you should do whatever is within your power and ability to help.

Victim-Centered means that all the people working on a case make decisions and act in ways that support what the victim wants (even if you disagree with the victim's choices or if what the victim wants is not the best decision for your case). There is no single answer to what is best for the victim. To determine what is "best" for the victim you are working with ask them. You should explain what will happen if they make a particular choice and then let the victim decide what is best for them self. For example, if you are the beginning of an investigation you may explain to the victim how the interview process works, when the interview would take place, who would be in the room, and what they should expect. You might also have to spend time explaining to the victim what will happen if they make a decision. For example, you might explain that if they agree to cooperate with a prosecution they may be required to provide testimony at court. You can also explain that if they choose not to cooperate then the trafficker

will go free and might do this same thing to someone else. Take the time to answer the victim's questions and give the victim time to think and make decisions. If the victim asks you to decide tell them you can't make the decision for them – they need to think about it and make the decision for themselves. Victim-Centered means that you do what you can to help the victim and abide by their wishes, so long as it does not put the victim directly in harm's way.

Remember, while using the Victim-Centered approach will likely help with better outcomes overall, in some cases the decision the victim makes will not correspond with what is in the best interest of you as a police officer or prosecutor.

In addition to providing whatever direct help you can to the victim, you should do whatever you can to help the victim access resources or get in touch with other individuals who can help them with the services or support they may need.

### ***WHY USE THE VICTIM-CENTERED APPROACH?***

The Victim-Centered approach is known as an international best practice when dealing with trafficking victims. The nature of human trafficking is different from many other crimes as it often involves human rights and humanitarian violations. The trauma experienced by the victim is typically not the result of a single criminal act confined to a brief period of time, but a sustained trauma that builds and multiplies in impact over the months or years that the victim is not in control of their own life. The victim may experience physical, psychological or sexual abuse at the hands for the trafficker. As a law enforcement official you can decide if you want to work with the victim in a way that is most likely to help them be in a position to reclaim their life.

Using the Victim-Centered approach is often beneficial to criminal justice actors. This approach requires considerable effort, patience and time but if you truly practice the Victim-Centered approach and work in the best interest of the victim you can earn the victim's trust over time. That trust may lead to you learning more about the facts of the case which can lead to better corroborative evidence. A victim who trusts you and feels that you have their best interest at heart is more likely to cooperate with the prosecution. A victim who feels that they are still being controlled, and used for someone else's purpose is unlikely to cooperate with you on your case. The Victim-Centered approach may not always result in an eager witness or a conviction but it is always the right thing to do. It empowers the victim in ways that may help them recover, it allows the victim to control his or her life and future and it recognizes that the needs of the victim may in some cases be more important than the goals of the criminal justice system.