

National Association of Women Judges

NAWJ HUMAN TRAFFICKING COMMITTEE

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NAWJ Human Trafficking Committee History

- 1979- NAWJ is formed to preserve judicial independence and ensure equal justice for women and vulnerable populations.
- 2010- NAWJ adopts human trafficking as their worldwide priority issue.
- 2021 and 2022- Three webinars focused on vulnerable populations in human trafficking.
- 2023- Spotting Human Trafficking Judicial Training Video- Special Preview.

NAWJ Human Trafficking Committee 2023

- Key concepts that drove the development of the video training for Judges and legal Professionals:
 1. Human Trafficking is a global problem with local solutions
 2. Human Trafficking intersects with law and justice but is rarely clearly labeled as human trafficking. It can be disguised as domestic violence, sexual abuse, child abuse, immigration, dependency etc.
 3. Judicial / legal education is essential

NAWJ HT Committee Initiatives

- Advancing the process to expunge/vacate criminal records of human trafficking victims through collaboration with private and public legal sector. Examples:
 - Jones Day global community initiative on Human Trafficking.
 - San Diego DA collaboration with Fresh Start and Free to Thrive.

NAWJ HT Committee Initiatives

- Focus on role of specialty diversion and rehabilitation courts for trauma informed handling of human trafficking cases for adults and youth.
- Focus on the role of judges and legal community in community education including jail/prison- Examples: Success Inside and Out and San Human Trafficking Prevention Collective.

Out of the Shadows: A Tool for the Identification of Victims of Human Trafficking

Vera Institute

One of the biggest obstacles for providing human trafficking victims with the services and support they need is the lack of an effective tool to identify them.

Trafficking in Persons Report

- Human Trafficking is a global phenomenon to which no country is immune. Despite its global reach, human trafficking takes place locally.
- Human Trafficking is driven by human greed (trafficker and buyer) and human vulnerability (victim).

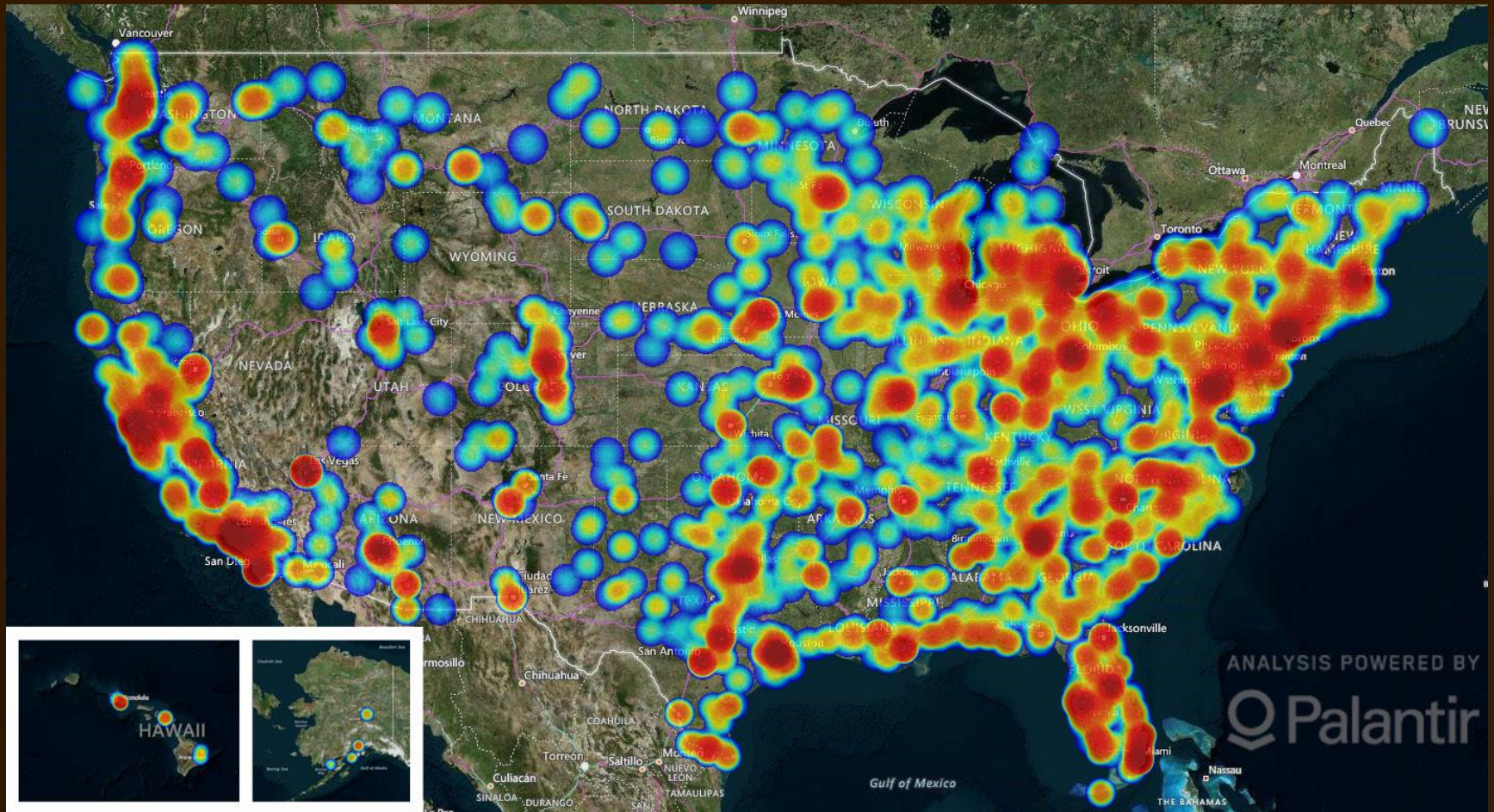
Scope of Problem

- United States:

Tier 1 country for Human Trafficking. Cases have been investigated in ALL **50** states



Polaris Locations of Human Trafficking in the U.S.



High Intensity Child Prostitution Areas (HICPA)-Child Sex Trafficking



- Chicago
- Dallas
- Detroit
- Las Vegas
- Los Angeles
- Miami
- Minneapolis
- New York
- San Diego
- San Francisco Bay Area
- St. Louis
- Tampa
- Washington, D.C.

Why is Human Trafficking a Priority for Public Safety?

- It is a violation of human rights
- It is a violation of International U.S. Law and CA Law - A priority for the US and CA Departments of Justice
- It is a form of modern-day slavery where perpetrators profit from the sexual exploitation or forced labor of men, women and children
- It is one of the most profitable criminal enterprises and most difficult to detect

Common Misconceptions (bias) with Negative Consequences

- It doesn't happen in the US
- Victims are all undocumented immigrants
- If victims agree to trafficking conditions- there is no crime ("consent" to prostitution)
- If victims are paid a certain amount, there is no crime
- If victims are not physically restrained there is no crime

The Key Laws Addressing Human Trafficking in the in the United States

- October of 2000, the Trafficking Victims Protection Act of 2000 (TVPA) made human trafficking a federal crime.
- It established the 3Ps of the fight against human trafficking: protection, prevention and prosecution. In 2009, a 4th P (partnerships) was added
- It was reauthorized and improved over the years including in 2022
- Victim centered law that defined severe forms of human trafficking and provided effective punishment and rights for victims

Summary of Human Trafficking Laws

As defined under U.S., CA and other states, victims of human trafficking can be divided into three populations:

- Children under age 18 induced into commercial sex (prostitution, pornography)
- Adults aged 18 or over induced into commercial sex through force, fraud, or coercion
- Children and adults induced to perform labor or services through force, fraud, or coercion (Hospitality, Construction)

Human (Sex) Trafficking of Minors

- No deprivation of liberty needed so no force, fraud or coercion required
- Consent is NOT a defense
- Mistake of fact as to Victim's age – NOT a defense

TVPRA Includes a Civil Remedy

- The Reauthorization of the TVPA in 2003 created a new civil action that allowed trafficking victims to sue their traffickers in federal court
- The 2022 Reauthorization added provisions for employment opportunities for victims and survivors

All States Passed their own version of federal human trafficking laws

- 2005 California enacted a Human Trafficking law that was also victim centered
- Proposition 35 (2012) made CA State laws more similar to the Federal Laws
- All States passed their own version of human trafficking laws

Vacatur and Expungement Laws

- States have a variety of relief statutes for victims and survivors that result from human trafficking
- Vacatur is the strongest remedy allowing for true relief
- Many states only allow expungement

Mandated Reporting of Commercially Sexually Exploited Children

- **In CA, Mandated Reporting of CSEC Commercial Sexual Exploitation of Children- Sex Trafficking became mandatory in January 1, 2016:**
- **New Penal Code section 11165.1(c)(1-3) adds a definition of “Commercial Sexual Exploitation” to the Child Abuse and Neglect Reporting Act (CANRA)**
- **Many States interpret mandated reporting for teachers, doctors, etc. as including sex trafficking**

Current Research in the U.S. on Labor Trafficking

- Research by Urban Institute Oct. 2014:
“Understanding the Organization, Operation,
and Victimization Process of Labor
Trafficking in the United States”
- *All were immigrants working in the U.S. 71%
entering on a temporary Visa (H-2A, H-2B);
- By the time escaped 69% unauthorized

Labor Trafficking Study

- Traffickers were both foreign nationals and US citizens, and were most often males in their 30's and 40's- Family connection operated through 3rd and 4th party employment agencies. Fee about \$6000
- Recruitment – through social networks in home country. Promise of more opportunities

Urban Institute Oct. 2014: “Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States

Groundbreaking NIJ 2016 Study: *“Measuring the Nature and Extent of Gang Involvement in Sex Trafficking in San Diego”*

- Dr. Ami Carpenter, University of San Diego and Dr. Jamie Gates, Point Loma Nazarene University
- National Institute of Justice Grant
- *The Next slides are adapted with some modifications from Power Point from Researchers Carpenter & Gates 2015*

Study: How Big is San Diego's Underground Sex Economy?

\$810 Million

\$536,000 per facilitator (Trafficker)

- San Diego Padres:
\$800 million

Study: Gang Members Involvement

- 85% of facilitators were gang-affiliated
- 110 gangs involved in underground sex economy



Study: Victim Ethnicity and Nationality

Country Of Origin	Percentage
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United States:	80%
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Mexico:	12%
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Other:	8%
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Including:

Taiwan

Russia

China

Korea

Philippines

Honduras

Germany

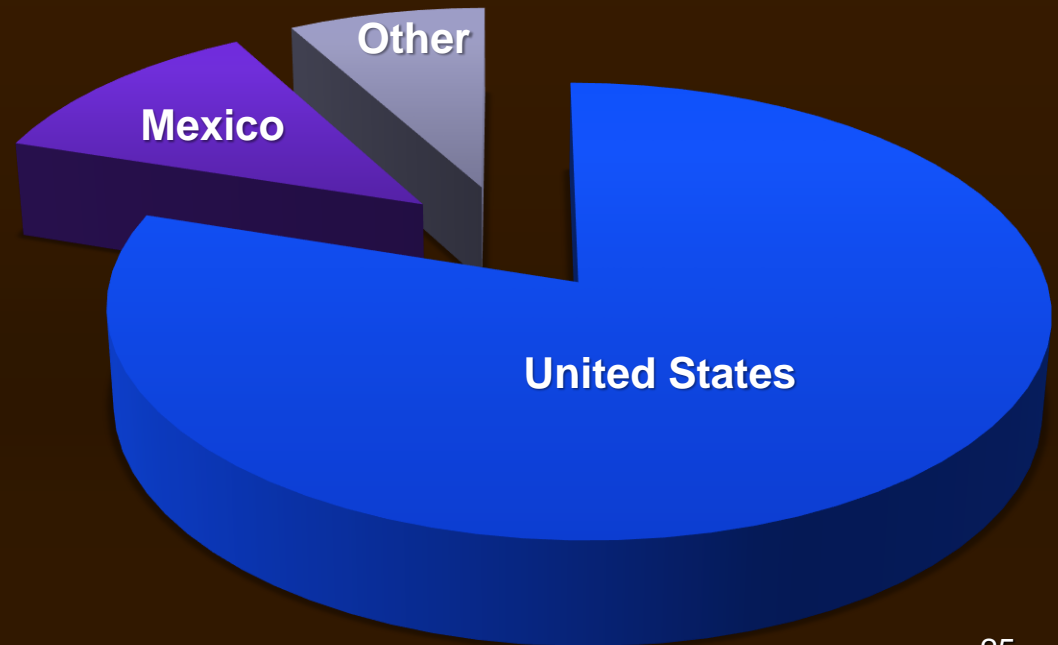
Puerto Rico

Colombia

Cameroon

80% of sex-trafficking victim/survivors are **domestically trafficked**

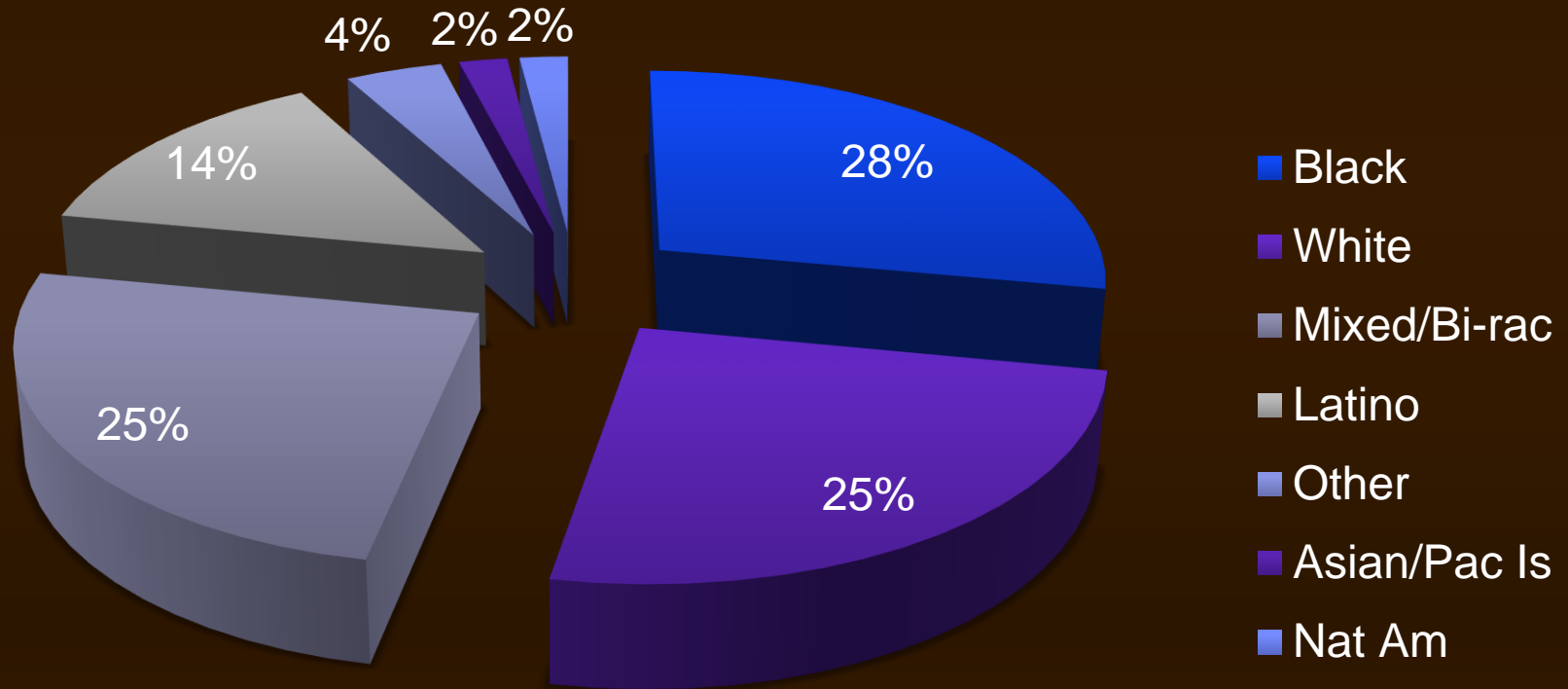
20% are foreign born



Study: Ethnicity of Victims

The majority are Black, White and mixed ethnicity

Ethnicity of Victims



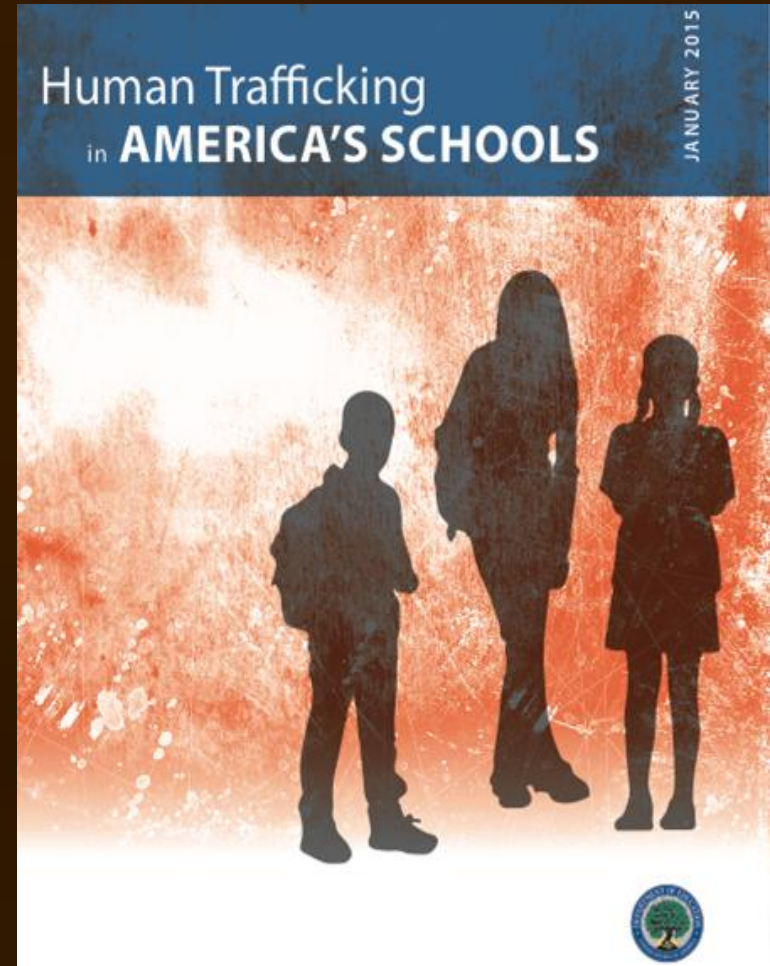
Study: Average Age of Entry into Sex Trafficking: 16

- Victims in our schools
- Average entry into sex trafficking High School Age 15-16 average entry so some younger and some older

Study: Human Trafficking in San Diego's Schools

County-wide recruitment in middle schools and high schools

- Focus groups from all 20 schools identified suspected victims; 90% confirmed CSEC cases
- 30% of facilitators witnessed or participated in sex trafficking recruitment related to schools



Study: Top 10 Recruitment Risk Factors

Runaway, “in and out of home” or “disappearing”

Involvement with older man/boyfriend

Involvement with drugs or alcohol

Lack of parental involvement

Women recruiting women

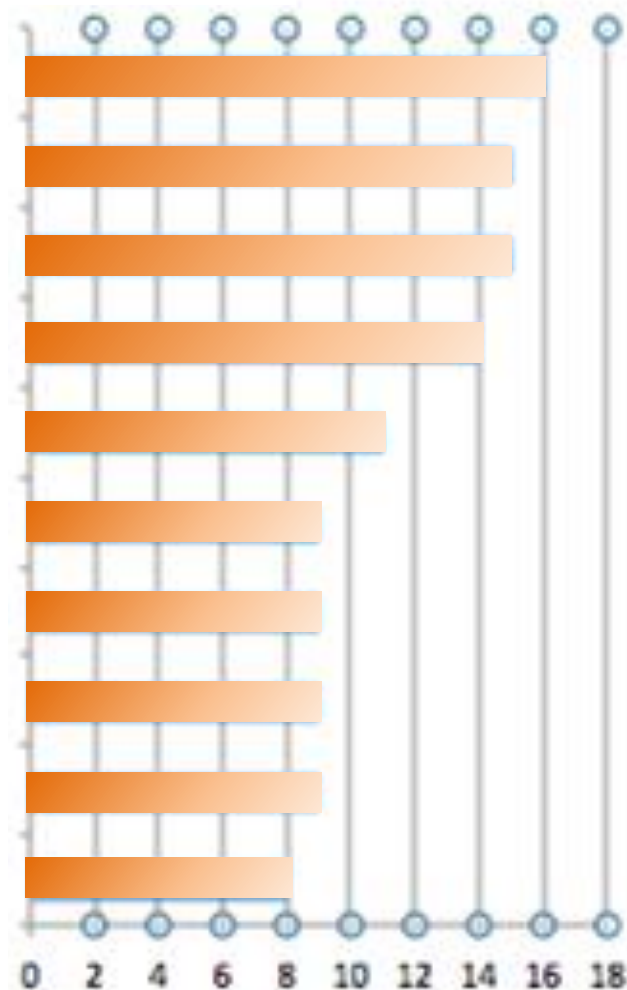
Family member arranging or approving CSEC

Financial problems

Personal Involvement with pimp/gang member

Mental/emotional health needs

Family member involved in CSEC prostitution



Human Trafficking has a clear intersection with our Schools

- The U.S. Department of Education published in 2015: “Human Trafficking in America’s Schools” with strong incorporation of SD school model
- **CA Education Code and most states have education codes that address human trafficking in schools. U.S. Department of Justice is now engaged in vetting and providing Human Trafficking prevention education in schools**

Study: How Teens are Recruited

- “Boyfriend” asks his girl “just this one time” ...
- Social Media
- Girl recruiters
- Material enticements
- Involvement with drugs, payment for drugs
- Fraudulent job offers
- Parents offering their kids to friends/associates for money
- Family members (generational or cultural ties)

Particularly vulnerable populations

- 55% had experienced **homelessness**
- 28% had been in the **Foster Care system**

Factors Promoting Exploitation

- History of child abuse and domestic violence
- Involvement in foster care or group homes
- Being a runaway teen
- Truancy from school, learning disabilities, mental health issues and substance abuse
- A culture that accepts gender inequity and demand for sex or cheap labor
- Immigration status
- Social media means No family is immune

Polaris Top Recruitment Tactics Sex Trafficking

- Intimate partner/marriage proposition
- Familial
- Posing as a Benefactor
- Job offer
- False promises/fraud

Polaris 2017 Statistics from the National Human Trafficking Hotline and BeFree Textline

Polaris Top Recruitment Tactics Labor Trafficking

- Job offer
- False promises/fraud
- Smuggling related
- Familial
- Posing as a benefactor

Polaris 2017 Statistics from the National Human Trafficking Hotline and BeFree Textline

The Internet Hides the Crime in Plain Sight

- Hotels are the top location where the crime of sexually based human trafficking occurs
- **The DEMAND:** Buyers that drives sex trafficking: 98 Unique criminal purchasers “Johns” responded to 4 ads on Backpage in a 24 hour period
- Approximately 70% of the transactions utilize social media
- Criminal buyers conduct transactions while on the job in businesses-Legal Responsibility for Businesses and Corporations

Looking for Labor Trafficking Warning Signs

- Are they not being paid?
- Is their work different than what they were promised or told?
- Does anyone at work make them feel scared or unsafe?
- Did anyone at work harm or threaten to harm them?
- Do they feel they cannot leave their work or where live?
- Do they have control of their documents



Barriers to Exiting

- Dangerous & life threatening / afraid to leave
- Stay to protect family
- Lack of resources
- Afraid of what others will think
- Isolated and away from home
- Hopelessness / brokenness
- Discrimination against survivors
- In love with trafficker
- Don't see themselves as victims

Violence and risk is elevated with Commercial Sexual Exploitation of Children = Sex Trafficking

- Violence is very common among CSEC victims
- Twelve times more likely to have pelvic inflammatory disease, three times more likely to become pregnant, and twice as likely to abuse drugs, have an STD or have uncontrolled asthma.

Medical and Mental Health Issues

The Department of State groups health problems related to sex trafficking into six categories:

1. Infectious diseases
2. Non-infectious diseases: malnutrition, dental health problems, and skin diseases
3. Reproductive health problems
4. Substance abuse
5. Mental health problems
6. Violence

Validated Questions to identify Victims of Sex and Labor Trafficking (Vera Institute):

- Did you ever have sex for things of value (for example money, housing, food, gifts, or favors)?
- Have you ever worked in a place where the work was different from what you were promised or told it would be?

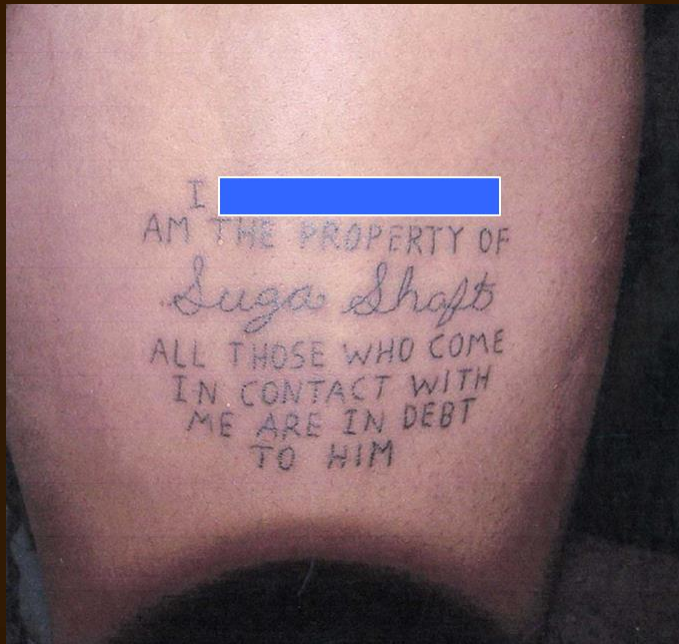
Challenges and Considerations with Minors with trauma especially CSEC victims:

- Safety, risk, fear, shame, guilt
- Hostile and cynical attitude about help
- May not see themselves as victims
- View their situation as an improvement
- View exploiter as a 'boyfriend'
- Experience poor recall of important events or an impaired sense of time
- Fear of retribution and distrust of adults and authority figures may lead to refusal to disclose information, or to provide false information

Barriers to detecting child victims include:

1. isolation from others;
2. constant monitoring while in public;
3. victim reluctance to disclose abuse;
4. victim attachment to abuse lifestyle or abuser
5. lack of awareness of victimization;
6. lack of knowledge or resources to escape,
7. mistrust of authorities and professionals

TATTOOS AS METHOD OF CONTROL/OWNERSHIP



Warning Signs

- ✓ Are there bruises, tattoos or other signs
- ✓ Are there new items that are not accounted for: purse, clothes, jewelry
- ✓ Are there signs of psychological abuse? Isolation, lack of interest
- ✓ Is the person being controlled? Appears hypervigilant and secretive?
- ✓ weight loss or signs of poor health?
- ✓ Is the person a minor engaged in commercial sex?
- ✓ Does a minor appear to be in a relationship with an older person?

Continued Warning Signs

- Does not have access to proper ID, money, or cell
- Does not make eye contact or freely engage in conversation
- Belongings carried in plastic bags

COMBAT PLAN

Prevention

Protection

Prosecution

Partnerships

Education Prevention-Intervention Strategies

- Training of professional school staff: High School focus currently
- Training of students
- Training of parents
- Training of medical staff
- Law enforcement training
- Legal, Judicial and Community training

Intersection with Justice Systems and Legal Practice

- Criminal cases- Federal, State, Prosecution, Defense, Domestic Violence, sexual assault, drug cases, human trafficking cases
- Juvenile and Dependency, Education law
- Family Law
- Business Law
- Corporate Law Practice- Transparency chains
- Employment Law
- Immigration Law

Intersection with Institutions-Society

- Schools
- Colleges and Universities
- Child Welfare
- Courts
- Probation/Parole
- Law Enforcement
- Hospitals, Medical Facilities
- Churches

Intersection with Business

- Hotels and Motels
- Rentals
- Biotech, law firms, businesses
- Restaurants
- Hospitality
- Construction
- Agriculture
- Massage Parlors

Operation Reclaim and Rebuild



Operation Better Pathways

- Following decriminalization of loitering for prostitution
- 8 children recovered, 13 to 17 years old
- 8 adults recovered including pregnant 20 year old

***Sex trafficking.
It's not just global.
It's local.***

Get the facts at TheUglyTruthSD.org



The Ugly Truth: Myth

If a woman chooses to sell her body that's her business

The UGLY TRUTH

Prostitution is rarely a choice.

Most prostituted people entered the sex trade while still in their teens, after fleeing abusive homes. They're coerced by pimps and johns who too often abuse them. And without economic support, breaking free is more difficult than you might think.

Legal Professionals- Guidance with Special Victims

Key Concept: Trauma-informed Care

- The guiding principles of trauma-informed care are:
 - Safety
 - Trustworthiness
 - Choice
 - Collaboration
 - Empowerment

Legal Duty and Moral Responsibility

- *Our Society will be judged by how we treat our most vulnerable citizens- Children, Seniors and those with Disabilities*
- *The law is a useful guide as a starting point*



“The only thing necessary for the triumph of evil is for good [people] to do nothing.”

Edmund Burke, English Philosopher

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Judicial Tip Sheet

Human Traffickers Don't Discriminate

Victims of human trafficking and traffickers include people of **ALL** races, genders, backgrounds, and education levels.

Labor trafficking involves the use of force, fraud, or coercion to take advantage of someone for labor.

Sex trafficking of an **adult** involves the use of force, fear, fraud, or coercion to take advantage of them for commercial sex.

Sex trafficking of a **minor** does NOT require force, fear, fraud or coercion.

****The specific definitions of human trafficking may have some slight variation from state to state but the general concepts remain the same.****

Potential Red Flags and Warning Signs a Person is a Victim of Human Trafficking

- Wears clothing that doesn't match current weather conditions
- Shows signs of poor hygiene, malnourishment, fatigue or emotional distress
- Has tattoos (e.g. *Victim*: Roses, Crowns, \$'s, someone else's name; *Trafficker*: AOB, MOB,\$'s)
- Has multiple cellphones
- Is texting or talking on one of the phones constantly
- Not allowed to speak for themselves (e.g. 3rd party insists on translating or being present)
- Is monitored closely or restricted
- Is in fear of someone else
- Can't provide a cohesive timeline or story
- Can't say where they live
- Has few or no personal items
- Lives and works in the same place
- Is unpaid, paid very little or paid only through tips
- Doesn't control their own money, financial records or bank account
- Doesn't control their own identification documents (e.g. ID, passport or visa)

This list represents some of the factors you may see; these factors may not be present in all cases and must be considered in context.

If you suspect a person in one of your cases is a victim of human trafficking, remember:

- victims rarely self-identify as victims
- always assume their trafficker or someone associated with the trafficker is in the courtroom
- be mindful of not putting on the record your suspicions or the name/location of their service providers



Identifying HT Victims NAWJ Video Trailer



**HUMAN TRAFFICKING VICTIMS
ARE HIDING IN PLAIN SIGHT**

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San Diego County District Attorney**