

Building trauma-informed and survivor-centered systems

Without the right safeguards, the systems meant to protect survivors of child sexual abuse and exploitation (CSAE)—including healthcare, law enforcement and court systems—can end up adding to their trauma. Children may be met with judgment, disbelief or asked to recount sensitive and triggering details of their abuse repeatedly. Other times, their voices or needs can get overshadowed during investigations. Building systems that are trauma-informed and survivor-centered not only means taking action to minimize harm, but also to ensure the rights and agency of survivors are protected and empowered.

Why this matters

Creating trauma-informed and survivor-centered response systems is essential to both preventing further harm and improving investigations. Operation Light Shine’s Jim Cole explains: “The truth is, if you lose the survivor’s trust, you often lose the case. A trauma-informed approach helps survivors stay engaged, supports more accurate disclosures and avoids retraumatization that can lead to withdrawal or non-cooperation. It’s both the ethical thing to do and the most effective path to justice.”

Ensure response systems are survivor-centered by:

- Enacting a Survivor’s Bill of Rights that defines the legal rights of survivors—and taking steps to ensure survivors and their families are aware of these rights
- Mandating recurring training on sexual violence and trauma-informed practice for key responders, including law enforcement and prosecutors
- Adopting measures to prevent the retraumatization of survivors during legal proceedings, applicable to all children up to the age of 18



Mapping the policy landscape

Know your rights

A positive trend in recent years has been the adoption of state-level Sexual Assault Survivors' Bill of Rights in many states.¹ These laws typically guarantee rights such as access to certain medical care without charge, advocacy services during medical or court proceedings and receiving certain updates on the status of their sexual assault evidence collection kit (commonly called a rape kit).

While the codification and standardization of survivors' rights is a critical step forward, it is equally important to ensure these bills are formulated in a way that does not place an undue burden on survivors to navigate and assert their rights during what can be a very confusing and traumatic period. Special attention should also be given to child or adolescent survivors, and their families, who have distinct needs and require tailored support.

States should engage experts, advocates and survivors to co-create this legislation to ensure survivors are protected, their rights upheld and they have meaningful participation and choice when engaging with various systems.¹

Additional steps should be taken to increase public and survivor awareness of these legal rights. Some states are already doing this. For example, several require a designated agency—often the state Attorney General's Office—to publish a pamphlet outlining survivors' rights and distribute these materials to hospitals and law enforcement agencies or make them available online. Others have gone further, mandating that frontline responders—typically medical providers or police officers—provide survivors with a written card or notice of their rights at their initial point of contact.

How states did it: good practices in promoting survivors' rights

The District of Columbia requires the Metropolitan Police Department to provide all individuals aged 13 or older who are known or reasonably suspected to be victims of sexual assault with a *Sexual Assault Victims' Rights Card*. For victims between the ages of 13 and 17, this includes the right to have a youth sexual assault victim advocate present during any forensic medical examination, evidentiary or physical examination, hospital visit or interview.²



¹ Systems should acknowledge that children and young people, depending on their age and developmental stage, will require different responses, language and opportunities—and will have varying desires and capacities to participate actively and meaningfully.

The need for specialized training

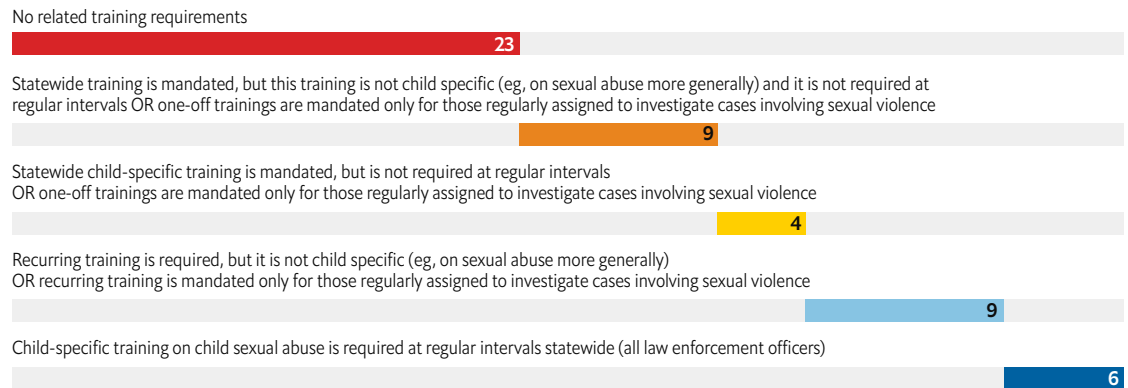
Frontline responders—including police, child protective services investigators, medical professionals and prosecutors—are often among the first to interact with survivors. Therefore, their expertise is critical for gathering evidence, conducting effective investigations and connecting survivors with support services.³ Their actions and conduct send important signals to survivors about whether their experience is believed or taken seriously.⁴

Without appropriate training and protocols, these interactions can exacerbate existing trauma, reduce survivors’ willingness to participate in investigations and lengthen healing and recovery. “Even well-meaning professionals can unintentionally cause harm if they aren’t trained to recognize how trauma affects memory, disclosure or behavior,” says Mr. Cole. “Survivors are sometimes treated with skepticism or judgment for not disclosing ‘properly’ or ‘quickly enough,’ when in fact those reactions are often textbook trauma responses. If we want survivors to find justice and healing, we need systems that put their needs at the center—not as a secondary concern, but as a foundational design principle.”

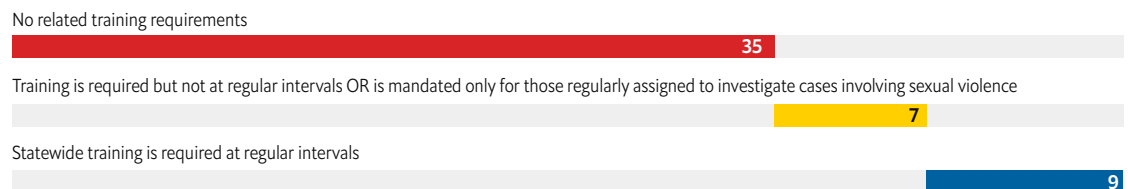
Figure 1: Protect and empower: specialized training for law enforcement

Number of states in which training is statutorily mandated

Does state law mandate training on handling sexual abuse cases for law enforcement personnel and/or those regularly assigned to investigate such cases?



Does state law mandate training for law enforcement personnel and/or those regularly assigned to investigate sexual violence cases on trauma or delivering a trauma-informed response?



State approaches to training frontline responders are far from standardized. Just over half of states (28 of 50) have a law mandating at least some law enforcement officers receive training on handling sexual abuse cases. Among these, requirements vary in terms of training frequency, the categories of officers covered (eg, special teams only), and the topics that must be addressed—such as helping officers

to understand the potential impacts of trauma on victims. Only four states—Florida, Illinois, Texas and Washington—mandate statewide training for law enforcement on handling sexual abuse cases that is trauma-informed and child-specific. Training for prosecutors is even more scarce: six states mandate training on sexual abuse for prosecutors, with just three requiring child-specific components (Figure 1).

How states did it: good practices in training

Illinois law mandates law enforcement officers be trained in trauma-informed approaches to responding to and investigating sexual assault and abuse. This includes recognizing signs of trauma, understanding how trauma affects victims and being sensitive to factors like age (especially for children under 13), gender and other characteristics. Agencies must also provide ongoing in-service training on this topic at least once every three years.⁵

Delaware law requires deputy attorney generals receive training on child sexual abuse every three years. Additionally, any assistant or special assistant to the Attorney General regularly assigned to the prosecution of criminal or delinquency cases alleging a sexual offense is mandated to receive at least four hours of specialized and trauma-informed training in sexual assault every three years.⁶





Protections for children facing the courtroom

CSAE cases are recognized as being especially difficult to prosecute. This is in part because limited physical or forensic evidence exists in such cases, with prosecutors often relying on children’s testimonial statements. Yet investigations and trials can also be traumatic for survivors, especially children. Survivors may be asked to speak in the same room as their abuser, recount traumatic experiences in court and face questions that may seek to undermine their account of what happened.⁷ Recognizing these challenges, many states have introduced special measures or testimonial aids to help protect children who have experience sexual violence from incurring further trauma when engaging in court proceedings.

Every state in the index and the District of Columbia (D.C.) has laws or rules that allow child victims of sexual abuse to testify via alternative means, such as closed-circuit television, in criminal trials. Yet many states restrict the availability of this option to younger children only (eg, in Kentucky, this exception is available to children aged 11 or younger). Just 12 states extend this protection to children up to age 18. Many states also permit certain out-of-court statements by child victims—such as those made to police or forensic interviewers—to be admitted under hearsay exceptions. Yet these provisions also only apply to younger children.ⁱⁱ

How states did it: good practices in preventing retraumatization

Under Maine law, recordings of forensic interviews—conducted by qualified forensic interviewers affiliated with children’s advocacy centers (CACs)—are admissible in court as exceptions to the hearsay rule (provided certain criteria are met).⁸



^{xxx} It should be noted that in many cases these protections are only available on a discretionary basis. For example, if a judge or qualified expert determines that testifying in open court would likely cause the child significant harm or trauma. Furthermore, separate legal standards may apply regarding whether and how the child must be made available for cross-examination

References

- 1 Chuck Grassley 2023. "Survivors' Bill of Rights in the States Act Becomes Law." Press release. <https://www.grassley.senate.gov/news/news-releases/survivors-bill-of-rights-in-the-states-act-becomes-law>
- 2 D.C. Code §§ 23–1907 – 23–1912
- 3 Office of Juvenile Justice and Delinquency Prevention. 2014. *Law Enforcement Response to Child Abuse: Portable Guide to Investigating Child Abuse* (Pub. No. 243907). U.S. Department of Justice. <https://www.ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/243907.pdf>
- 4 Lorenz, K., A. Kirkner, & S. E. Ullman. 2019. "A Qualitative Study Of Sexual Assault Survivors' Post-Assault Legal System Experiences." *J Trauma Dissociation*. 20 (3): 263-287. doi: 10.1080/15299732.2019.1592643.
- 5 50 ILCS 705/10.21
- 6 29 DE Code Ann. §§ 2511 and 2505
- 7 Caprioli, S., & D. A. Crenshaw. 2017. "The culture of silencing child victims of sexual abuse: Implications for child witnesses in court." *Journal of Humanistic Psychology* 57 (2), 190–209. <https://doi.org/10.1177/0022167815604442>
- 8 16 ME Rev. Stat. § 358

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