

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** House Bill 861  
**TITLE:** Criminal Procedure – Victim Compensation – Alternations  
**COMMITTEE:** Judiciary  
**HEARING DATE:** March 7, 2023  
**POSITION:** **SUPPORT**

House Bill 861 will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. The Human Trafficking Prevention Project supports this bill because it will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime. For sex workers and survivors of human trafficking who are some of the victims *least likely* to report their victimization and/or cooperate with law enforcement, this bill removes barriers that have kept the victim compensation process almost entirely inaccessible.

By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, and has been particularly unhelpful to survivors of human trafficking and domestic violence. While Maryland has one of the lowest grant rates of victim compensation in the country overall, with over half of all claims denied in FY22, there was only 1 domestic violence-related claim paid in the last five fiscal years, with no reported compensation paid to human trafficking victims.

HB 861 will remove numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that they must “cooperate” with law enforcement. The reporting and cooperation requirements are rooted in archaic notions of how “real” victims behave, uninformed by the impacts of trauma on the brain, and fail to consider how, especially in the context of sexual assault, interpersonal violence, and human trafficking, fear, shame, stigma, and, at times love, combine to keep so many victims silent.<sup>1</sup> These requirements also fail to acknowledge the lack of trust many victims have in the police and/or the criminal legal system,<sup>2</sup> and that, in many cases, law enforcement has played a role in the victimization.<sup>3</sup>

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<sup>1</sup> See generally, Zita Fontaine, *The Reasons Why Victims Don't Report Abuse* (Nov. 2019), <https://zitafontaine.medium.com/the-reasons-why-victims-dont-report-abuse-9bc6b15a0e5f>; Darlene Hutchinson, *Fewer than Half of Victims Report Violent Crime* (Dec. 2017), <https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/blogs-2017/2017-blog-ncvs.htm>

<sup>2</sup> See generally, Hyounggon Kwak, Rick Dierenfeldt, & Susan McNeeley, *The Code of the Street and Cooperation with the Police: Do Code of Violence, Procedural Injustice, and Police Ineffectiveness Discourage Reporting Violent Victimization to the Police?* (Jan. 2019), <https://www.sciencedirect.com/science/article/pii/S0047235218303155>; Seokhee Yoon, *Why Do Victims Not Report?: The Influence of Police and Criminal Justice Cynicism on the Dark Figure of Crime* (2015), [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=2209&context=gc\\_etds](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=2209&context=gc_etds);

<sup>3</sup> See generally U.S. Department of Justice, Civil Rights Division, *Investigation of the Baltimore City Police Department* (2016), <https://www.justice.gov/crt/file/883296/download>; Andrea Ritchie, *How Some Cops Use the Badge to Commit Sex Crimes* (Jan. 2018), [https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-eff3-11e7-b390-a36dc3fa2842\\_story.html](https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-eff3-11e7-b390-a36dc3fa2842_story.html).

Of particular relevance to human trafficking survivors is the striking of the language that allows for a claim to be denied if the reviewer believes that the victim may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. For human trafficking victims, who are commonly criminalized as a direct result of their victimization,<sup>4</sup> this is a significant barrier to submitting and/or successfully receiving compensation.

Victim compensation is about public safety and helping victims heal. This bill will create a non-discriminatory victim compensation process that is accessible to *all* victims of crime, including those who fail to report their victimization to law enforcement or who are judged by society to be less than “the perfect victim.” For these reasons, the Human Trafficking Prevention Project supports House Bill 861 and respectfully urges a favorable report.

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<sup>4</sup> National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* 3 (2016), <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>.NSN (citing that 91% of sex and labor trafficking have criminal records).