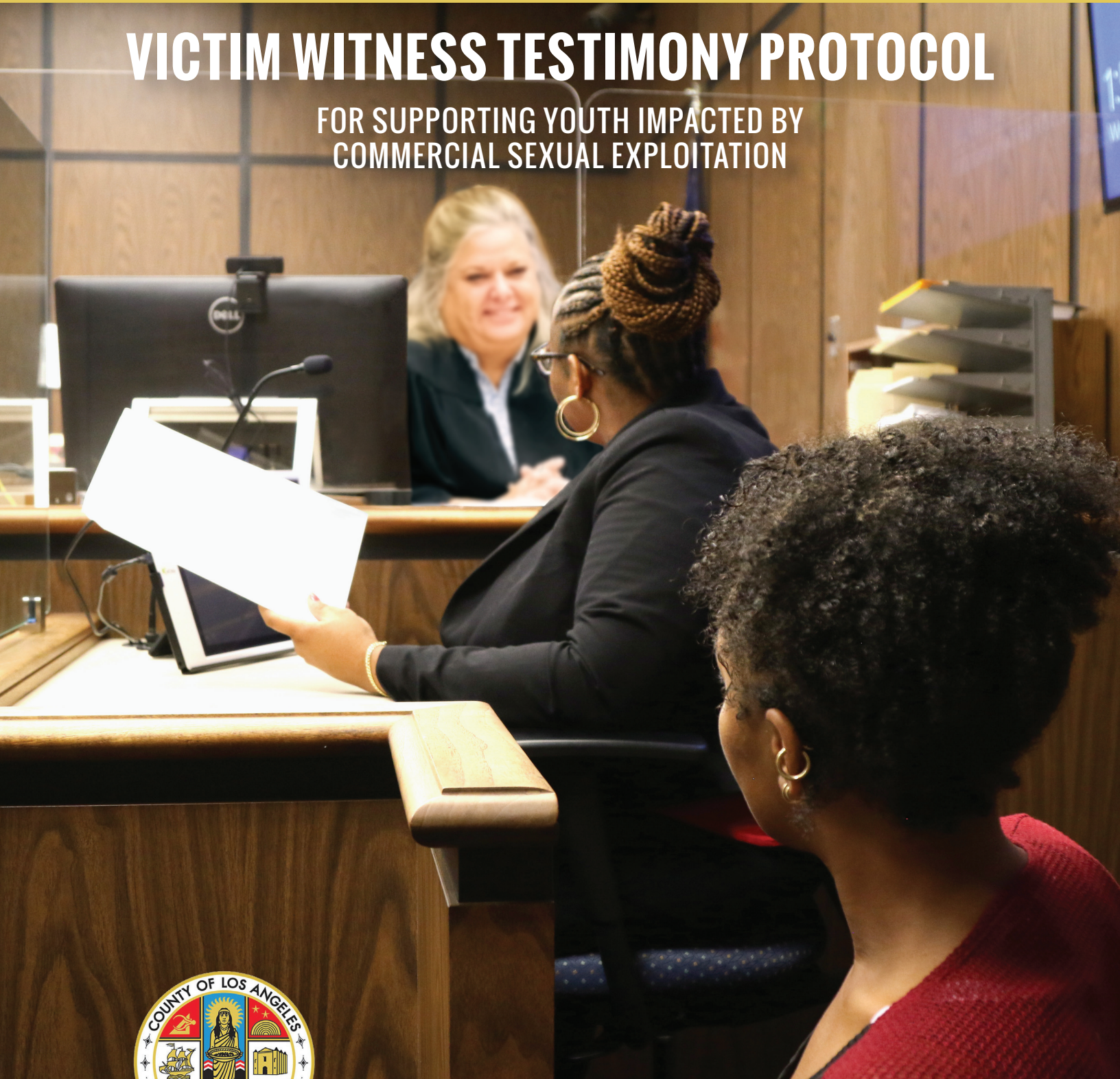


LOS ANGELES COUNTY

VICTIM WITNESS TESTIMONY PROTOCOL

FOR SUPPORTING YOUTH IMPACTED BY
COMMERCIAL SEXUAL EXPLOITATION





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MESSAGE FROM THE BOARD

The Los Angeles County Board of Supervisors is proud to support the development of the Victim Witness Testimony Protocol. This protocol is yet another example of LA's decade-long leadership in pioneering innovative, collaborative, victim-centered approaches to serving youth impacted by commercial sexual exploitation (CSE) and combatting this horrific crime in our County.

LA County is committed to holding those who harm children through exploitation and trafficking accountable through zealous criminal prosecution. However, this often necessitates children and youth appearing in court as witnesses against their traffickers, an experience that can be scary, stressful, and retraumatizing. The Victim Witness Testimony Protocol provides that any time a young person is called to testify in court, both the youth and supportive adults in their life are notified, and a team of trusted adults comes together quickly to provide support to the youth witness before, during, and after testimony. This includes providing basic necessities, like making sure the youth has food, medication and comfortable clothing for the day of testimony, connecting the youth with a community-based advocate and mental health support if needed, and proactively planning for any safety concerns

that might arise as a result of the testimony.

We applaud the hard work and vision of the County agencies, community partners, and survivor advocates who came together to build this Protocol, and for their unwavering commitment to supporting the children and youth of our community.

“Testifying against an exploiter can be extremely difficult for a young victim of trafficking - on top of the trauma they’ve already experienced. I am so thankful to all the County staff and community advocates who have devoted their time to combating sexual exploitation of children in LA County and for making this protocol a priority.”

*- Supervisor Holly J. Mitchell,
LA County Board of Supervisors,
2nd District -*



From left to right:
Janice Hahn (4th Dist.),
Hilda Solis (1st Dist.),
Holly J. Mitchell (2nd Dist.),
Sheila Kuehl (3rd Dist.),
Kathryn Barger (5th Dist.)

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Tiffany Esqueda	Probation Department
Whelma Llanos	District Attorney's Office

**Please note that these were the roles during the creation of the protocol and some roles may have changed since.*

A. Introduction

Despite common misconceptions that human trafficking is an international phenomenon, thousands of children and youth are bought and sold for sex every day in the United States. Based on a growing recognition of the problem in Los Angeles County since 2011, county officials have made great strides in developing innovative approaches to preventing the commercial sexual exploitation of children and youth (CSEC/Y), as well as identifying and serving children and youth who have been exploited and those at risk of exploitation.¹ Among the County's efforts to fight this problem, it has established two collaborative courts, created specialized units within the Probation Department (Probation) and Department of Children and Family Services (DCFS) to provide intensive, specialized services to children and youth identified as exploited or at risk, trained thousands of county employees, service providers, caregivers and community members, expanded the capacity of the Departments of Health Services (DHS), Mental Health (DMH), Public Health (DPH), and others to serve this population, and convened multidisciplinary workgroups to develop and implement interagency protocols to promote prevention, identification, and appropriate responses to children and youth who have been or are at risk of commercial sexual exploitation (CSE).

Alongside these efforts to proactively identify and provide services and supports to exploited and at-risk youth, the County has committed to zealously prosecuting individuals who purchase sex and exploit and traffic youth. Because the testimony of a victim² can be very influential, youth who have been commercially sexually exploited are often called upon to testify as witnesses in court to aid in the criminal prosecution of their traffickers. The experience of appearing and testifying in court can be stress-inducing and traumatizing for many witnesses; it is made even more so when the witness is a child testifying against their trafficker.

A Word on Language

Throughout this document, we use the terms “child/children” and “youth,” which are meant to include children, youth, and transition age youth up to age 21.

The term “trafficker” is meant to include those who sell or otherwise financially benefit from the commercial exploitation of the child.

¹ Throughout this document, we use the terms “child/children” and “youth,” which are meant to include children and transition age youth up to age 21. The term “trafficker” is meant to include those who sell or otherwise financially benefit from the commercial exploitation of the child.

² We use the terms “victim” and “survivor” when referring to those who have experienced CSE. We acknowledge that each individual's experience with exploitation and association with related terms and labels varies, and that not all who have experienced CSE identify as a victim and/or as a survivor.

EXECUTIVE SUMMARY

In order to decrease the risk of re-traumatization and harm to youth asked to testify in criminal proceedings against their traffickers, and to support the goal of zealous prosecution of traffickers, Los Angeles County convened a multi-agency workgroup to develop the Victim Witness Testimony Protocol (VWTP). The VWTP defines the roles and responsibilities of all agencies that will interact with a youth before, during, and after their testimony against their trafficker. The VWTP provides for multi-disciplinary supports for the youth and their family/guardian/caregiver(s) throughout the entire process, from case filing through the day of testimony and beyond.

“Think about it: youth who have been sexually trafficked were raped, repeatedly. Like any sexual assault victim, they don’t want to re-visit that violence and degradation. They also are likely child abuse victims and are being asked to betray someone who they have shared much of their life with and are attached to. Like DV victims, they may believe that their abusers are the only people they can rely upon for food, shelter, security, and oftentimes, love. Add the intimidation that they may feel if their trafficker and their people are gang-affiliated

and testifying may look like a very bad option with no obvious advantages for them.

They have many reasons to distrust the officers, attorneys or social workers who have brought them to testify. Getting them to trust us requires the professionals to be genuinely supportive and transparent and consistent. To get them to face their traumas in new ways, we need to prove to them that we will continue to listen to them and support them when the trial is over.

We are publicly exposing their trauma and asking them to re-live it in front of strangers and give them virtually no control over how their story is told. I think that trials are often harder on the victims than they are on the defendants. Our criminal justice system is dedicated to protecting the rights of defendants; I believe this protocol is the start of an earnest commitment to protecting the rights of the victim/witnesses as well.”

*- Judge Catherine Pratt -
LA County Superior Court*

B. Components of the Protocol

1

Initiating the Victim Witness Testimony Protocol

The notification and subpoena process is the critical first step that initiates the Protocol. Providing timely notice to parties supporting youth who are called to testify against their trafficker(s) allows these agencies and organizations the time needed to coordinate and plan to ensure the youth is prepared and supported throughout the process.

2

Creating a Supportive Environment for Youth Witnesses

For every youth called to testify against their trafficker in a criminal proceeding, a Victim Witness Support Team will be established. For system-involved youth, either Probation or DCFS will lead and convene the team; for non-system involved youth, the DCFS and DA's Office, Bureau of Victim's Services (BVS) will coordinate to provide a specialized advocate and other relevant individuals to support the youth. The Support Team is established immediately once the District Attorney notifies partners that they intend to call a youth as a witness. It is an individualized, multi-disciplinary group of people who aim to coordinate and collaborate in order to support the youth who is testifying. Preparation and support prior to testimony reduces the potential trauma experienced by the youth, facilitates more complete and accurate testimony, and enables successful prosecutions against traffickers.

3

Testimony Planning

The primary role of the Support Team is to develop a plan in collaboration with the youth witness, around how to best support the youth leading up to testimony, on the day of testimony, and following testimony. These plans clearly define the roles and responsibilities of each team member to ensure the youth and their caregiver(s) are supported throughout the process. The plans will be documented, and can be used by all team members to support youth and ensure accountability among the parties.

4

Post Testimony

Following testimony, the Support Team will communicate to determine whether there are any outstanding needs or concerns. During this period of time, the specialized advocate will engage with the youth to ensure that they have an opportunity to voice any additional needs, concerns, and/or to provide input and feedback on the process. Individual cases and needs will be reviewed at multi-disciplinary team (MDT) meetings, which will occur within 10 days of testimony. Broader systemic issues will be addressed through Victim Witness Review Committee meetings, which will be comprised of a representative from each of the agencies that are a party to this protocol and will occur on a regular basis.

EXECUTIVE SUMMARY

C. *Why a Victim Witness Testimony Protocol is Needed*

Calling victims and survivors of commercial sexual exploitation to testify in criminal proceedings presents a number of challenges, which together necessitate a collaborative, planned system of supports for victim witnesses.

First and foremost, these witnesses are children and adolescents. As with other child witnesses, without adequate support and preparation, they may have trouble understanding or answering questions, or sharing fully what happened to them, due to age, lack of maturity, intellectual or cognitive capacity, or language ability.

They are also victims of child abuse and trauma. Despite the abuse and manipulation inherent in an exploitative relationship, the complex dynamics of the relationship with a trafficker may prevent a youth from self-identifying as a victim of exploitation. Exploited youth are often bonded to their traffickers, some believing they are in a romantic, loving or caring relationship, which can make the prospect of testifying against them in court challenging and daunting. “Trauma bonding,” a powerful tool for manipulation created through a mix of threats, violence and intimidation alternated with small acts of kindness and caring, can foster intense

feelings of loyalty to the trafficker, isolation from others, responsibility for what happened to them, and shame around the exploitation. In addition, many exploited youth have significant histories of trauma prior to exploitation, including childhood abuse and neglect, sexual abuse and assault, community violence, familial instability, and grief and loss, which may have led to child welfare or juvenile justice involvement and out-of-home care.



Those experiences of loss and abandonment can contribute to youth feeling that their traffickers are the only people who have ever loved and cared for them. As victims of abuse at the hands of trusted adults, they may also maintain a distrust of law enforcement, attorneys, or the courts, whether as a result of the trafficker’s influence or their own experiences. All of these factors can contribute to youth’s reluctance to testify in court against their traffickers.

In addition, testifying in court requires youth to publicly recount difficult and painful events they likely wish to forget.³ For many victims of CSE, as with other survivors of abuse and sexual violence, the court testimony will be the first time they have spoken aloud the horror that they experienced during their exploitation. This retelling can bring up feelings of sadness, anger, anxiety, shame, humiliation, and many others. Doing so face-to-face with one's trafficker, and in front of a room full of family and friends, a judge, attorneys, and other strangers is all the more challenging. Further, disclosing abuse and exploitation in the context of being questioned by attorneys presents additional barriers. Especially given that some youth may have experienced and attempted to disclose abuse in the past and have been ignored, disbelieved, or even punished, the experience of being questioned, discredited and challenged through cross examination has the potential to cause serious additional harm. In some cases, youth may also "crack" under the pressure, recanting, declining, or being unable to tell the whole story when scrutinized.⁴ Like many survivors of trauma, these young people may have coped with their trauma by dissociating from their experiences and memories, making it difficult or impossible to remember or relate their experiences in the narrative, chronological manner that court testimony often requires.

"It was really scary to have to testify in front of my pimp. I remember my social worker and advocate told me to just focus on them, and I did. It made it a little easier on me."

- Youth -

There may also be a very real fear of violent retribution against themselves or their friends and families for testifying against their traffickers. The tactics that traffickers use to lure young people into exploitation and keep them there – threats, violence, and intimidation – often remain in place after a victim has managed to leave the exploitative situation; indeed, the incentive for traffickers to use those tactics may even become heightened with the threat of incarceration, loss of liberty and financial benefit from the exploitation that results from a successful prosecution. Appearing in court also makes the victim and the victim's family more visible to the trafficker and those who seek to protect the trafficker. The risk of violence that testifying can bring is especially high where the exploitation is connected to gang activity or other forms of community violence.⁵ In such circumstances, a gang may have more to gain from discouraging the prosecution, and more capacity to wreak

³ RIGHTS4GIRLS, *Survivor Protection: Reducing the Risk of Trauma to Child Sex Trafficking Victims* 14-17 (Jan. 2018), <https://rights4girls.org/wp-content/uploads/r4g/2018/01/Survivor-Protection.pdf>.

⁴ Strategies such as forensic interviewing, with a focus on intense engagement, can increase the likelihood of obtaining complete, truthful information.

⁵ See Laura J. Lederer, *Sold for Sex: The Link between Street Gangs and Trafficking in Persons*, *The Protection Project*, J. HUM. RTS. & CIV. SOC'Y 1, 6-8 (2011), https://www.researchgate.net/publication/280948057_Sold_for_Sex_The_Link_between_Street_Gangs_and_Trafficking_in_Persons.

EXECUTIVE SUMMARY

havoc on the victim and the victim's friends and family, even if it is only an individual trafficker who is being prosecuted and convicted. In the absence of proper planning and attention, youth may also be exposed to physical, psychological or emotional harm as they encounter traffickers or the traffickers' friends and family in courthouse elevators, hallways, waiting rooms, and even holding cells if they are being detained on other charges at the time of testimony.

The experience on the day of testimony can also be a source of fear, confusion, and stress for youth testifying against their traffickers. Many will be unfamiliar with the layout and different roles of individuals present in the courthouse and courtroom, the adversarial format and formality of court proceedings, and the language used by the attorneys and the judge. Youth may also fear that their testimony could be used against them in the future if, as is common, in the course of their exploitation, they were forced to partake in criminal activity that could expose them to prosecution (for example, for holding drugs for their trafficker). Others may have had negative experiences with the court or law enforcement through prior involvement with the child welfare or juvenile justice systems.

“Yesterday I have never been prouder to be a part of a team. During testimony, the youth struggled and was unable to complete her testimony and had to return for a third day. Her PO knew that it would be a stressful day and asked the team for support. This morning Probation, Saving Innocence, the DA’s Victim Advocate, and I showed up in numbers to support the youth - it was a thing of beauty. The entire courtroom staff was moved by the dedication of the team. So, as you go about your day, remember that the work of the team matters and is having an impact!”

*- Attorney, Los Angeles County
Public Defenders Office -*

If a youth's only previous experience with a court resulted in separation from a parent, detention in juvenile hall, or incarceration of a family member or friend, then testifying in court may bring back painful memories or make them feel like they have done something wrong or are in trouble. They may wait for long periods of time, without food, activities, someone to talk to, or information about the case status, which can exacerbate feelings that the youth has done something wrong. Further, a criminal case can seem long and grueling to a youth, often lasting months or years. If they are not kept well informed about updates in the case, such as changes to the trial date or the trafficker's bail status, and are given insufficient notice about when they are expected to testify, the process itself can cause additional stress, confusion, and anxiety.⁶

Victim witness testimony can also be difficult for caregivers and family members of the victim.

The exposure of the caregiver to the trafficker and the trafficker's associates may create concerns for their own safety. The court testimony may also be the first time that caregiver hears the often graphic and disturbing details of the physical, psychological, and sexual abuse a youth experienced during their exploitation.

"I was nervous the whole weekend about having to testify. I couldn't even sleep. When I got to the courtroom, I felt a lot better because so many people were there to support me. I got through it ok, and my PO and advocate took me to get pizza."

-Youth -

Left unaddressed, the grief, guilt, and shame, among other emotions, of hearing about a youth's abuse can reverberate through a family. Combined with potential intergenerational trauma – including possible histories with exploitation of other family members – court testimony may cause harm to the family members and potentially interfere with their ability to fully support the youth's needs.

⁶ U.S. DEP'T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, *Office for Victims of Crime, The Victim as a Witness, Human Trafficking Task Force E-Guide: Strengthening Collaborative Responses*, OFFICE FOR VICTIMS OF CRIME TRAINING & TECHNICAL ASSISTANCE CENTER, <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/54-landing-a-successful-prosecution/the-victim-as-a-witness/> (last visited Feb. 1, 2022) [hereinafter *The Victim as a Witness*]; Jodi A. Quas & Gail S. Goodman, *Consequences of Criminal Court Involvement for Child Victims*, PSYCHOLOGY, PUBLIC POLICY, AND LAW (2011).

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All of these concerns may deter a youth from testifying or make the experience incredibly difficult and potentially re-traumatizing. Because of the stress, fear, and potential for re-traumatization, some youth refuse to testify or run away; others who agree to testify have difficulty telling or remembering the full or true story or answering questions coherently once they are on the witness stand; still others who are compelled to testify without proper supports suffer the ramifications of re-traumatization far beyond the day of testimony.⁷

These risks, however, are avoidable. Providing sufficient support to victims and their families before, during, and after their testimony, can help support their safety and wellbeing – both in the short and long terms.⁸ Ultimately, that support will also further the goal of eliciting useful information to assist in the criminal prosecution of traffickers and prevent future exploitation of other youth.



“Our youth have a great deal of anxiety leading up to an appearance in court. We try our best to support them in the days leading up to testimony, and while often waiting for hours to testify the day of. In court, they are forced to think and talk about their traumatic experiences again and face their trafficker. We supply activities, snacks, and whatever they need before, during, and after. They are so brave and deserve all the love and support they can get.”

-ZOE Advocate -

⁷ Research shows that child abuse victims who testified in court without proper preparation and supports may experience difficulties months or years later, such as behavior challenges, increased sexual problems and defensive avoidance, and negative mental health outcomes, such as poor self-concept, lower self-control, and greater risk of suicide attempts. Quas & Goodman, *supra* note 6; see also Quas et al., Childhood sexual assault victims: Long-term outcomes after testifying in criminal court, MONOGRAPHS OF THE SOCIETY FOR RESEARCH IN CHILD DEVELOPMENT, 70, Serial No. 280 (2005) (citing D.F. Bill, The effect of testifying in court on children who have been sexually abused, Unpublished doctoral dissertation, The Fielding Institute (1995); K. Oates & L. Tong, Sexual abuse of children: An area with room for professional reform, MEDICAL JOURNAL OF AUSTRALIA, 147, 544-548 (1987); S. Whitcomb et al., Child victims as witnesses: Research and development program, Final Report to the Office of Juvenile Justice and Delinquency Prevention (1991)). Other factors, such as caregiver support, the existence of corroborative evidence, delays and continuances, and repeated interviews and testimony may also impact the likelihood of adverse mental health outcomes later on. Quas & Goodman, *supra* note 6. In addition, negative childhood experiences testifying in court can also lead to negative attitudes about the legal system, including future willingness to report crimes or engage with law enforcement and the courts. *Id.*

⁸ Studies suggest that court preparation programs or other supports before, during and after testimony that include procedural preparation, emotional and familial support, efforts to reduce the number of times a child must testify, and informing the youth about the outcome of the case can all be useful in avoiding the potentially negative consequences of a child testifying in court. Quas & Goodman, *supra* note 6.

D. Structure of the Reform

As the County amplified its efforts to identify and serve youth who have experienced CSE, county officials began to identify the urgent need for additional supports for youth who are called to testify in court against their traffickers. These officials recognized the numerous challenges a youth may face when testifying – challenges which can only be addressed through a cohesive, collaborative, and coordinated approach by different agencies across the County. In response, the County convened a multi-agency workgroup to develop the VWTP.

The workgroup was comprised of members from the Succeeding Through Achievement and Resilience (STAR) Court, the Probation Department (Probation), Department of Children and Family Services (DCFS), Department of Mental Health (DMH), Los Angeles Police Department (LAPD), Los Angeles Sheriff's Department (LASD), the Public Defender (PD), Alternate Public Defender (APD), Independent Juvenile Defender Program (IJDP), District Attorney's office (DA), Children's Law Center (CLC), Saving Innocence (SI) and Zoe International (Zoe), with technical assistance from the National Center for Youth Law (NCYL).⁹

Bringing together diverse stakeholders who do not traditionally work together, the members



of the workgroup set out to break down siloes to better serve youth with the comprehensive supports they need. Members of the workgroup met over the course of several years to determine the collaborative processes to best support the multi-faceted needs of youth called to testify against their traffickers. These processes were then memorialized into the written VWTP.

“When we call children to testify against their exploiters without adequate support, we open them up to even more trauma than they’ve already experienced through trafficking. We are proud to collaborate with LA County to ensure that youth are supported throughout the testimony process and that criminal prosecutions do not come at the expense of children’s safety, mental health, and wellbeing.”

- National Center for Youth Law -

⁹ At the time of signing, law enforcement and youth's delinquency attorneys are not signatories to the Protocol. Roles and responsibilities of law enforcement and youth's delinquency attorneys are represented in italics to indicate this. The Support Team partners will engage these partners in the process pursuant to the Protocol as much as possible, and encourage them to carry out the roles and responsibilities listed herein.

EXECUTIVE SUMMARY

E. Guiding Principles & Goals of the Victim Witness Testimony Protocol

The members of the multi-agency workgroup have agreed upon the following guiding principles and goals, which establish the foundation for this protocol.

Guiding Principles of the VWTP include:

1

Youth who have been exploited endure significant trauma.

2

Youth who have been exploited often develop trauma bonds to their traffickers.

3

Testifying in court can be a stressful experience, which may be even more traumatic when the witness is a youth and is testifying against someone with whom they are trauma bonded.

4

Positive relationships are transformative for individuals who have experienced trauma.

5

A cohesive, coordinated, and collaborative approach to supporting a youth will reduce the trauma a youth experiences throughout the court process.

6

Youth and families involved in testifying should understand the process and their role in it.

7

Youth must have a voice in decision making that will affect their lives.

8

Youth testifying as victim witnesses against their traffickers should not be penalized for information they disclose on the stand, or be made to feel like they are in trouble.

9

Youth victims of trafficking should be recognized as victims of crime who are entitled to be treated with dignity, respect, and sensitivity; their victims' rights should be asserted and followed.¹⁰

¹⁰ See California Constitution, Article 1 §28(b); see also Los Angeles County District Attorney's Office Information for Witnesses in Criminal Cases, available at <https://da.lacounty.gov/sites/default/files/pdf/WitnessAdultCases-011620.pdf>.

Goals of the VWTP include:



ESTABLISH A TEAM OF TRUSTWORTHY ADULTS

to support a youth who is testifying against their trafficker.



COORDINATE AND COMMUNICATE A PLAN

to support a youth who is testifying against their trafficker.



PROVIDE TIMELY NOTICE

of key case dates and any changes to necessary team members.



DEVELOP A SAFETY PLAN

in collaboration with the youth, and update on a regular basis and as needed.



PREPARE THE YOUTH

to understand the process and meaningfully participate.



SUPPORT CAREGIVER(S)

affected by the youth's testimony, as appropriate.



REDUCE THE RE-TRAUMATIZATION

by supporting the youth throughout the process.

AGENCY PARTICIPATION

F. Agency Participation

The following agencies and community-based partners each play a key role in coordinating the County's support of youth throughout the testimony process. The roles and responsibilities of each are woven throughout this protocol.

1. DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS)

- a. Child's Social Worker (CSW)
- b. Runaway Outreach Unit (ROU)
- c. Commercially Sexually Exploited Children's Unit (CSEC)
- d. County Counsel (DCFS)

2. PROBATION DEPARTMENT (PROBATION)

- a. Child Trafficking Unit (CTU)
- b. Deputy Probation Officer of Record (DPO)
- c. Juvenile Hall CSEC Coordinators
- d. Transportation Staff

3. DEPARTMENT OF MENTAL HEALTH (DMH)

- a. On-Call Clinician or DMH Officer of the Day (Detention)
- b. Assigned Mental Health Clinician
- c. Mental Health Staff

4. DISTRICT ATTORNEY'S OFFICE (DA)

- a. Assigned Deputy District Attorney (DDA)
- b. Bureau of Victim Services (BVS), Specialized Victim Witness Advocate

5. LAW ENFORCEMENT (LE)

- a. Investigating Officer (IO)

6. YOUTH'S DELINQUENCY ATTORNEY

- a. Public Defender's Office (PD)
- b. Alternate Public Defender (APD)
- c. LA County Bar Association Independent Juvenile Defender Program (IJDP)

7. YOUTH'S DEPENDENCY ATTORNEY - CHILDREN'S LAW CENTER OF CALIFORNIA (CLC)

- a. Attorney
- b. Case Manager
- c. Survivor Advocate

8. SPECIALIZED ADVOCACY AGENCY

- a. Advocate
- b. Survivor Advocate

VICTIM WITNESS TESTIMONY PROTOCOL

Part 1: Initiating the Victim Witness Testimony Protocol

A. Notification & Subpoena Process

1. Notice

Notice should be provided to the parties supporting youth whenever a youth will be called to testify in criminal proceedings against their trafficker(s). This advanced notice allows these individuals the time needed to coordinate and plan to ensure the youth is prepared and supported throughout the testimony process. Notice will be provided at the following times:

a. At or before Defendant's arraignment:

i. District Attorney's Office

1. At the time of case filing, but no later than the day of arraignment of the trafficker, the DA's Office will identify all minor victim witnesses and should provide notification to include the names and dates of birth of such witnesses to:

a. Arraignment defense counsel to run a check for conflicts of interest to ensure that the defendant and victim witness are not represented by the same office.

b. DCFS (VictiD@dcfs.lacounty.gov) and Probation (childtrafficking@probation.lacounty.gov) to determine system involvement and begin convening the youth \ Support Team(s).

ii. DCFS and Probation:

1. Upon notification from the DA's Office, the DCFS/Probation Team Lead¹ will:

i) Determine whether the youth is under dependency (Cal. Welf. & Inst. Code § 300) and/or delinquency (Cal. Welf. & Inst. Code § 602) jurisdiction, which includes dual status youth (pursuant to Cal. Welf. & Inst. Code § 241.1), or neither.

ii) Inform the DA's Office and Law Enforcement Investigating Officer (IO) which youth are under DCFS and/or Probation jurisdiction and which youth are unknown to the system.

¹ The Team Lead is determined based on the child's system involvement and jurisdiction, as outlined in Part 2 below.

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- iii) Identify the youth's Support Team(s) members and notify agency points of contact for system-involved youth, including youth's dependency/delinquency attorney, within 24 hours of DA notification regarding youth being named a victim witness in an upcoming case.
- b. At time of subpoena:
- i. District Attorney's Office:
 1. The DA's Office should notify DCFS (VictiD@dcfs.lacounty.gov), Probation (childtrafficking@probation.lacounty.gov), and the IO, via email of their intent to call the youth witness and the expected date of testimony. The email notification should include:
 - a. Case name
 - b. Case number
 - c. Name of youth witnesses
 - d. Date of birth of youth witnesses
 - e. Name of DDA assigned to the case
 - f. Location of hearing
 - g. Instructions on where to take the youth once they arrive at the courtroom
 - h. Any known safety concerns
 - ii. DCFS and Probation:
 1. The DCFS/Probation Team Lead will convene an individualized Support Team, as is outlined in Part 2 below.
 2. If the youth is non-system-involved, DCFS will coordinate with BVS, who will serve as Team Lead, unless otherwise determined, as described below.
 3. The DCFS/Probation Team Lead will notify the Support Team members of the issuance of the subpoena within 24 hours of notice from the DA's Office and work with the Support Team to identify any issues related to service of the Subpoena, including the appropriate method, time and place for service.
- c. When there are other updates related to timing of the case, youth testimony, or custody of the defendant during the course of the case up to sentencing²:

² Pursuant to Marcy's Law, a victim is entitled to certain notifications regarding the release of defendant from custody. See California Constitution, Article I, Section 28(b). However, this protocol only applies during the course of the case up until the sentencing of defendant.

- i. District Attorney's Office:
 - a) The DA's Office should notify the DCFS/Probation Team Lead and youth's attorneys as soon as practical, preferably within 24 hours of learning any updates related to:
 - i) Change in timing after case filing, such as preliminary hearing date, trial date, and necessary meetings with law enforcement or the Assigned Deputy District Attorney (DDA).
 - ii) The expected date of the youth's testimony.
 - iii) Change in custody of the trafficker (e.g. if released on bail).
- ii. DCFS and Probation:
 - a) The DCFS/Probation Team Lead will provide updates to the Support Team as they are made aware of any changes in case timing or scheduling impacting the youth.
- iii. All Support Team members:
 - a) If any Support Team member learns of any such change that has not yet been communicated to the entire team, the member will notify the DCFS/Probation Team Lead.

2. Subpoena

In addition to the notice procedures set forth above, youth should be served with a subpoena indicating the date on which they are expected to testify. This protocol works in tandem with California law governing the subpoena process.³ Timely communication and coordination about service of the subpoena as soon as is practically possible can support youth in understanding what the subpoena is, and what to expect moving forward.⁴ This preparation and support can reduce the incidence of youth avoiding or ignoring a subpoena, encourages accurate and complete testimony, and reduces the potential for re-traumatization.

- a. Preparing for Service of the Subpoena – Determining Jurisdiction, Youth's Location and Method of Service
 - i. DCFS/Probation:
 1. The DCFS/Probation Team Lead will assist the IO in determining the youth's jurisdiction, current location, and coordinate with the

³ See California Penal Code § 1328.

⁴ A victim in a criminal case has the right to be treated with fairness, respect, courtesy and sensitivity. A victim also has the right to reasonable notice of and the right to be heard at all public proceedings. See California Constitution, Article 1 §28(b); see also Los Angeles County District Attorney's Office Information for Witnesses in Criminal Cases, available at <https://da.lacounty.gov/sites/default/files/pdf/WitnessAdultCases-011620.pdf>.

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Support Team to determine the most appropriate method, time and place for providing service of subpoena to the youth.

ii. *Law Enforcement:*

1. *Coordinate with the DCFS/Probation Team Leads to determine the youth's location and most appropriate method, time and place for service of the subpoena to the youth, with input from the Support Team members as needed and appropriate.*

b. Service of the Subpoena

i. *Law Enforcement:*

- a) *Service to Youth and Caregiver(s): The IO will serve the subpoena on the youth, if they are 12 years of age or older, and the following parties, in accordance to department policy and California law:⁵*
 - i) *If youth is in custody (e.g. juvenile hall, camp):*
 - (a) *Juvenile hall Officer of the Day*
 - ii) *If youth is in out-of-home placement (e.g., Short Term Residential Treatment Program):*
 - (a) *Program Manager or Designee*
 - iii) *If youth is placed in family foster home, FFA or relative home:*
 - (a) *Foster parent/relative*
 - iv) *If youth is at home of parent/guardian:*
 - (a) *Parent/guardian*
- b) *When serving the subpoena, the IO should explain to the youth, and to the parent/guardian if the youth is at home or in a foster home, the next steps and answer any questions. (See Engagement section)*
 - i) *To the extent possible, the service of the subpoena and related conversation should take place in a private, discreet location.*
 - ii) *If the youth is in juvenile hall at the time of service of the subpoena, Probation's Child Trafficking Unit should proactively assist the IO in arranging for a private meeting space.*

ii. Probation:

- a) Upon receipt of email from the DDA with subpoena information, Probation Team Lead will:
 - i) Sign, scan and return the subpoena to the DDA for the

⁵ If service is to be made on a minor, service shall be made on the minor's parent, guardian, conservator, or similar fiduciary, or if one of them cannot be located with reasonable diligence, then service shall be made on any person having the care or control of the minor or with whom the minor resides or by whom the minor is employed, unless the parent, guardian, conservator, or fiduciary or other specified person is the defendant, and on the minor if the minor is 12 years of age or older." California Penal Code § 1328.

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- purpose of proof of service to the county department.
 - ii) Provide notice to all necessary parties, in accordance with existing policy, including, but not limited to:
 - (a) Youth's Deputy Probation Officer
 - (b) Supervising Probation Officer
 - iii) If the youth is in Probation custody, send a copy of the subpoena to:
 - (a) Transportation Supervisor, and
 - (b) Probation Department Civil Litigation Office at civillitigationoffice@probation.lacounty.gov, for the purpose of tracking.
- iii. DCFS:
 - a) Upon receipt of email from the DDA with subpoena information, DCFS Team Lead will send a copy of the subpoena to DCFS County Counsel.
 - b) Upon receipt of the subpoena from the Team Lead, DCFS County Counsel will:
 - i) Sign, scan and return the subpoena to the DDA for the purpose of proof of service to the county department.
 - ii) Provide notice to all necessary parties, in accordance with existing policy, including:
 - (a) Child's Social Worker (CSW)
 - (b) Supervising Child's Social Worker (SCSW)
 - (c) Assigned County Counsel on youth's case
 - (d) Youth's Dependency Attorney

Part 2: Creating a Supportive Environment for Youth Witnesses

B. Victim Witness Support Team

The purpose of the Victim Witness Support Team (Support Team) is to provide comprehensive, holistic support to all system-involved youth who testify against their traffickers in Los Angeles County before, during, and after testimony. The Support Team is an individualized, multi-disciplinary group of people who coordinate and collaborate in order to wrap the youth in support throughout the testifying process, and beyond. The Support Team is established as soon as the Team Lead notifies team members of the pending case.

1 Support Team

a. Determining Support Team Members.

The Support Team is comprised of individuals who are key support people in the youth's life and/or central to the youth's court involvement.

i. Required Support Team Members: *The following individuals are required team members for all youth who are involved in the child welfare or juvenile justice system. For a youth who is not system-involved, their Support Team will be determined on a case-by-case basis, dependent on the individual circumstances of their testimony, but at a minimum will include the DDA, law enforcement, and a specialized advocate.*

1. DCFS/Probation Support Team Lead
2. Child's Social Worker (CSW) and/or Deputy Probation Officer of Record (DPO)
3. Specialized Advocate
4. County Counsel (for DCFS cases)
5. Assigned Deputy District Attorney (DDA)
6. *Law Enforcement Investigating Officer (IO)*
7. Youth's Attorney (Dependency and/or *Delinquency Attorney*)⁶
8. Mental Health Clinician
9. Juvenile Hall CSEC Coordinator (if applicable)

ii. Optional Support Team Members: *The following individuals are optional team members for each child's case. These individuals should be invited to join the team as deemed necessary and appropriate by the required members.*

⁶ The point of contact for each agency will determine the appropriate participant in the Support Team and notify that person (ex. the delinquency attorney point of contacts will determine whether the youth is represented by the Public Defender, Alternate Public Defender, Panel attorney, or other, and notify the youth's individual attorney).

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1. Parent, Guardian or other Caregiver (including Foster Parent)⁷
 2. Short Term Residential Therapeutic Program (STRTP) Staff/
Resource Families
 3. District Attorney's Specialized Advocate
 4. Court Appointed Special Advocate (CASA)
 5. Anyone the youth or Support Team has identified as being a
meaningful support person in the youth's life.
- b. Support Team Members' Responsibilities.
- All Support Team Members will:
- i. Fulfill agency responsibilities (outlined further below) related to:
 1. Support and Engagement;
 2. Safety Planning;
 3. Testimony Planning;
 4. Ongoing Support
 - ii. Be responsive to emails and other communications regarding the youth's
upcoming testimony.
 - iii. Proactively participate in the Support Team by sharing anticipated
problems or safety concerns, known physical and/or emotional
limitations, and overall recommendations on how to support the youth
throughout the testimony process.
- c. Legal and Professional Obligations of Support Team Members
- i. All individual team members have legal and professional obligations based
on their relationship with the youth. Nothing in this protocol restricts or
limits an individual agency's ability to perform its existing duties or
mandates.

2. Support Team Lead

a. Determining the Team Lead.

The Team Lead is determined based on the youth's system involvement and jurisdiction, as outlined below:

- i. Probation Jurisdiction – The Team Lead is Probation's Child Trafficking
Unit (CTU) Director's designee if the youth is:
 1. Under the jurisdiction of the Probation Department (pursuant to
Cal. Welf. & Inst. Code § 602);

⁷ Significant consideration should be given to whether the parent/guardian should be a Support Team member. Considerations include but should not be limited to: the child's relationship with their parent, where the child is currently placed, whether the child is involved in family reunification with the parent/guardian, and whether the parent/guardian is possibly involved in the child's exploitation. Regardless of what the determination is, unless safety concerns exist, the Team should keep the parent/guardian informed on the necessary details regarding the status of the case and the child's testimony.

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2. Dual status with Probation Lead; or
 3. Not system-involved, but detained in a Los Angeles County Juvenile Probation facility as a result of a material witness hold.
 - ii. Child Welfare Jurisdiction – The Team Lead is the DCFS CSEC Unit representative or designee if the youth is:
 1. Under the jurisdiction of the DCFS (pursuant to Cal. Welf. & Inst. Code § 300); or
 2. Dual status with DCFS Lead.
 - iii. Non System-Involved (no open jurisdiction) – If the youth is not under the jurisdiction of DCFS or Probation and is not in custody pursuant to a material witness hold, the Team Lead will be BVS, unless determined by BVS and DCFS that the lead be the contracted community-based specialized advocate.
- b. Team Lead Responsibilities.

The Team Lead will:

 - i. Communicate with the DDA and IO regarding the system-status of victim witnesses (i.e. whether they are under jurisdiction of DCFS, Probation, or are not system involved).
 - ii. Within 24 hours of notification from the DA’s Office that a system-involved youth will be called as a victim witness in a criminal case (which notification should occur between case filing and no later than the day of Defendant’s arraignment, see Part 1 above), contact agency leads and agency points of contact, who will determine relevant Support Team members from their agency.
 - iii. Provide initial notification to the Support Team members regarding the youth’s pending testimony and convene an initial virtual team meeting.
 - iv. Work with required team members and youth to determine whether any additional members should be included on the team (see the “Optional” list of Support Team members, above).
 - v. Convene the Support Team and facilitate ongoing communication and coordination among the team members throughout the testimony process.
 - vi. Notify youth’s attorney if a pre-testimony meeting is arranged between the youth and DDA as soon as the meeting is scheduled.
 - vii. Ensure the youth is added to either the DCFS or Probation CSEC Multi-Disciplinary Team (MDT) calendar, depending on the youth’s jurisdiction, and that their case will be heard within 10 business days of notification.

- a) The MDT will discuss the youth's case and will work with the Support Team to ensure they are provided with coordinated care and appropriate services from the court and the child welfare/ juvenile justice system as they move forward through the testimony process.⁸
 - viii. Ensure the youth is connected to the services and supports deemed necessary by the Support Team by overseeing assigned tasks.
 - ix. Convene meetings, as necessary, to facilitate the youth's testimony and to support the youth before, during, and after testimony.
3. Specialized Advocate

The County contracts with community-based organizations to provide CSE-specific advocacy services. The Specialized Advocate is a key member of the youth's Support Team and their engagement with the youth often extends beyond the duration of testimony.

- i. For system-involved youth:
 - 1. If a youth already has a specialized advocate, that advocate will be assigned to the youth's support team.
 - 2. If a youth does not have a specialized advocate, a referral will be made by DCFS or Probation.
 - 3. Specialized advocacy services for system-involved children will continue for a minimum of 90 days following testimony, regardless of outcome.
- ii. For non-system-involved youth:
 - 1. For youth unknown to the system, the County is committed to providing a specialized advocate to support them through the testimony processes. The BVS should coordinate with the county agency responsible for advocacy contracts (DCFS at time of finalization of this Protocol), via their dedicated email address and request an advocate. County agency will facilitate a referral to the advocacy agency.
 - 2. Advocacy services for these children will be provided prior to testimony, on the day of testimony, and for 30 days following testimony, at a minimum (for LA County residents).
- iii. At the end of the initial assigned period (whether 30 or 90 days), the advocate will re-evaluate and make a recommendation to Probation or DCFS as to whether to continue services.

⁸ The County of Los Angeles is committed to coordinating a specialized multi-disciplinary team (MDT) meeting for every identified CSEC child in the county to coordinate case management and service planning for the child. See Senate Bill 855, Cal. Welf. & Inst. Code §16524.8(b). For Probation-involved children, these MDTs will be included in the County Probation CSEC MDT; for DCFS-involved children, the DCFS Team Lead will coordinate an MDT. This MDT is separate from the child's Victim Witness Support Team, although several members are likely to overlap.

- iv. In rare circumstances, an advocate may be working with multiple victim witnesses on the same case; if this occurs, the advocacy agency will proactively work to minimize conflict among victim witnesses and provide additional or alternative advocacy support for the youth, if necessary.

C. Support and Engagement

Survivors of commercial sexual exploitation frequently attribute their ability to heal and thrive after exploitation to strong relationships they have built with trusted and safe adults outside of exploitation. This trust and rapport is also effective in preparing and supporting youth throughout the testimony process. As such, members of the Support Team will work together to coordinate and structure their engagement with the youth. This is particularly important for those members of the Support Team who will be involved in the court proceedings.

1. Components of Engagement

- a. Identifying needs and strengths of the youth and their caregiver(s);
- b. Addressing the youth's short and long term needs;
- c. Defining and explaining the role of the Support Team to the youth and their caregiver(s);
- d. Proactively reaching out and spending time with the youth;
- e. Establishing a trusting and non-judgmental relationship with the youth;
- f. Ensuring the process is informed by the youth's feedback and input;
- g. Providing information such that the youth understands the court process, the agencies involved, and their roles;
- h. Utilizing a harm reduction approach when working with the youth.⁹

2. When Engagement Should Occur

- a. Engagement should begin as soon as the parties become aware that a youth will be called to testify and continues through the day of testimony and beyond, as requested by the youth and agreed on by the Support Team.
- b. The precise frequency of contact with the youth should be determined on a case-by-case basis, based on the Support Team's determination and the youth's preferences.

⁹ See California Department of Social Services' Harm Reduction Guidance Series for more information on utilizing a harm reduction approach with youth who have experienced CSE. CAL. DEP'T OF SOC. SERV. CHILD TRAFFICKING RESPONSE UNIT, *Harm Reduction Series Introduction* (2018), <https://www.courts.ca.gov/documents/BTB25-3E-01.pdf> [hereinafter *Harm Reduction Series*]. Utilizing a harm reduction approach acknowledges that change is difficult, and that it may take a period of time before a youth is willing or able to leave an exploitive situation. Providers utilizing a harm reduction approach will continue to engage and serve youth who are actively interacting with purchasers and traffickers.

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3. Agency Responsibilities

Each agency partner is responsible for developing rapport and engaging with the youth at different points in the testimony process, as set forth below.

a. Law Enforcement:

- i. *The IO should meet with the youth in accordance with existing policy, to the extent possible, prior to:*
 - a) *Submitting the case to the DA for filing;*
 - b) *Preliminary Hearing; and*
 - c) *Trial.*
- ii. *During the meeting, the IO should:*
 - a) *Explain the process, their role in it, next steps, and answer any questions.*
 - b) *Assess safety of the youth.*
 - c) *Further develop rapport with the youth.*
 - d) *Inform the youth that, if at any point, they feel that their safety or the safety of their caregiver(s) is at risk, they should immediately notify the IO.*
- iii. *The IO will meet with the youth in a safe, comfortable location.*
 - a) *The IO should consult with the Support Team and the youth about where they would like to meet, within reason.*
 - b) *If the meeting occurs at a location where other people may observe (e.g. a group home, school, detention facility, etc.), the IO should make every effort possible to conduct the interview in a private location. The IO can request assistance from the Team Lead to secure a private location, if necessary.*
 - c) *If the youth is in custody in juvenile hall and the IO or the youth wishes to meet there, the IO should notify the CTU, who will arrange for the meeting to occur in a private space.*
 - d) *If the transportation of the youth to the meeting is necessary, the IO may contact the Team Lead or others, as described in Section 4. Transportation below, to arrange for transportation.*
- iv. *The IO should communicate any changes in circumstance or plan based on their meetings with the youth to the Support Team.*
- v. *If the youth is represented by an attorney, the IO will notify the youth's attorney prior to speaking to or meeting with the youth, and provide such counsel with the opportunity to participate in the meeting.*

b. Deputy District Attorney:

- i. *The DDA should meet with the youth, in accordance with existing policy, to the extent possible, prior to the:*

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- a) Preliminary hearing; and
 - b) Trial.¹⁰
- ii. During the meeting with the youth, the DDA should:
- a) Explain the court process, their role in it, and the expectations of the youth at each stage, including, but not limited to the:
 - i) Subpoena process;
 - ii) Timelines of the case;
 - iii) Preliminary hearing;
 - iv) Trial;
 - v) Direct and cross examination; and
 - vi) Courtroom layout.
 - b) Develop rapport with the youth.
- iii. The DDA should meet the youth in a safe, comfortable location.
- a) The DDA will coordinate with the Probation/DCFS Team Lead to identify a location to meet, which may require the specialized advocate or DCFS/Probation to bring the youth to the DDA to accommodate the DDA's schedule. If transportation is required, it will be arranged as described in Section 4. *Transportation below*.
 - b) If the meeting occurs at a location where other people may observe (e.g. a group home, school, detention facility, etc.), the DDA should make every effort possible to conduct the interview in a private location. The DDA can request assistance from the Team Lead to secure a private location, if necessary.
 - c) If the youth is in custody in juvenile hall and the DDA wishes to meet there, the IO should notify the CTU, who will arrange for the meeting to occur in a private space.
 - d) Meetings between the DDA and youth may occur virtually if the Support Team, in consultation with youth, agree that virtual meeting is the most appropriate method.
- iv. If the youth is represented by an attorney, the DDA will notify the youth's attorney prior to speaking to or meeting with the youth, and provide such counsel with the opportunity to participate in the meeting.¹¹

¹⁰ See California Department of Social Services' Harm Reduction Guidance Series for more information on utilizing a harm reduction approach with youth who have experienced CSE. CAL. DEP'T OF SOC. SERV. CHILD TRAFFICKING RESPONSE UNIT, *Harm Reduction Series Introduction* (2018), <https://www.courts.ca.gov/documents/BTB25-3E-01.pdf> [hereinafter *Harm Reduction Series*]. Utilizing a harm reduction approach acknowledges that change is difficult, and that it may take a period of time before a youth is willing or able to leave an exploitive situation. Providers utilizing a harm reduction approach will continue to engage and serve youth who are actively interacting with purchasers and traffickers.

¹¹ In general, a represented youth is entitled to the presence of their attorney whenever their constitutional rights or penal interests are at stake (i.e., possibly violations of law, probation terms or other court order). U.S. Constitution, 5th and 6th Amendments; California Constitution, Article I §15. As noted above, no rights or legal obligations are altered by this Protocol. Although the purpose of such meetings with the DDA is preparation for testimony, it is possible that some of the content of that meeting could implicate a youth's rights. Therefore, it is best practice that attorneys be afforded the opportunity to be present.

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- c. DCFS/Probation:
 - i. The CSW/DPO will meet with or check-in with the youth at the following times:
 - a) Prior to testimony;
 - b) Within 24 hours after testimony;
 - c) Within 72 hours after testimony.
 - ii. At least one of the first two communications should be in person.
 - iii. The Team Lead will coordinate with the Support Team to ensure that adequate pre-testimony communication and engagement between the IO, the DDA and the youth takes place.
 - a) The CSW/DPO may need to transport the youth to the DDA's office for a meeting if the DDA is unable to come to the youth's location.
- d. Department of Mental Health (DMH):
 - i. The DMH representative will determine whether the youth is currently under the care of a DMH or other mental health clinician (e.g., a clinician serving the youth in placement, detention, or a community-based organization), and coordinate among the DMH clinicians and any other clinician supporting the youth.
 - ii. For youth who are not currently under the care of a mental health clinician, the DMH representative will connect the youth to a DMH clinician, as needed and determined by the youth and caregiver.
 - iii. The DMH representative should reach out to the youth's existing clinician, if any, to determine whether the youth and their caregiver(s) need additional services.
 - iv. The DMH representative/clinician will meet with the youth at home/ placement/detention, as defined by the Support Team in the Testimony Planning:
 - a) Prior to testimony;
 - b) Day of testimony (before and/or after testimony);
 - c) In the days following testimony.
- e. Youth's Attorney
 - i. The youth's attorney will meet with the youth pursuant to their internal policy, and as determined by the Support Team.
 - ii. If the youth's attorney is made aware that DDA intends to speak to or meet with the youth, counsel will coordinate with the Support Team regarding participation in the meeting, as needed.

- f. Specialized Advocacy Agency:
 - i. The specialized advocate will interface with the youth at least twice within the 10 day period from initial notification to preliminary hearing.
 - a) Within 72 hours of notification; and
 - b) At least 72 hours prior to the preliminary hearing.
 - ii. If the youth is called to testify at any other proceedings (e.g., subsequent hearings or trial), the specialized advocate will interface with the youth:
 - a) At least 72 hours prior to the testimony.
 - iii. The advocate will maintain close communication with the youth in the week following testimony including:
 - a) Within 24 hours following testimony;
 - b) Within 72 hours after the testimony, as needed.
 - iv. If the youth is already on the Advocate's caseload, the Advocate should continue with their regularly scheduled visits, but ensure that they have at least one face-to-face meeting in the week prior to testimony.

Part 3: Testimony Planning

The main task of the Support Team is to develop a plan for how to support the youth prior to, on the day of, and after testimony. This plan will clearly delineate the roles and responsibilities of each team member to ensure the youth and their caregiver(s) are supported throughout the process. The testimony planning includes (a) safety planning; (b) mental health support; (c) testimony logistics, such as courthouse support, food, clothing, and medication; (d) transportation; and (e) housing.

D. Phases of Testimony Planning

All planning should occur prior to testimony and may be discussed during the same or multiple convenings of the Support Team. The Support Team should consider how to support the youth's needs during the following phases and assign responsibilities to team members in each of the designated areas:

1. Pre-testimony:
 - a. Pre-testimony planning will take place within 72 hours of being notified by the DDA that they intend to call a youth witness (no later than the day of the Defendant's arraignment).
 - b. Pre-testimony planning covers any support the youth may need during the period from notification up to the day-of testimony, and should include the following, as described below:
 - i. Introduction to the Support Team and testimony process;
 - ii. Safety planning;
 - iii. Mental health support;
 - iv. Coordination / preparation with law enforcement and DDA; and
 - v. Transportation.
2. Day-of testimony:
 - a. Unless notified by the DDA of a different timeframe, the Support Team will complete planning for the day-of testimony within the 10 court days (excluding weekends and holidays) between notification and the preliminary hearing.¹²
 - b. If the youth testifies in a subsequent hearing or trial, the Support Team will complete additional day-of testimony planning within 72 hours of notification of subsequent testimony.

¹² While the preliminary hearing must be held within 10 days, it is common practice that the preliminary hearing takes place on day 8. The Support Team should be aware of this, as well as other common court timelines, and prepare accordingly.

- c. Day-of testimony planning should include, as described below:
 - i. Safety planning;
 - ii. Mental health support;
 - iii. Testimony logistics:
 - a) Courthouse support;
 - b) Courthouse logistics;
 - c) Food;
 - d) Clothing;
 - e) Medication.
 - iv. Transportation.
3. Post-testimony:
 - a. The post-testimony plan should be drafted in advance of testimony, but may be updated as information emerges or circumstances change.
 - b. Post-testimony planning should include:
 - i. Safety planning;
 - ii. Mental health support; and
 - iii. Housing.

E. Components of Testimony Planning

Prior to the day of testimony, the Support Team will work together to address each of the following areas of planning for the youth – Safety Planning, Mental Health Support, Testimony Logistics, Transportation and Housing. Testimony Planning includes coordinating support for the youth in advance of testimony, on the day of testimony, and in the time following testimony. Responsibilities of each team member are set forth below, and will be further determined and documented by the Victim Witness Support Team.

1. Safety Planning

Witness testimony can create safety concerns both for the youth and their caregiver(s). The Support Team is responsible for collaborating with the youth to develop a safety plan. Safety planning is dynamic, meaning that it should be developed as soon as possible upon notification and updated on a regular basis both before and after testimony, based on any changes in circumstance.

a. Components of Safety Plan¹³

- i. Circumstances/situations where the youth or family feels threatened;

¹³ Numbers one (i) through seven (vii) require input from the law enforcement investigating officer. If any of these concerns are identified, they must be documented by the Victim Witness Support Team.

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- ii. Potential safety issues related to school, including: transportation to/from school, whether anyone at school should be notified of upcoming testimony/potential safety issues, whether the youth is likely to avoid school or be truant and if so, measures for maintaining safety during absences, and who the youth might be exposed to at school (including friends/gang affiliates of the trafficker);
- iii. Potential safety issues related to the family, particularly if involved in exploitation;
- iv. Potential safety issues related to the neighborhood where youth resides or frequents;
 - v. Individuals the youth should avoid contact with;
 - vi. Neighborhoods/streets the youth should avoid;
- vii. Whether the youth and family cell phone numbers/email addresses should be changed to avoid contact;
- viii. Privacy settings on all of youth's social media accounts;
- ix. Strategies to prevent and address trauma reminders before, during and after testimony;
 - x. Plan if the youth experiences trauma reminders;
 - xi. Plan if the youth requires unexpected physical or mental health support at any time during the process;
- xii. List of support people and their contact information, should the youth need to reach out (including all members of the Support Team);
- xiii. Plan for contact with trafficker or trafficker's family/associates on day of testimony;
- xiv. Whether relocation is necessary to ensure safety of the youth/family;
- xv. Who the youth and caregiver(s) should reach out to should safety concerns arise before or after testimony;
- xvi. Who will ensure that the youth and caregiver(s) have all necessary contact information to communicate ongoing concerns or questions;
 - a) Even if this information was provided previously, all information should be reiterated to the youth and caregiver(s) following testimony to ensure they know who to reach out to should any concerns arise.
- xvii. How the youth's safety plan will be updated following testimony;
- xviii. Harm reduction strategies, which recognize that youth may continue to engage in unsafe or risky behavior, and that short-term,

incremental steps to reduce the level of risk of the behavior can lead to longer-term safety and stability.¹⁴

- b. When Safety Planning Should Occur or be Revisited
 - i. Within 72 hours of case filing and notification;
 - ii. At least 72 hours prior to testimony (preliminary hearing, subsequent hearings, or trial);
 - iii. Within 72 hours after testimony;
 - iv. Change in placement;
 - v. Change in custody of the defendant (e.g. release on bail);
 - vi. At the request of the youth, caregiver(s); and
 - vii. Any other circumstances as deemed necessary by the Support Team.
- c. Agency Responsibilities
 - i. DCFS/Probation Team Lead:
 1. Facilitate communication between the Specialized Advocacy Agency, Law Enforcement Investigating Officer, DDA, and any others with information about potential safety risks.
 - ii. Specialized Advocacy Agency:
 1. Lead the safety planning process, which will include but is not limited to the following:
 - a) Meet with the youth to determine safety needs of them and their caregiver(s).
 - i) If the advocate is aware of or the youth identifies another Support Team member with whom they feel more comfortable, the other Support Team member should meet with the youth to gather safety-related information.
 - b) Arrange meetings with the Support Team to develop a safety plan.
 - c) Ensure the Support Team centers the youth voice when developing the safety plan.
 - d) Memorialize the components of the plan and provide copies to all relevant team members, the youth, and the caregiver(s) (as appropriate).
 - e) Reconvene with the Support Team to update the safety plan as necessary and defined above (“When Safety Planning Should Occur”).

¹⁴ See *Harm Reduction Series*, *supra* note 22.

- f) Redistribute updated safety plan as necessary.

2. Mental Health Support

Without adequate mental health support, testifying in court may be an incredibly painful and re-traumatizing experience for youth. Not only may it be the first time that a youth has shared details of their exploitation publicly, but it may also be the first time that a youth has been in a courtroom. Or, for a youth who has had prior negative experiences with the court or law enforcement, testifying in court may bring up painful memories or make them feel like they are in trouble. To help youth with the stress and confusion that may accompany testifying, and to minimize the risk of re-traumatization, mental health support for a youth testifying is crucial.

a. Agency Responsibilities

Department of Mental Health will:

- i. Determine with the youth, and in consultation with the Support Team, what mental health support the youth is likely to require throughout the testimony process, including before, on the day-of, and after testimony.
- ii. Provide (or coordinate to provide) adequate support to the youth throughout the testimony process.
- iii. When meeting with the youth, identify any ongoing health or mental health needs or concerns and communicate these to the team, as necessary and allowable by law.
- iv. If requested by the youth or deemed necessary by the Support Team, accompany youth to the courthouse on the day of testimony.
- v. To the extent possible, the day-of and post-testimony support should be provided by an individual with whom the youth already has an established relationship and who has met with the youth prior to testimony.

3. Testimony Logistics

To facilitate a youth's testimony, there are a number of logistics that should be decided upon by the Support Team prior to the day of testimony. Making these determinations in advance can help to ensure the day-of testimony runs as smoothly as possible, minimizing the risk of additional stress, confusion, and anxiety for a youth and increasing the likelihood of accurate testimony in support of the District Attorney's case. The Support Team should discuss and make the following determinations in regard to courthouse support, courthouse logistics, food, clothing, and medication.

a. Courthouse Support

Courthouse support refers to the individuals who will be present on the day of testimony to support the youth. The Support Team will:

VICTIM WITNESS TESTIMONY PROTOCOL

- i. Identify the individuals to be present on day of testimony. This decision will be informed by the youth's input.
 - a) Upon the youth's request, this includes an individual to be present on the stand with the youth while they testify.
 - ii. Take into account the following considerations when determining courthouse support:
 - a) Not all Support Team members need to be present.
 - b) The day-of testimony can be hectic and overwhelming. Each individual who is present to support the youth should have a specific role to fulfill.
 - c) Several youth may be testifying on the same case. Specialized advocates or other Support Team members may be working with multiple youth who are called to testify on the same day/in the same case. Considerations should be made ahead of time to avoid potential day-of testimony conflict among victim witnesses.
- b. Courthouse Logistics
- To arrange courthouse logistics, the Support Team will coordinate with the DA's specialized advocate to:
- i. Determine how the youth will move from the transportation vehicle (see *Section 4: Transportation* below) to the waiting area in the courthouse.
 - a) Consider using the judges' or freight elevator to avoid potential confrontation with defendant's family or other victim witnesses. These arrangements must be made in advance.
 - ii. Determine the location at the courthouse where the youth will be waiting prior to being called into the courtroom.
 - a) Consider which other witnesses might be testifying and what potential conflicts may exist.
 - b) It is ideal for the youth to have a private, safe place in which to wait. This location should be designated and monitored by the DDA and Law Enforcement.
 - c) The youth should not be held in any waiting area, including a holding cell if the youth is in detention, where the youth is exposed to the defendant.
 - i) In rare circumstances where this is necessary and unavoidable, the Support Team should be notified in advance so additional support can be provided.

c. Food

It is common that a youth will end up waiting for several hours at the courthouse prior to testimony. The Support Team should plan for snacks and meals accordingly. The Support Team will:

- i. Identify any allergies or dietary restrictions.
- ii. Ensure the youth will have adequate food throughout day of testimony.

d. Clothing

Youth should be consulted regarding what would make them feel most comfortable and empowered when they are testifying. To ensure the youth has adequate clothing for testimony, the Support Team will:

- i. Determine what clothing the youth would like to wear for testimony.
 - a) If the youth is in custody, they should be offered the choice to remain in or change out of their probation-assigned clothing.
- ii. Determine which team member will be responsible for obtaining clothing.
 - a) Typically, the specialized advocate will be responsible of getting the clothing in the right size and per the youth's specifications, within reason. These clothing costs are accounted for through the specialized advocacy contracts with the County.
- iii. Determine when/how clothing will be provided to the youth.
- iv. If the youth is in custody, communicate these plans, as necessary, with probation transportation staff to avoid any complications or confusion.

e. Medication

Because a youth may be at the courthouse for several hours on the day-of testimony, it is important to ensure they have access to any necessary medication.

To do so, the Support Team will:

- i. Determine if the youth requires medication on the day of testimony.
- ii. If so, determine which team member will be responsible for ensuring youth has access to medication. It may be necessary to include additional individuals on the Support Team for this purpose, such as a public health nurse.
- iii. Determine who will administer medication.
- iv. Communicate these plans with team members and any necessary court personnel prior to the day of testimony and any medical professionals, as needed.
- v. As is necessary, assess the possibility of raising this issue to the Judge to request that the case/witness be called earlier in the day so that the youth

can return to their home or placement to receive medication.

4. Transportation

Ensuring timely and efficient transportation of a witness to meetings, hearings, and trial on time is incredibly important. It reduces the feeling of being rushed around or unprepared, which may contribute to or amplify the youth's feelings of anxiety and unease. It also allows all parties supporting the youth time to fulfill their obligations. Lastly, it promotes efficiency by maintaining fidelity to the court calendar and process. During the course of transporting a youth, there is an opportunity to engage and support them. It is a time that is likely filled with trepidation and the adult transporting the youth can help ease those feelings by openly communicating and checking in with the youth.

a. Components of Transportation

- i. Identifying the agency responsible for providing transportation;
- ii. Coordinating between the agency transporting the youth and the placement/caregiver where the youth will be retrieved from at least 48 hours in advance to ensure adequate time to arrange and coordinate;
- iii. Engaging with and supporting the youth during transportation;
- iv. Ensuring transportation occurs in a timely manner;
- v. Assessing risk when determining transportation needs and requesting transport by the IO, if necessary.

b. When Transportation May Be Needed

- i. Interviews with the law enforcement IO and DDA, as requested;
- ii. Courthouse, for testimony;
- iii. Mental health appointments.

c. Support Team Responsibilities:

- i. Transportation for a youth in detention:
 - a) If DCFS Lead, coordinate with Probation Lead to transport the youth with Probation's specialized transportation team, as necessary.
- ii. Transportation for a youth who is not in detention:
 - a) The Support Team will work together to determine the most appropriate transportation plan. This may include transportation by: placement staff, parent/caregiver, specialized advocate, DPO/CSW, or the law enforcement IO.
 - b) If any safety concerns exist, transportation should be provided by the law enforcement IO.
- iii. Transportation for youth who is located out of county:

VICTIM WITNESS TESTIMONY PROTOCOL

- a) Transportation plans will be made on a case-by-case basis; however, it is standard practice that:
 - i. *Up until the time of the preliminary hearing, law enforcement will arrange for transportation.*
 - ii. After the preliminary hearing, the DA will arrange for transportation.
- b) Accommodation plans for youth located out of county will also be made on a case-by-case basis. Options for accommodations include, but are not limited to:
 - i. Parent, guardian, relative or caregiver
 - ii. Housing, with staff support
 - iii. Juvenile Hall
 1. Note: Juvenile hall should only be used when absolutely necessary, as determined by the court.
- c) The Support Team will provide input, as is necessary, to ensure the witness is transported in the most comfortable and efficient way possible.
- iv. Transportation for Federal Bureau of Investigation (FBI) cases:
 - a) If the youth is involved in a case with the FBI, the FBI may arrange their own transportation for the youth.
 - i) If the FBI cannot transport, arrangements should be made in line with the above guidelines.
 - ii) Note that on these cases, the youth may be requested for a forensic interview. These interviews may start early and extend beyond normal court hours.

5. Housing

Without proper support, fear, stigma, and discomfort around testimony leads some youth to leave home or care to avoid testimony or in response to the stress of testimony; safety concerns may also arise because of others they are living with if they are in care or detention, or because of retaliation from the defendant or their associates. The Support Team should determine whether any supports around housing are needed before or after testimony.

- a. Refer to Part 3, Safety Planning above.
- b. Consider where the youth is likely to feel safe in their housing and not overly stimulated before and after testimony.
- c. Consider alternative plans for short and long-term housing or placement and

plan for any necessary changes in advance of testimony:

- i. If the youth is in care, returning to group care may not be appropriate immediately following testimony.
- ii. If the youth is currently in custody, the Support Team should also determine whether the youth should return to the same unit or would benefit from time away from the unit. When making this determination, consider where the youth has formed connections, including with DMH and Probation staff.

Part 4: Post Testimony

A. Support Team Closing Responsibilities

The Team lead is responsible for ensuring that each of the Support Team members has fulfilled their responsibilities as defined by the Victim Witness Support Team, and have taken the following closing steps:

1. Following the proceeding of the youth's testimony, the Team Lead will send an email to the DDA requesting the following information:
 - a. Confirmation that testimony occurred;
 - b. Any ongoing safety needs or concerns;
 - c. If known, whether the youth is expected to have any further obligations in the case;
2. Immediately following the youth's testimony, the Support Team will communicate to determine whether there are any outstanding needs or concerns, including whether the youth's safety plan needs to be revised. If the safety plan needs to be revised, the advocate will take the lead in ensuring this occurs.
3. Within 5 business days of testimony, or when most appropriate for the youth taking into account their individualized experience and mental health needs, the specialized advocate will debrief with the youth regarding their experience. Discussion should be casual, with a goal of supporting the youth's needs and gathering their perspective on the process (e.g., what went well, what could have been better). The advocate will bring this information to the MDT meeting, which will be held within 10 days of testimony. This discussion with the youth will help to ensure that individual issues are identified and addressed immediately at the MDT, and larger systemic issues are addressed at the regular review committee meetings.
4. Within 10 business days of testimony, the youth's case will be discussed in the DCFS/ Probation CSEC MDT (if under DCFS/Probation jurisdiction). The Team Lead will ensure that the youth is added to the MDT calendar after testimony.¹⁵ The MDT will discuss the youth's case and will help to ensure they are provided with coordinated care and the appropriate services from the court/system following testimony. The Team Lead will document feedback on the process.
5. Within 14 business days of testimony, the Team Lead will provide a final follow up email to the Support Team with a closing statement, including but not limited to, the following:

¹⁵ For Probation-involved children, these MDTs will be included in the County Probation CSEC MDT; for DCFS-involved children, the DCFS Team Lead will coordinate a MDT. This MDT is separate from the child's Victim Witness Support Team, although several members are likely to overlap.

- a. Any further information regarding youth's well-being post-testimony (including whether youth is in stable housing); and
 - b. Confirmation of whether team responsibilities are complete; if not complete, any next steps or follow up required by team members.
6. The Support Team, at any time throughout the process, is encouraged to communicate with the Team Lead any positive feedback or concerns regarding the process.

B. Formation & General Responsibilities of the Victim Witness Review Committee

To ensure the effectiveness of the Victim Witness Testimony Protocol, the parties to the protocol will form a Victim Witness Review Committee, which will be comprised of a designee from each agency. The Committee will meet on a regular basis to ensure fidelity to the protocol and ongoing improvement.

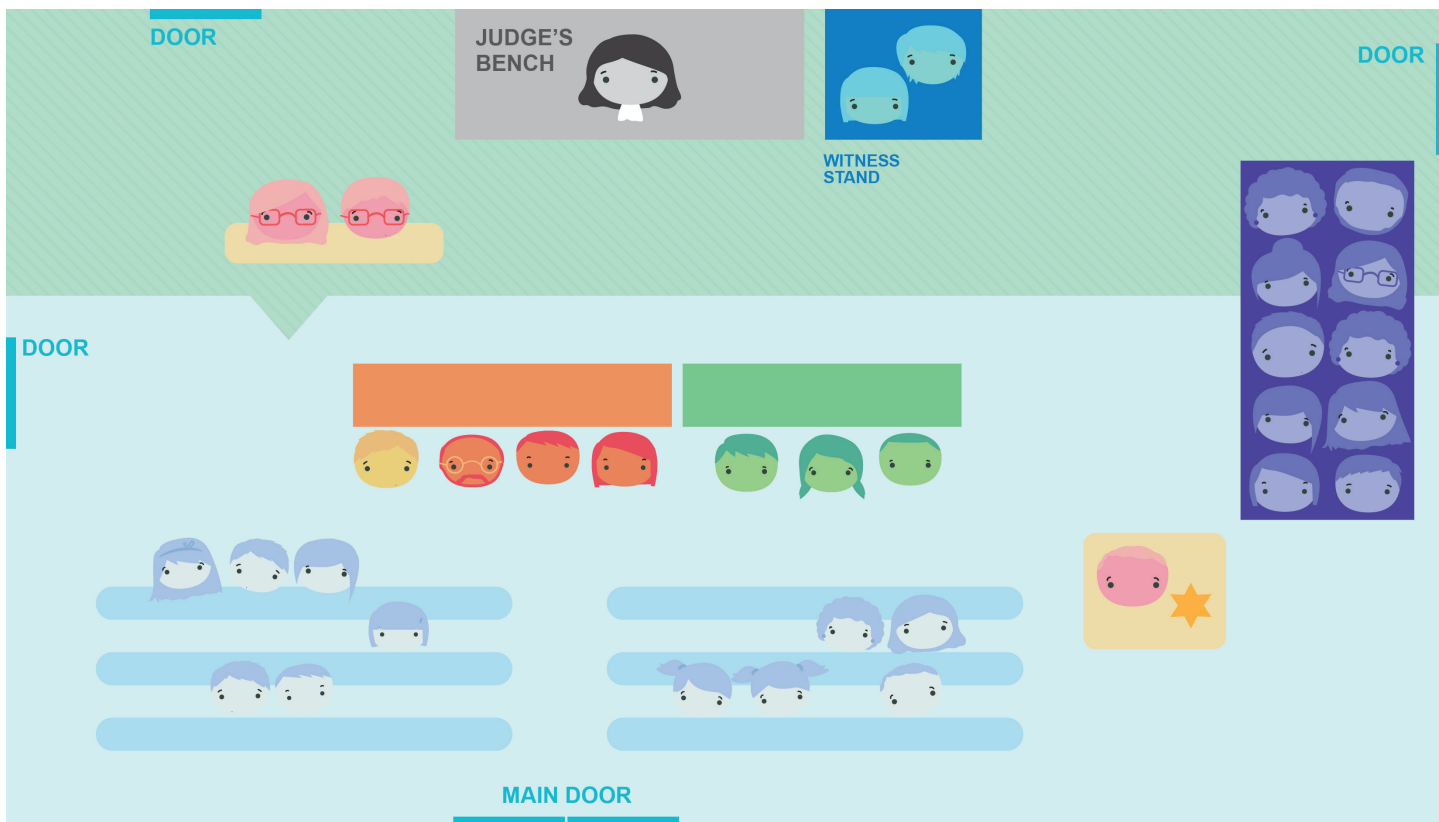
The Victim Witness Review Committee members will:

1. Convene on a regular basis to monitor implementation, discuss challenges and successes, review feedback documented by the Team Leads and any other feedback from Support Team members, and review data related to victim witness testimony;
2. Be responsible for making necessary changes to the protocol to ensure it continues to meet overarching goals;
3. Maintain a contact list for all participating agencies that will be regularly updated to ensure accuracy; and
4. Communicate pertinent information from the Committee back to their respective agencies.

APPENDIX A

COURTROOM GUIDE

This Courtroom Guide is designed to help prepare children and youth for what to expect when they enter the courtroom. Before any court appearance, the Support Team should share this with the young person and use it to talk through what the room will look like, who will be there, what each person's role is, and key rules and rights of the youth in court.



THE COURTROOM

All courtrooms are slightly different, but this page shows a typical setup. Public audience may include friends and family of Defendant.

- | | | | | | |
|---|---------------|---|--------------------------|---|---------------------------------|
|  | Judge |  | Witness (You) & Advocate |  | Defendant's Lawyers |
|  | Jury |  | Defendant |  | Government/ Prosecution Lawyers |
|  | Court Workers |  | Bailiff |  | Public Audience |

COURTROOM GUIDE

THE PEOPLE IN THE COURTROOM

Judge



Person in charge of the Courtroom. The Judge wears a black robe. Everyone has to listen to the Judge and call him or her "Your Honor." You can always ask the Judge a question if you're confused.

Witness (You)



Advocate



Your advocate/support person sits behind you, but is only there for emotional support. You cannot turn around, touch, or speak with the Advocate while you are on the stand. If you turn to look at the Advocate, she or he is not allowed to smile or talk with you.

Courtroom Workers



People who take notes and organize documents. They typically sit at desks near the Judge in front of the Courtroom. The "Court Reporter" types what everyone says, so there is a record of what happened.

Bailiff



The officer in the Courtroom in charge of safety. The Bailiff wears a uniform.

Jury



Ordinary people who are asked to listen to the Lawyers and decide if the Defendant committed a crime. A jury might be in the Courtroom. The jury's job is to listen, and they typically can't talk or ask questions (unless the Judge asks).

Defendant's Lawyers



Lawyers trying to prove that the Defendant committed a crime. The Investigating Officer/Detective will sit with the Government's lawyers.

Defendant



The Defendant will probably be in the Courtroom to hear what's happening. The Defendant is usually in police custody, so he/she will enter through a side door with guards. The Defendant will not be allowed to talk to you or come close to you.

Government or Prosecution



Lawyers trying to prove that the Defendant committed a crime. The Investigating Officer/Detective will sit with the Government's lawyers.

Public Audience



The Courtroom is usually open to the public, so people can come inside and listen. The Defendant's family or friends might be there to find out what happens to the Defendant. The public cannot talk in the Courtroom.

Key Rules & Rights in the Courtroom

- **First Name & Last Name Initial Only:**
When you are asked for your name, ONLY provide your first name and the first initial of your last name. For example, “Jessica S.” This rule protects your privacy.
- **Oath:**
When you testify, you will be “under oath,” which means that you promise to tell the truth.
- **Questioning (Direct and Cross Examination):**
Typically, you will be one of the Government’s witnesses. A Government lawyer may ask you questions about the Defendant and what you know about the crime(s) the Defendant is accused of committing (“Direct” Examination). Afterwards, the Defendant’s lawyer is allowed to ask questions on the same topics (“Cross” Examination). The Government lawyer might ask you a few final questions (“Re-Direct”). If you are one of the Defendant’s witnesses, the Defendant’s lawyer may ask you questions on topics not covered by the Government lawyer.
- **Objections to Questions:**
One of the lawyers in the room may object to a question that was asked. Stop speaking if a Judge interrupts you or when a lawyer objects to a question. Wait for the Judge to tell you to continue before answering any further.
- **Breaks:**
You can ask for break whenever you want one. You can use a break to go to the bathroom, get water, or just to calm down and rest. You typically cannot talk to anyone while on a break.
- **Reporting Bad Conduct:**
If the Defendant or anyone in the Audience (Defendant’s friends/family) makes intimidating or mean facial expressions or gestures toward you, you can and should tell the Judge. The Judge will make them stop.

APPENDIX B



Victim Witness Testimony Protocol



ALL PROTOCOL PARTNERS

Key Steps

1

DA INITIAL NOTIFICATION

DA's Office notifies arraignment defense counsel, DCFS, and Probation of intent to call youth witness at or before Defendant's arraignment

DCFS

VictID@dcfs.lacounty.gov

PROBATION

childtrafficking@probation.lacounty.gov

2

DETERMINE SYSTEM INVOLVEMENT

DCFS/Probation Team Lead informs DA's Office and IO which youth are under DCFS and/or Probation jurisdiction

GOALS

of the Victim Witness Testimony Protocol

3

IDENTIFY & NOTIFY SUPPORT TEAM

DCFS/Probation Team Lead identifies and notifies Support Team members within 24 hours of DA notification

1. Establish a team of trustworthy adults to support the youth witness.
2. Coordinate and communicate a plan to support the youth witness.
3. Provide timely notice of key case dates and any changes to team members.
4. Develop a safety plan in collaboration with the youth.
5. Prepare the youth to understand the process and meaningfully participate.
6. Reduce re-traumatization by supporting the youth throughout the process.
7. Support caregiver(s) affected by the youth's testimony.

4

DA SUBPOENA NOTIFICATION

DA's Office notifies DCFS, Probation, and the IO, when subpoena is issued

Victim Witness Testimony Protocol

ALL PROTOCOL PARTNERS

Key Steps, cont.

5

TEAM LEAD SUBPOENA NOTIFICATION

DCFS/Probation Team Lead notifies Support Team members about subpoena within 24 hours of notice from DA's office

6

CONVENE SUPPORT TEAM

DCFS/Probation Team Lead convenes Support Team members

7

SUBPOENA SERVICE

IO coordinates with DCFS/Probation Team Lead and Support Team to serve the subpoena

8

TESTIMONY PLANNING & SUPPORT

Support Team develops plan to support youth witness prior to, on the day of, and after testimony



Support Team Members

REQUIRED

- DCFS/Probation Support Team Lead
- Children's Social Worker and/or Deputy Probation Officer
- Specialized Advocate
- Assigned Deputy District Attorney of the Human Sex Trafficking Section
- Youth's Attorney (Dependency and/or Delinquency Attorney)
- Mental Health Clinician

OPTIONAL

- Investigative Officer (IO)
- Juvenile Hall CSEC Coordinator (if applicable)
- Parent, Guardian or other Caregiver
- Short-Term Residential Therapeutic Program Staff/Resource Families
- DA's Specialized Advocate for the Human Sex Trafficking Section
- Court-Appointed Special Advocate
- Anyone the youth or Support Team has identified as being a meaningful support person in the youth's life

Components of Testimony Planning

- Safety planning
- Mental health support
- Transportation
- Testimony logistics, such as courthouse support, food, clothing, and medication
- Housing



Victim Witness Testimony Protocol

DISTRICT ATTORNEY'S OFFICE

Agency Key Steps

1 NOTIFICATION OF CASE (at or before Defendant's arraignment)

At the time of case filing, but no later than the day of arraignment of the trafficker, the DA's Office will identify all minor victim witnesses and should provide notification, including the names and dates of birth of such witnesses, to:

- Arraignment defense counsel to run a check for conflicts of interest.
- DCFS (VictiD@dcfs.lacounty.gov) and Probation (childtrafficking@probation.lacounty.gov) to determine system involvement and begin convening the youth Support Team(s).

2 NOTIFICATION OF SUBPOENA

Upon issuance of a subpoena, the DA's Office should notify DCFS (VictiD@dcfs.lacounty.gov), Probation (childtrafficking@probation.lacounty.gov), and the IO via email of their intent to call the youth witness and the expected date of testimony. The email notification should include:

- Case name
- Case number
- Name of youth witnesses
- Date of birth of youth witnesses
- Name of DDA assigned to the case
- Location of hearing
- Instructions on where to take the youth once they arrive at the courtroom
- Any known safety concerns

3 NOTIFICATION OF CASE UPDATES

Upon learning of any case updates outlined below, the DA's Office should notify the DCFS/ Probation Team Lead and youth's attorneys as soon as practical, preferably within 24 hours:

- Change in timing after case filing, such as preliminary hearing date, trial date, and necessary meetings with law enforcement or the Assigned Deputy District Attorney (DDA).



Victim Witness Testimony Protocol

DISTRICT ATTORNEY'S OFFICE

Agency Key Steps cont.

4

SUPPORT & ENGAGEMENT WITH YOUTH

The DDA should meet with the youth, in accordance with existing policy, to the extent possible, prior to the:

- Expected date of the youth's testimony.
 - Change in custody of the trafficker (e.g. if released on bail).
- Preliminary hearing;
 - Trial

Note re: youth's attorneys: If the youth is represented by an attorney, the DDA will notify the youth's attorney prior to speaking to or meeting with the youth, and provide such counsel with the opportunity to participate in the meeting.

5

PARTICIPATE IN THE VICTIM WITNESS SUPPORT TEAM

A) COMMUNICATE WITH THE TEAM

The DDA will:

- Be responsive to emails and other communications regarding the youth's upcoming testimony.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The DDA will collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Safety planning
- Testimony logistics, such as courtroom support and courthouse logistics
- Support & engagement
- Transportation
- Housing

6

TRANSPORTATION FOR YOUTH LOCATED OUT OF COUNTY

After the preliminary hearing, the DDA will arrange for transportation.



Victim Witness Testimony Protocol

DISTRICT ATTORNEY'S OFFICE

Agency Key Steps cont.

7 CLOSING RESPONSIBILITIES

Upon request from the Team Lead the DDA will send an email to the Team Lead regarding the following information:

- Confirmation that testimony occurred;
- Any ongoing safety needs or concerns;
- If known, whether the youth is expected to have any further obligations in the case.

8 VICTIM WITNESS REVIEW COMMITTEE

The DA's Office will participate in the Victim Witness Review Committee meetings to monitor implementation of the Protocol.



Victim Witness Testimony Protocol

DCFS TEAM LEAD

Agency Key Steps

1 DETERMINE JURISDICTION/SYSTEM INVOLVEMENT

Upon receiving notification from the DA's Office of their intent to call a youth witness, the DCFS Team Lead will:

- Determine whether the youth is under dependency (Cal. Welf. & Inst. Code § 300) jurisdiction.
- Inform the DA's Office, IO, and Probation Team Lead which youth are under DCFS jurisdiction and which youth are unknown to the system.

2 IDENTIFY & NOTIFY SUPPORT TEAM MEMBERS

Upon notification from the DA's office, the DCFS Team Lead will identify the youth's Support Team(s) members and notify agency points of contact for system-involved youth, including youth's dependency/delinquency attorney, within 24 hours. The Team Lead will work with required team members and youth to determine whether any additional members should be included on the team (see the "Optional" list of Support Team members, above).

3 SUBPOENA NOTIFICATION

Upon receipt of email from the DDA with subpoena information, the DCFS Team Lead will:

A. CONFIRM RECEIPT OF SUBPOENA

DCFS Team Lead will send a copy of the subpoena to DCFS County Counsel.

B. NOTIFY SUPPORT TEAM

The DCFS Team Lead will notify the Support Team members of the issuance of the subpoena within 24-hours of notice from the DA's office, and convene Support Team.

C. SUPPORT SUBPOENA SERVICE

The DCFS Team Lead will assist the IO in determining the youth's jurisdiction, current location, and coordinate with the Support Team to determine the most appropriate method, time and place for providing service of subpoena to the youth, to the extent possible.

Victim Witness Testimony Protocol

DCFS TEAM LEAD

Agency Key Steps, cont.

4 LEAD & PARTICIPATE IN THE SUPPORT TEAM

A. COORDINATE THE SUPPORT TEAM

- Convene the Support Team and facilitate ongoing communication and coordination among the team members throughout the testimony process, including updates regarding any changes in case timing or scheduling impacting the youth.
- Coordinate with the Support Team to ensure that adequate pre-testimony communication and engagement between the IO, the DDA and the youth takes place.
- Notify youth's attorney if a pre-testimony meeting is arranged between the youth and DDA as soon as the meeting is scheduled.
- Ensure the youth is connected to the services and supports deemed necessary by the Support Team by overseeing assigned tasks.
- Convene meetings, as necessary, to facilitate the youth's testimony and to support the youth.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The DCFS Team Lead will collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Support & engagement
- Safety planning
- Testimony planning
- Mental health support
- Transportation
- Testimony logistics, such as courtroom support, courthouse logistics, food, clothing, and medication
- Housing
- On-going support



Victim Witness Testimony Protocol

DCFS TEAM LEAD

Agency Key Steps, cont.

5 CLOSING RESPONSIBILITIES

A. REQUEST FOLLOW UP INFORMATION FROM DDA

Following the proceeding of the youth's testimony, the Team Lead will send an email to the DDA requesting the following information:

- Confirmation that testimony occurred
- Any ongoing safety needs or concerns
- If known, whether the youth is expected to have any further obligations in the case

B. ADD YOUTH TO MDT CALENDAR

Ensure the youth is added to the DCFS CSEC Multi-Disciplinary Team (MDT) calendar, within 10 business days after testimony and document feedback on the process.

C. FINAL FOLLOW-UP EMAIL TO SUPPORT TEAM

Within 14 business days of testimony, the Team Lead will provide a final follow up email to the Support Team with a closing statement, including but not limited to, the following:

- Any further information regarding youth's well-being post-testimony (including whether youth is in stable housing)
- Confirmation of whether team responsibilities are complete
- If not complete, any next steps or follow up required by team members

6 VICTIM WITNESS REVIEW COMMITTEE

The DCFS lead will participate in the Victim Witness Review Committee meetings to monitor implementation of the Protocol.



Victim Witness Testimony Protocol

DCFS CSW

Agency Key Steps

1 SUPPORT & ENGAGEMENT (youth)

The CSW will meet with or check-in with the youth:

- prior to testimony;
- within 24 hours after testimony (at least one of these first two communications should be in person); and
- within 72 hours after testimony.

2 TRANSPORTATION

The CSW may need to transport the youth to the DDA's office for a meeting if the DDA is unable to come to the youth's location.

3 PARTICIPATE IN THE VICTIM WITNESS SUPPORT TEAM

A. COMMUNICATE WITH THE TEAM

The CSW will:

- Be responsive to emails and other communications regarding the youth's upcoming testimony.
- Proactively participate in the Support Team by sharing anticipated problems or safety concerns, known physical and/or emotional limitations, and overall recommendations on how to support the youth throughout the testimony process.
- To the extent possible, coordinate with other Support Team members to ensure that the youth does not have to repeat the same information or answer the same questions multiple times by different Support Team members.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The CSW will participate in the Victim Witness Support Team and collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Support & engagement
- Safety planning



Victim Witness Testimony Protocol

DCFS CSW

Agency Key Steps, cont.

- Testimony planning
- Mental health support
- Transportation
- Testimony logistics, such as courtroom support, courthouse logistics, food, clothing, and medication
- Housing
- On-going support



Victim Witness Testimony Protocol

PROBATION TEAM LEAD

Agency Key Steps

1 DETERMINE JURISDICTION/SYSTEM INVOLVEMENT

Upon receiving notification from the DA's Office of their intent to call a youth witness, the Probation Team Lead will:

- Determine whether the youth is under delinquency/Probation (Cal. Welf. & Inst. Code § 602) jurisdiction.
- Inform the DA's Office, IO, and DCFS Team Lead which youth are under Probation jurisdiction and which youth are unknown to the system.

2 IDENTIFY & NOTIFY SUPPORT TEAM MEMBERS

Upon notification from the DA's office, the Probation Team Lead will identify the youth's Support Team(s) members and notify agency points of contact for system-involved youth, including youth's dependency/delinquency attorney, within 24 hours. The Team Lead will work with required team members and youth to determine whether any additional members should be included on the team (see the "Optional" list of Support Team members, above).

3 SUBPOENA NOTIFICATION

Upon receipt of email from the DDA with subpoena information, the Probation Team Lead will:

A. CONFIRM RECEIPT OF SUBPOENA

- Sign, scan and return the subpoena to the DDA for the purpose of proof of service to the county department.
- Provide notice to all necessary parties, in accordance with existing policy, including, but not limited to: youth's Deputy Probation Officer and Supervising Probation Officer.
- If the youth is in Probation custody, send a copy of the subpoena to: Transportation Supervisor, and Probation Department Civil Litigation Office at civillitigationoffice@probation.lacounty.gov for the purpose of tracking.

B. NOTIFY SUPPORT TEAM

The Probation Team Lead will notify the Support Team members of the issuance of the subpoena within 24-hours of notice from the DA's office and convene Support Team.



Victim Witness Testimony Protocol

PROBATION TEAM LEAD

Agency Key Steps cont.

C. SUPPORT SUBPOENA SERVICE

The Probation Team Lead will assist the IO in determining the youth's jurisdiction, current location, and coordinate with the Support Team to determine the most appropriate method, time and place for providing service of subpoena to the youth, to the extent possible.

4

LEAD & PARTICIPATE IN THE SUPPORT TEAM

A. COORDINATE THE SUPPORT TEAM

- Convene the Support Team and facilitate ongoing communication and coordination among the team members throughout the testimony process, including updates regarding any changes in case timing or scheduling impacting the youth.
- Coordinate with the Support Team to ensure that adequate pre-testimony communication and engagement between the IO, the DDA and the youth takes place.
- Notify youth's attorney if a pre-testimony meeting is arranged between the youth and DDA as soon as the meeting is scheduled.
- Ensure the youth is connected to the services and supports deemed necessary by the Support Team by overseeing assigned tasks.
- Convene meetings, as necessary, to facilitate the youth's testimony and to support the youth.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The Probation Team Lead will collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Support & engagement
- Safety planning
- Testimony planning
- Mental health support
- Transportation
- Testimony logistics, such as courtroom support, courthouse logistics, food, clothing, and medication

Victim Witness Testimony Protocol

PROBATION TEAM LEAD

Agency Key Steps cont.

- Housing
- On-going support

5 TRANSPORTATION FOR YOUTH IN DETENTION

The Probation Team Lead will arrange with Probation's specialized transportation team to transport the youth, as necessary.

6 CLOSING RESPONSIBILITIES:

A. REQUEST FOLLOW UP INFORMATION FROM DDA

Following the proceeding of the youth's testimony, the Team Lead will send an email to the DDA requesting the following information:

- Confirmation that testimony occurred
- Any ongoing safety needs or concerns
- If known, whether the youth is expected to have any further obligations in the case

B. ADD YOUTH TO MDT CALENDAR

Ensure the youth is added to the Probation CSEC Multi-Disciplinary Team (MDT) calendar, within 10 business days after testimony and document feedback on the process.

C. FINAL FOLLOW-UP EMAIL TO SUPPORT TEAM

Within 14 business days of testimony, the Team Lead will provide a final follow up email to the Support Team with a closing statement, including but not limited to, the following:

- Any further information regarding youth's well-being post-testimony (including whether youth is in stable housing)
- Confirmation of whether team responsibilities are complete
- If not complete, any next steps or follow up required by team members

7 VICTIM WITNESS REVIEW COMMITTEE

The Probation lead will participate in the Victim Witness Review Committee meetings to monitor implementation of the Protocol.



Victim Witness Testimony Protocol

PROBATION DPO

Agency Key Steps

1 SUPPORT & ENGAGEMENT WITH YOUTH

The Deputy Probation Officer of Record (DPO) will meet with or check-in with the youth:

- prior to testimony;
- within 24 hours after testimony (at least one of these first two communications should be in person); and
- within 72 hours after testimony.

2 TRANSPORTATION

The DPO may need to transport the youth to the DDA's office for a meeting if the DDA is unable to come to the youth's location.

3 PARTICIPATE IN THE VICTIM WITNESS SUPPORT TEAM

A. COMMUNICATE WITH THE TEAM

- Be responsive to emails and other communications regarding the youth's upcoming testimony.
- Proactively participate in the Support Team by sharing anticipated problems or safety concerns, known physical and/or emotional limitations, and overall recommendations on how to support the youth throughout the testimony process.
- To the extent possible, coordinate with other Support Team members to ensure that the youth does not have to repeat the same information or answer the same questions multiple times by different Support Team members.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The DPO will participate in the Victim Witness Support Team and collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Support & engagement
- Safety planning
- Testimony planning



Victim Witness Testimony Protocol

PROBATION DPO

Agency Key Steps cont.

- **Mental health support**
- **Transportation**
- **Testimony logistics, such as courtroom support, courthouse logistics, food, clothing, and medication**
- **Housing**
- **On-going support**



Victim Witness Testimony Protocol

DEPARTMENT OF
MENTAL HEALTH

Agency Key Steps

1 DETERMINE STATUS OF MENTAL HEALTH CARE

The DMH representative will determine whether the youth is currently under the care of a DMH or other mental health clinician (e.g., a clinician serving the youth in placement, detention, or a community-based organization).

- For youth who are **not** currently under the care of a mental health clinician, the DMH representative will connect the youth to a DMH clinician.
- For youth who are currently under the care of another clinician, the DMH representative should reach out to the youth's existing clinician, to determine whether the youth and their caregiver(s) need additional services.

2 SUPPORT & ENGAGEMENT WITH YOUTH

The DMH representative/clinician will meet with the youth at home/placement/detention, as defined by the Support Team in the Testimony Planning:

- prior to testimony;
- day of testimony (before and/or after testimony);
- in the days following testimony.

3 PARTICIPATE IN THE VICTIM WITNESS SUPPORT TEAM

A. COMMUNICATE WITH THE TEAM

The DMH representative/clinician will:

- Be responsive to emails and other communications regarding the youth's upcoming testimony.
- Proactively participate in the Support Team by sharing anticipated problems or safety concerns, known physical and/or emotional limitations, and overall recommendations on how to support the youth throughout the testimony process.
- To the extent possible, coordinate with other Support Team members to ensure that the youth does not have to repeat the same information or answer the same questions multiple times by different Support Team members.



Victim Witness Testimony Protocol

DEPARTMENT OF
MENTAL HEALTH

Agency Key Steps, cont.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The DMH representative/clinician will participate in the Victim Witness Support Team and collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Support & engagement
- Safety planning
- Testimony planning
- Mental health support
- Transportation
- Testimony logistics, such as courtroom support, courthouse logistics, food, clothing, and medication
- Housing
- On-going support

4 PROVIDE MENTAL HEALTH SUPPORT

The DMH representative will:

- Determine with the youth, and in consultation with the Support Team, what mental health support the youth wants or needs throughout the testimony process, including before, on the day-of, and after testimony.
- Provide (or coordinate to provide) adequate support to the youth throughout the testimony process.
- When meeting with the youth, identify any ongoing health or mental health needs or concerns and communicate these to the team, as necessary and allowable by law.

5 VICTIM WITNESS REVIEW COMMITTEE

The DMH representative will participate in the Victim Witness Review Committee meetings to monitor implementation of the Protocol.



Victim Witness Testimony Protocol

YOUTH'S ATTORNEY

Agency Key Steps

1 IDENTIFY YOUTH'S ATTORNEY

The youth's attorney office point of contact will help to identify the youth's attorney of record who will participate on the Victim Witness Support Team.

2 ACCOMPANY YOUTH TO MEETING WITH LAW ENFORCEMENT/DA'S OFFICE

As needed, the youth's attorney will accompany youth to necessary pre-testimony meetings with law enforcement or the Assigned Deputy District Attorney (DDA).

3 PARTICIPATE IN THE VICTIM WITNESS SUPPORT TEAM

A. COMMUNICATE WITH THE TEAM

The youth's attorney will:

- Be responsive to emails and other communications regarding the youth's upcoming testimony.
- Proactively participate in the Support Team by sharing anticipated problems or safety concerns, known physical and/or emotional limitations, and overall recommendations on how to support the youth throughout the testimony process.
- To the extent possible, coordinate with other Support Team members to ensure that the youth does not have to repeat the same information or answer the same questions multiple times by different Support Team members.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The youth's attorney will participate in the Victim Witness Support Team and collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Support & engagement
- Safety planning
- Testimony planning
- Mental health support
- Transportation



Victim Witness Testimony Protocol

YOUTH'S ATTORNEY

Agency Key Steps, cont.

- Testimony logistics, such as courtroom support, courthouse logistics, food, clothing, and medication
- Housing
- On-going support

4 VICTIM WITNESS REVIEW COMMITTEE

The youth's attorney representative will participate in the Victim Witness Review Committee meetings to monitor implementation of the Protocol.



Victim Witness Testimony Protocol

COMMUNITY ADVOCATE

Agency Key Steps

1 SUPPORT & ENGAGEMENT WITH YOUTH

Preliminary Hearing: The specialized advocate will interface with the youth at least twice within the 10 day period from initial notification to preliminary hearing:

- within 72 hours of notification;
- at least 72 hours prior to the preliminary hearing.

Subsequent Proceedings: If the youth is called to testify at any other proceedings (e.g., subsequent hearings or trial), the specialized advocate will interface with the youth at least 72 hours prior to the testimony.

Post-testimony: The advocate will maintain close communication with the youth:

- within 24 hours following testimony;
- within 72 hours after the testimony, as needed.

If the youth is already on the Advocate's case load: Advocate should continue with their regularly scheduled visits but ensure that they have at least one face-to-face meeting in the week prior to testimony.

2 PARTICIPATE IN THE VICTIM WITNESS SUPPORT TEAM

A. COMMUNICATE WITH THE TEAM

The specialized advocate will:

- Be responsive to emails and other communications regarding the youth's upcoming testimony.
- Proactively participate in the Support Team by sharing anticipated problems or safety concerns, known physical and/or emotional limitations, and overall recommendations on how to support the youth throughout the testimony process.
- To the extent possible, coordinate with other Support Team members to ensure that the youth does not have to repeat the same information or answer the same questions multiple times by different Support Team members.

B. SUPPORT, ENGAGEMENT & TESTIMONY PLANNING

The specialized advocate will participate in the Victim Witness Support Team and



Victim Witness Testimony Protocol

COMMUNITY ADVOCATE

Agency Key Steps, cont.

collaborate with team members to support the youth pre-testimony, on the day-of, and post-testimony, including the following:

- Support & engagement
- Safety planning
- Testimony planning
- Mental health support
- Transportation
- Testimony logistics, such as courtroom support, courthouse logistics, food, clothing, and medication
- Housing
- On-going support

3

SAFETY PLANNING

The advocate will lead the safety planning process (unless youth prefers another support person), which will include but is not limited to:

- Meet with the youth to determine safety needs of youth and their caregiver(s).
- Arrange meetings with the Support Team to develop a safety plan.
- Memorialize the safety plan and provide copies to all relevant team members, the youth, and the caregiver(s).
- Reconvene with the Support Team to update the safety plan as necessary and at specific times, including post-testimony.

4

TESTIMONY LOGISTICS

As part of the Support Team, the specialized advocate will provide day-of support, which may include the following:

- Courthouse or witness stand support
- Courthouse logistics
- Food, clothing, and medication, as needed



Victim Witness Testimony Protocol

COMMUNITY ADVOCATE

Agency Key Steps, cont.

5 POST-TESTIMONY DEBRIEF

Within 5 business days of testimony, or when most appropriate for the youth, the specialized advocate will debrief with the youth regarding their testimony experience, youth's needs and perspective on the process. The advocate will bring this information to the MDT meeting, which will be held within 10 days of testimony.

6 VICTIM WITNESS REVIEW COMMITTEE

The specialized advocate will participate in the Victim Witness Review Committee meetings to monitor implementation of the Protocol.