



BILL NO: House Bill 268

COMMITTEE: Courts of Justice Subcommittee - Criminal

HEARING DATE: January 26, 2024

SUBMITTED BY: Megan F. Gerbracht, Psy.D., Licensed Clinical Psychologist,

The Virginia Coalition Against Human Trafficking and Reset180 Board of Directors member

POSITION: SUPPORT with suggested amendments

This testimony is written on behalf of The Virginia Coalition Against Human Trafficking (VCAHT), a coalition of service providers, attorneys, survivor-advocates, and community members working to pass survivor-centered human trafficking legislation in the Commonwealth of Virginia. I am also speaking as a clinical psychologist that has specialized in treating children and adolescents for the past 20 years, and as volunteer board member of another Virginia-based non-profit, Reset180, that addresses human trafficking needs in Northern Virginia.

I am writing in support of HB268 as an important step towards recognizing minors as victims and not criminals in these cases. As a clinical psychologist I have had longstanding concerns about the impact on minors when their victimization and resulting responses to it are perceived as criminal acts. The psychological damage done to minors when this kind of victim blaming occurs only serves to increase the depth and complexity of the trauma they must already bear as a result of the original abuse. When someone experiences a traumatic experience such as the violations involved with trafficking, sexual abuse and/or rape the most common responses the body will employ are known as the 4F's (fight, flight, freeze & fawn.) Sometimes individuals instinctually employ one of the last three of these by trying to **flee** their abuser when possible, **freezing** which often also includes feeling numb or dissociating from the moment, or **fawning** which refers to trying to placate or please their abuser. It is possible that a juvenile defendant could commit an alleged offense as a result of one of these responses. It is even more likely however that the self-explanatory **fight** response to trauma could understandably result in behavior that could be brought before the court as an alleged offense. All four of these are predictable human responses to traumatic experiences and the most appropriate response is for trauma victims to be offered treatment and services rather than a punitive response.

I support this bill as written given that it is an important step towards providing essential care to child victims, yet I am also urging members to consider the following amendments. Where I would differ with this bill as written is that the most advantageous place for treatment and services to occur is not within the juvenile justice system, but rather a more trauma informed therapeutic environment such as a specialized treatment program. A social services response that diverts a child victim away from the juvenile justice system entirely would send a much clearer message to child victims that what happened was not their fault and that they are not being penalized for protecting themselves from their abuser.

Thank you for your time and consideration. I would be happy to answer any questions at the email address below.

For questions or
technical assistance,
contact:
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Respectfully,

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Licensed Clinical Psychologist