

Emerging Best Practices for Addressing Human Trafficking Involved Cases in the State Courts

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Learning Objectives

As a result of the session NACM members will understand:

- **the types of and dynamics of labor and sex trafficking;**
- **the challenges faced by the state courts in human trafficking involved cases;**
- **the features of trauma informed awareness and care – a critical foundation for best practices for addressing human trafficking; and**
- **the components of executive court leadership required to address HT, and other complex problems, that should be incorporated into the NACM core competencies.**

Background – The State Justice Institute Supported Human Trafficking and the State Courts Collaborative

● History

● Purpose and Priorities

- increase understanding and awareness about the challenges faced by state courts in dealing with cases involving trafficking victims and their families;
- develop and test state and local approaches for assessing and addressing the impact of human trafficking victims and defendants on the state courts;
- enhance state and local court capacity to improve court services impacted by human trafficking-related case processing demands; and, build effective national, state, and local partnerships for addressing the impacts of human trafficking case processing in the state courts.

Why Human Trafficking is Important for the State Courts

- **There are numerous human trafficking victims and traffickers in the US.**
- **Great deal of activity by federal and state law enforcement and by national interest groups but topic is newer for the courts.**
- **Increased attention directed at state laws.**
- **Recognition that human trafficking can be present in a variety of state court cases such as prostitution, drug sales by individuals who may be trafficking victims, child thieves, and abused and neglected children.**

Human Trafficking Scope, Types, and Dynamics

Human trafficking occurs when an individual or an organization induces or recruits or harbors or transports or provides or obtains a person by force or fraud or coercion for the purposes of involuntary servitude or peonage or debt bondage or slavery or a commercial sex act.

- **Commercial Sex Acts** such as pimp controlled prostitution, escort services, residential and underground brothels, pornography production and cyber-pornography, or cantina, karaoke and other types of bars or clubs.
- **Labor or Services including:**
 - **Involuntary Servitude, Peonage, and Slavery** – people fear physical, emotional, and/or legal consequences if they attempt to escape their conditions.
 - **Debt Bondage** – labor is demanded as a means of loan or service repayment but terms and conditions have not been defined or the value of the victim’s service has not been reasonably assessed or is not applied to the liquidation of the debt.

Human Trafficking Challenges For the State Courts – 101 Level Ongoing Challenges

- **Prosecution of human trafficking under state trafficking laws rather than other criminal violations.**
- **Determining how human trafficking might appear in the state courts.**
- **Linking trafficking victims with appropriate resources.**
- **Using federal protections for immigrant victims where appropriate.**

Human Trafficking Challenges For the State Courts – 201 + Level Ongoing Challenges (1)

- **How far can retooling existing resources, concepts, facilities go? For example, what is the desirability and feasibility of redesigning facilities and programs for juvenile trafficking victims that incorporate available space in juvenile detention facilities?**
- **Court focused human trafficking identification and needs triage and assessment tools and how they can be used appropriately when and by whom.**
- **Crossover and interplay among different types of labor and sex trafficking.**

Human Trafficking Challenges For the State Courts – 201 + Level Ongoing Challenges (2)

- **Gang involvement in trafficking.**
- **The intersections between the work of the state courts and potentially HT involved cases or incidents that might appear in employment, housing, health, safety, licensing, liquor, and other boards and commissions.**
- **How to identify HT vulnerable populations and prevent involvement in human trafficking, including unaccompanied minors and other immigrant populations.**

Human Trafficking Challenges For the State Courts – 201 + Level Ongoing Challenges (3)

- **The intersections among language, culture, and human trafficking.**
- **Challenges that lesbian, gay, bisexual, and transgender victims of trafficking face.**
- **Becoming trauma informed and oriented.**

Trauma: What is it and Why Does it Matter?

- **Results from an event, series of events, or set of circumstance that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and the individual's psychological, social, emotional or spiritual well-being**
- **Micro (interpersonal trauma) and Macro (systemic trauma and oppression) experiences**
- **Interpersonal = intention**

Systemic and Interpersonal Trauma

- **Systems traumatize**

- Court
- Foster Care
- Education
- Prison

- **Macro Oppression**

- Racism
- Sexism
- Homophobia
- All other -isms

Interpersonal Trauma: Trauma Reactions

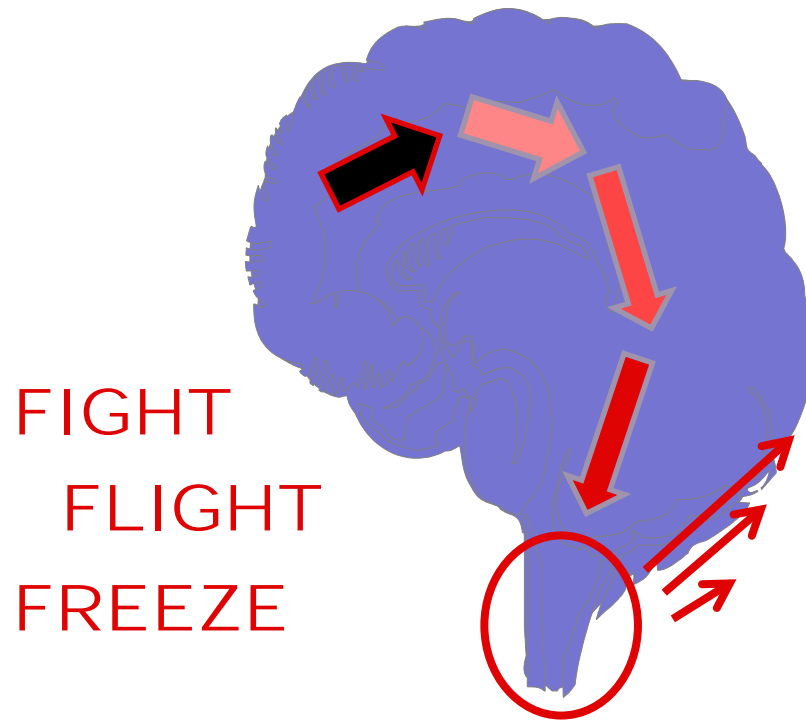
- **Best understood as adaptations to survive and are logical in the context of trauma**
- **People will do whatever it takes to survive their experience and pain**
- **Trauma reactions often misdiagnosed or overlooked as symptoms of other mental illness**

Interpersonal Trauma

Immediate Reactions

Fight
Flight
***Freeze**

Effects of Trauma

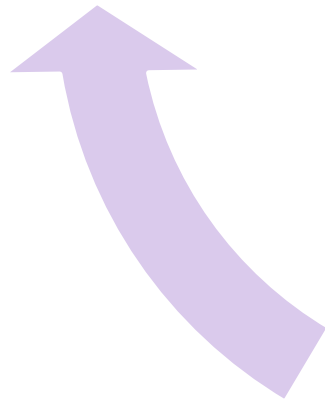


Long Term Reactions

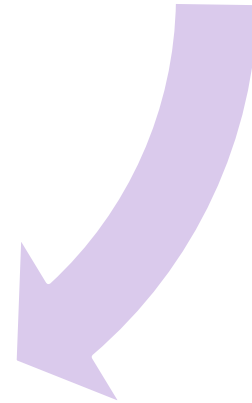
- **Hyper-Vigilance**
- **Dissociation**
- **Intrusive Thoughts/Feelings**
- **Avoidance**
- **Reenactment**

Secrecy

Shame



Silence



What's in a Word?

Prostitute



What's in a Word?

Prostitute

Trafficking
Victim



What's in a word?

Prostitute

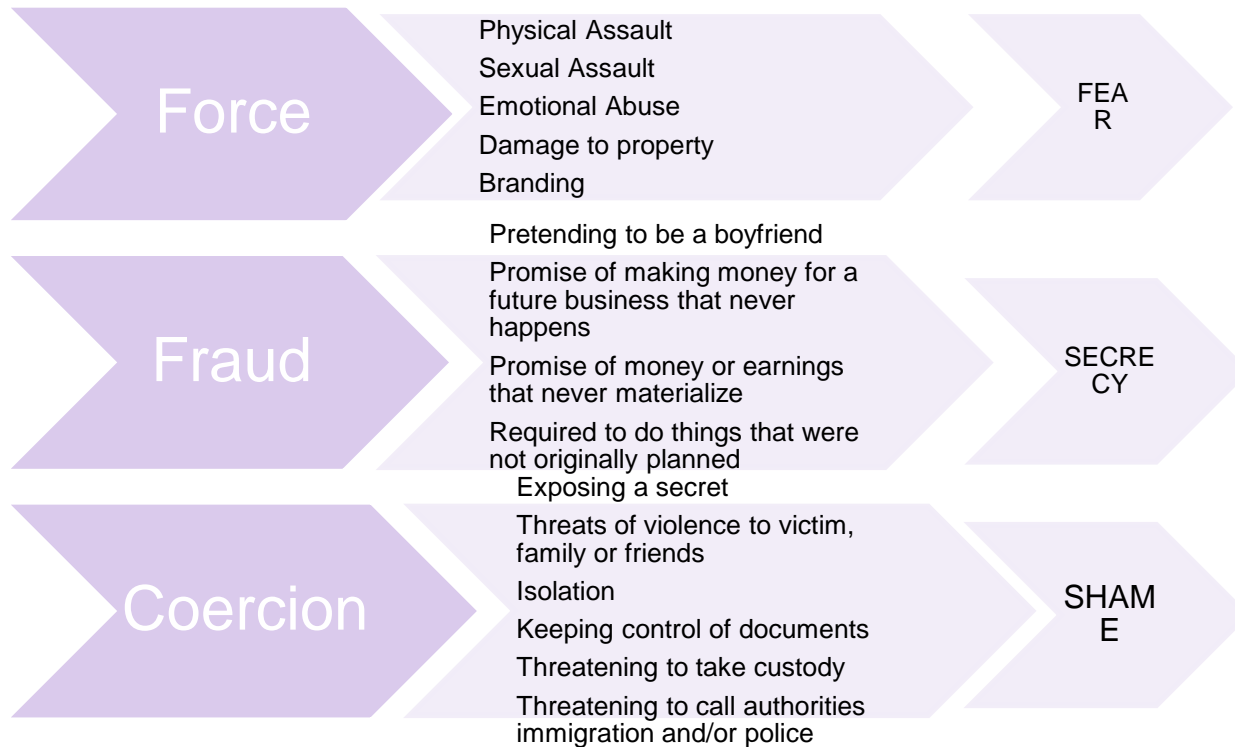
Trafficking
Victim

Domestic
Violence
Victim



Who's responsible?

Three Key Elements



Recruitment Pathways

- **Family**
- **Kidnap**
- **Peer recruitment**
- **Violence**
- **Internet**
- **Pimp**

Domestic - Pimp Controlled Prostitution (1)

- **Traumatic Bonding and “Love”**
 - **Pimp provides:**
 - **Shelter, food, clothes, basic needs**
 - **Sense of safety from unsafe family/community/living situation**
 - **Promise of future**
 - **Psychological Abuse and Manipulation**
 - **LOVE!**

Domestic - Pimp Controlled Prostitution (2)

- **Isolation**

- Kept in insular community – by pimp, social stigma, lack of support:

- **CCI 2008 Study: Study of 249 homeless youth – less than 10% reported they could go to a parent if in trouble and 17% reported they could rely on a family member or family friend**

- Recreation of family
- Using other woman

- **Money/ Poverty**

- Sense of worth
- Power
- Survival

Applying to practice: Key red flags

- **Checking in constantly with someone/ Having their ride waiting for them**
- **Night Existence**
- **Bruises**
- **History of system involvement**
- **History of chronic trauma**
- **Neck tattoos of names**
- **Use of language**
- **Inconsistent recitation of identity**
- **History of prostitution arrests as indicated in RAP sheet**
- **Not in control of their money**
- **Not in possession of identification documents**
- **Frequent interstate travel (Atlantic City, Vegas, Miami, San Diego, Allentown)**
- **Exhibiting extreme trauma reactions**



Intimate Partner Pimp – Domestic Sex Trafficking

Overlap

- **Intimate partner violence:**
Pimp = Intimate partner
- **Power and Control > Coercive Control**
 - Sexual, physical, emotional abuse
 - Control over actions
 - Control over money
 - Isolation
- **Stigma:**
 - Being a victim
 - Staying with perpetrator

Differences

- **Stigma: “prostitute”, “criminal” “choice”**
- **Victim/Defendant**
- **Traditional DV/SA providers do not ask questions**
- **Don’t exactly fit in to traditional programming and services – judgment from other survivors/staff**
- **Response from law enforcement/judicial system**
- **Response from staff: judges, attorneys, probation, service providers**

Response: Trauma-Informed Care

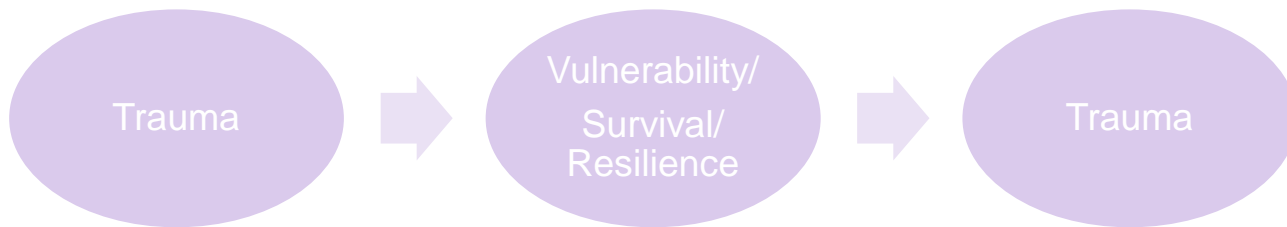
What is Trauma-Informed care?

- **Understanding people's feelings, behaviors, and symptoms as adaptations/strategies to survive when real protection is unavailable and a person's coping mechanisms are overwhelmed**
 - **Adaptations help make intolerable situations more tolerable**
- **Focus on resilience and strengths as well as psychological harm**
- **Has an awareness of the impact of this work on providers and emphasize the importance of organizational support and provider self-care**

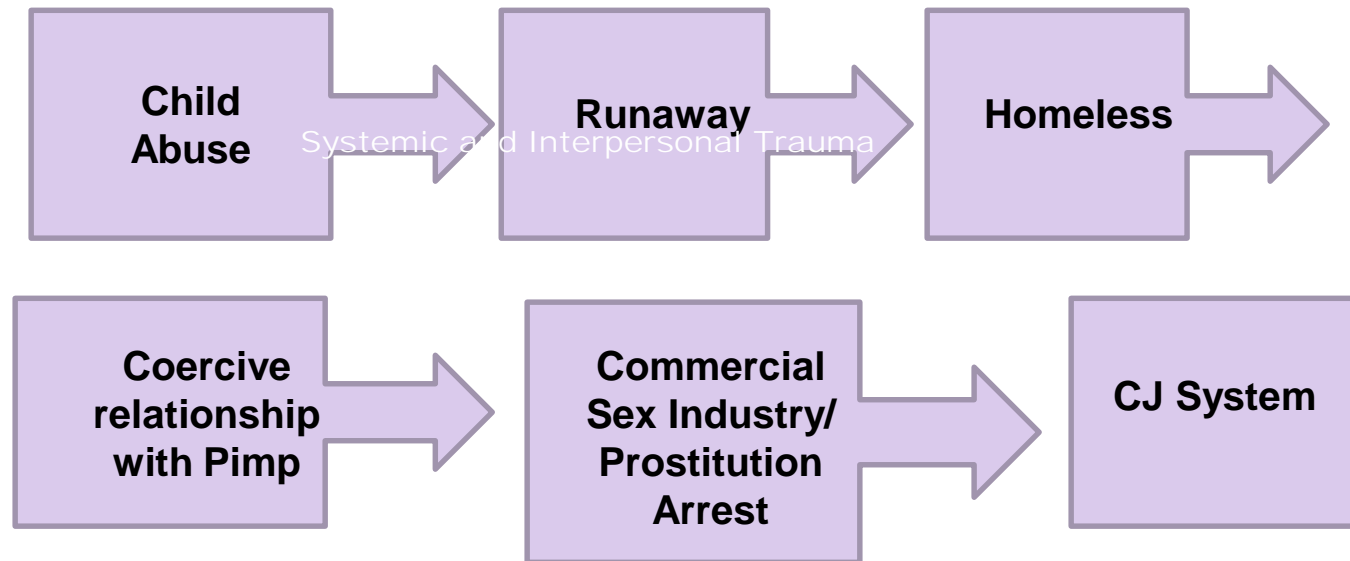
What is Trauma-Informed Care?

- **Incorporating a trauma-informed approach allows the helper to connect with the client: removing pathology + self-care**
- **Does NOT require knowing all the details!**

Warshaw, Brashler & Gill, 2009; van der Kolk, Roth, Pelcovitz, Sunday, & Spinazzola, 2005; Saakvitne, Gamble, Pearlman, & Lev, 2000



Example of a pathway women might take into the criminal justice system



Trauma-Informed Care and The Criminal Justice System

Principles of TI-Care:

- **What's happened in your life? What's happened to you?**
- **Understanding the impact of trauma on individual**
- **Understanding of trauma reactions and ways reactions can be expressed**
- **Trauma reactions are normal in context of experience**
- **Removing pathology**
- **Safety as priority**

Trauma-Informed Care and the Criminal Justice System

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Principles of criminal justice system:

- **What's wrong with you?**
- **Punitive**
- **Determine right from wrong/good from bad**
- **Who's the criminal?
Who's the victim?**
- **Power and control**
- **Defendants are mandated to service**
- **Safety as priority**

Synthesis – Engaging Court involved/Mandated Clients

- **Focus on safety: Emotional and Physical – Your interaction sets a tone**
- **Transparency: Clearly articulate expectations**
- **Consistency: Show up!**
- **Flexibility: Individual needs change**
- **Communication: Clearly establish ways to communicate**
- **Collaboration: You AND the client/defendant have valid points!**

Examples of Being Trauma-Informed:

- **Awareness of what is said in open court**
- **Confidentiality**
- **Interaction with defendants, particularly challenging defendants**
 - Rethinking challenging behavior
 - How we address defendants
- **Working with community service agencies**
- **Your thoughts?**

Executive Leadership for Effective Responses to Human Trafficking

- **Establish vision and long-term strategic direction for court, justice system, and community.**
- **Develop long-term multi-system and community capacity to provide services.**
- **Establish and monitor inter-agency, and system infrastructure for supporting services.**
- **Assure that effective inter-agency work processes are established and maintained.**
- **Monitor system performance.**
- **Work cooperatively and collectively to establish a strong fiscal foundation for on-going service delivery.**

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