




Addressing Sex Trafficking in Your Courtroom



Staggered Start—Welcome!

1. Please complete the pre-survey.
 2. Take a definition from the table and match it to a sex trafficking term posted on the wall.
 3. Find someone you don't know and get acquainted.
 4. Discuss your experiences with sex trafficking in your courtroom or other professional experience
- 



Training Objectives

By the end of this morning's training, you will be able to:

1. Define human trafficking and child sex trafficking.
2. List at least 4 examples of court cases that might involve sex trafficking.
3. Identify at least 3 risk factors for sex trafficking.
4. Describe the connection between trauma and risk for sex trafficking.
5. Describe criminalization of trafficking victims and the resulting impact on victims.



Training Objectives

By the end of this afternoon's training, you will be able to:

1. Identify at least 5 red flags or indicators of sex trafficking.
2. Describe options for post-conviction relief for sex trafficking victims.
3. List at least 3 strategies for making courtrooms more trauma-informed.
4. Identify at least 2 options to address sex trafficking in a mock case.
5. Apply the above objectives as you practice managing mock courtroom cases.



Please Tell Us

- Your Name
- Jurisdiction
- How Long?

What is human trafficking?

Human Trafficking is the exploitation of an individual for profit through forced labor or commercial sex.

Human Trafficking

Sex Trafficking

Labor Trafficking

Adult

Child

Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for a commercial sex act in which the act is induced by ***force, fraud or coercion, or in which the person performing the act is under 18.***

Trafficking Victims Protection Act, 2000



Child sex trafficking refers to the trafficking of anyone under 18 and is a form of **child abuse**.

Victim is 17 or younger

Involves a commercial sex act

No movement required

Does not require force, fraud, or coercion

Federal Human Trafficking Laws...



...define minors involved in commercial sex as victims of trafficking (TVPA, 2000, TVPRA 2003, TVPRA 2005, TVPRA 2008)

Maryland Statutes:



- Criminal Law Article § 11-303. Pandering
- § 11-304. Receiving earnings of prostitute
- § 11-306. House of prostitution
- § 3-324. Sexual solicitation of minors
- Courts and Judicial Proceedings Article, § 3-801
- Family Law Article § 5-701
- Criminal Procedure Article, § 8-302. Motion to vacate judgment of prostitution



Specific to Juveniles

- No Safe Harbor Laws
- Definition of sexual abuse includes trafficking
- Dearth of services for victims/survivors



Placement questions to consider:

Which is better?

- Place youth in a setting close to home that is familiar but still close to the trafficker

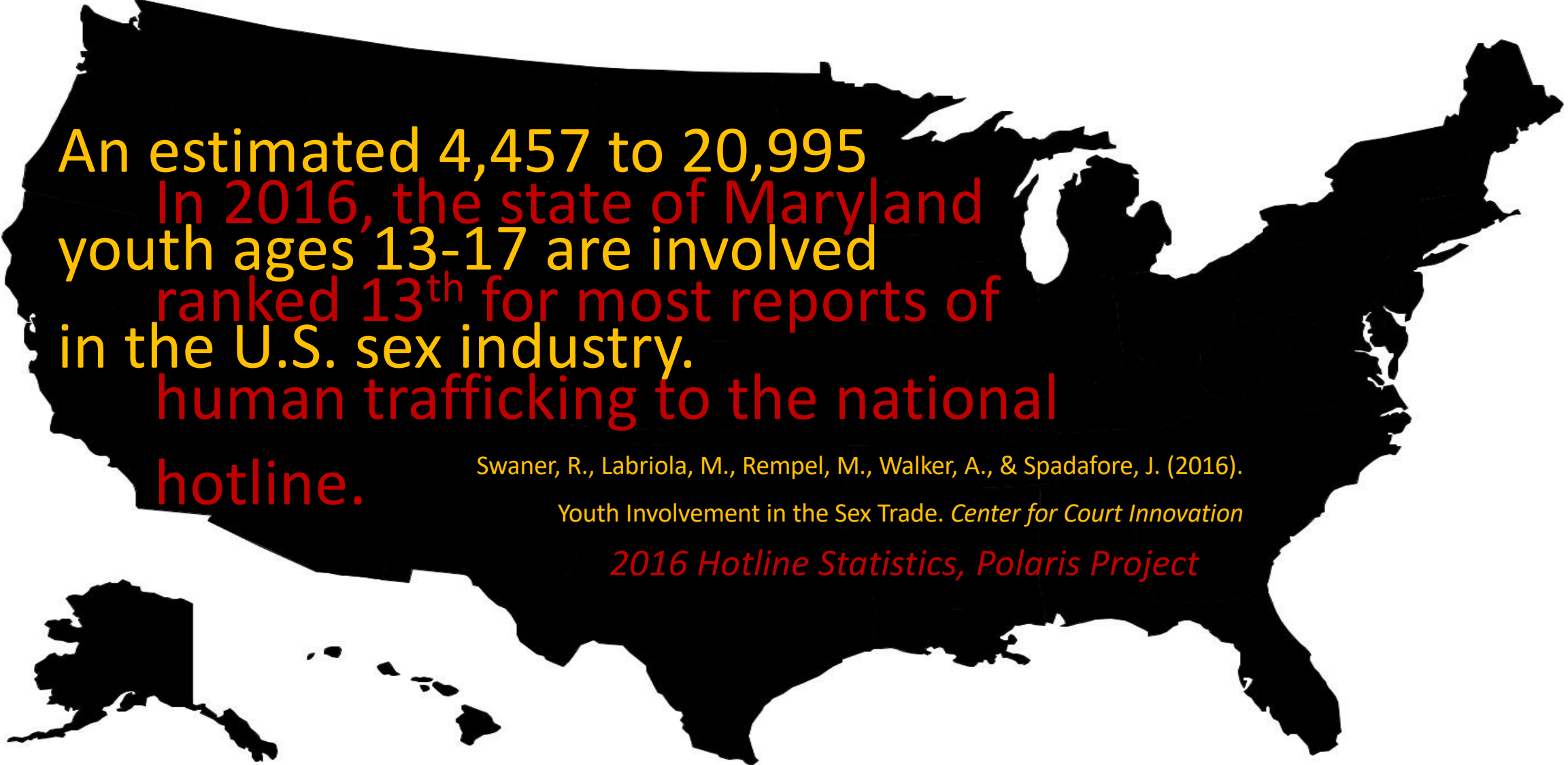
-OR-

- Place them farther away where they might be isolated

How do you ensure that LGBTQ youth in care get placements that are ready to support their special needs and vulnerabilities?



Scope of Human Trafficking



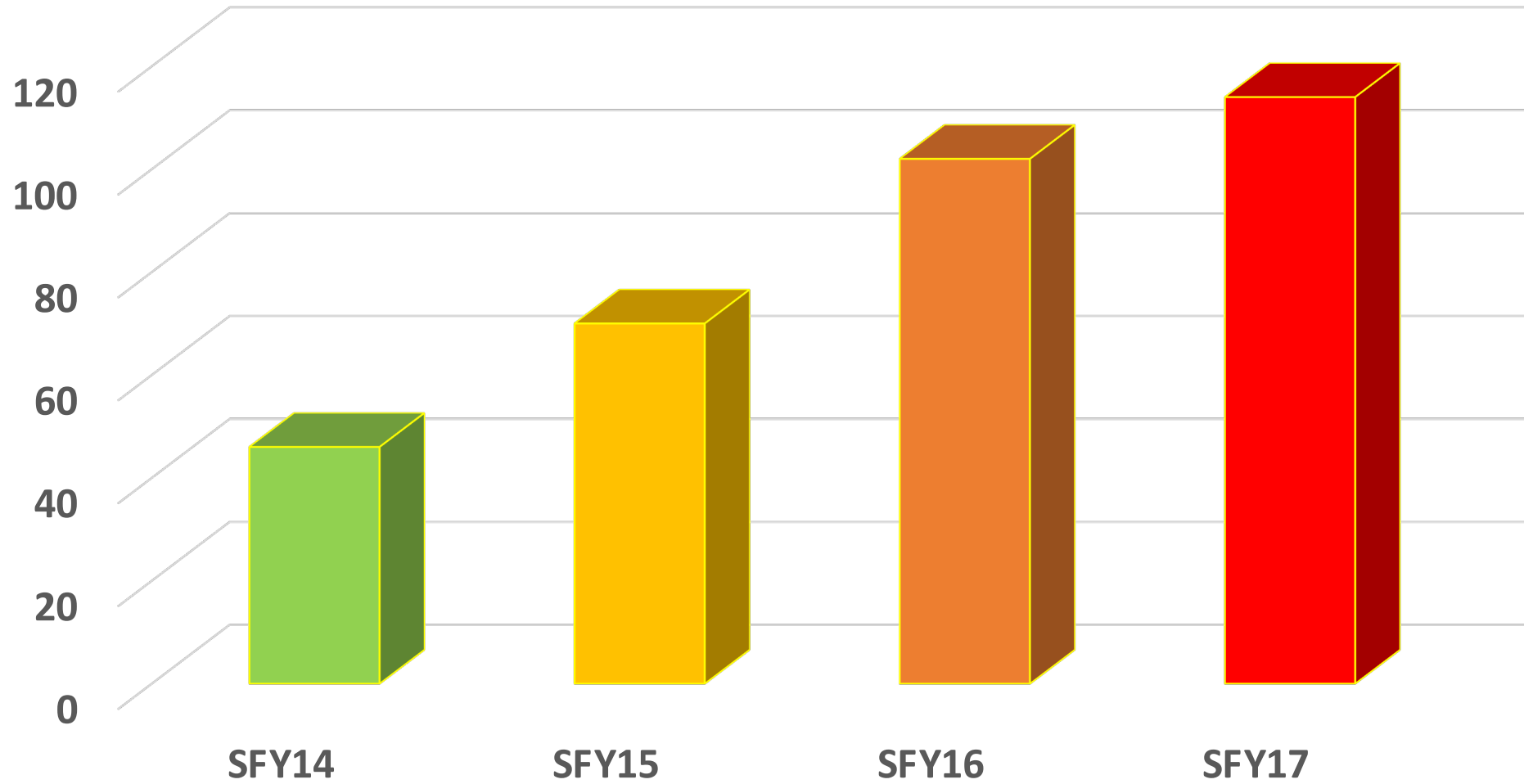
An estimated 4,457 to 20,995
In 2016, the state of Maryland
youth ages 13-17 are involved
ranked 13th for most reports of
in the U.S. sex industry.
human trafficking to the national
hotline.

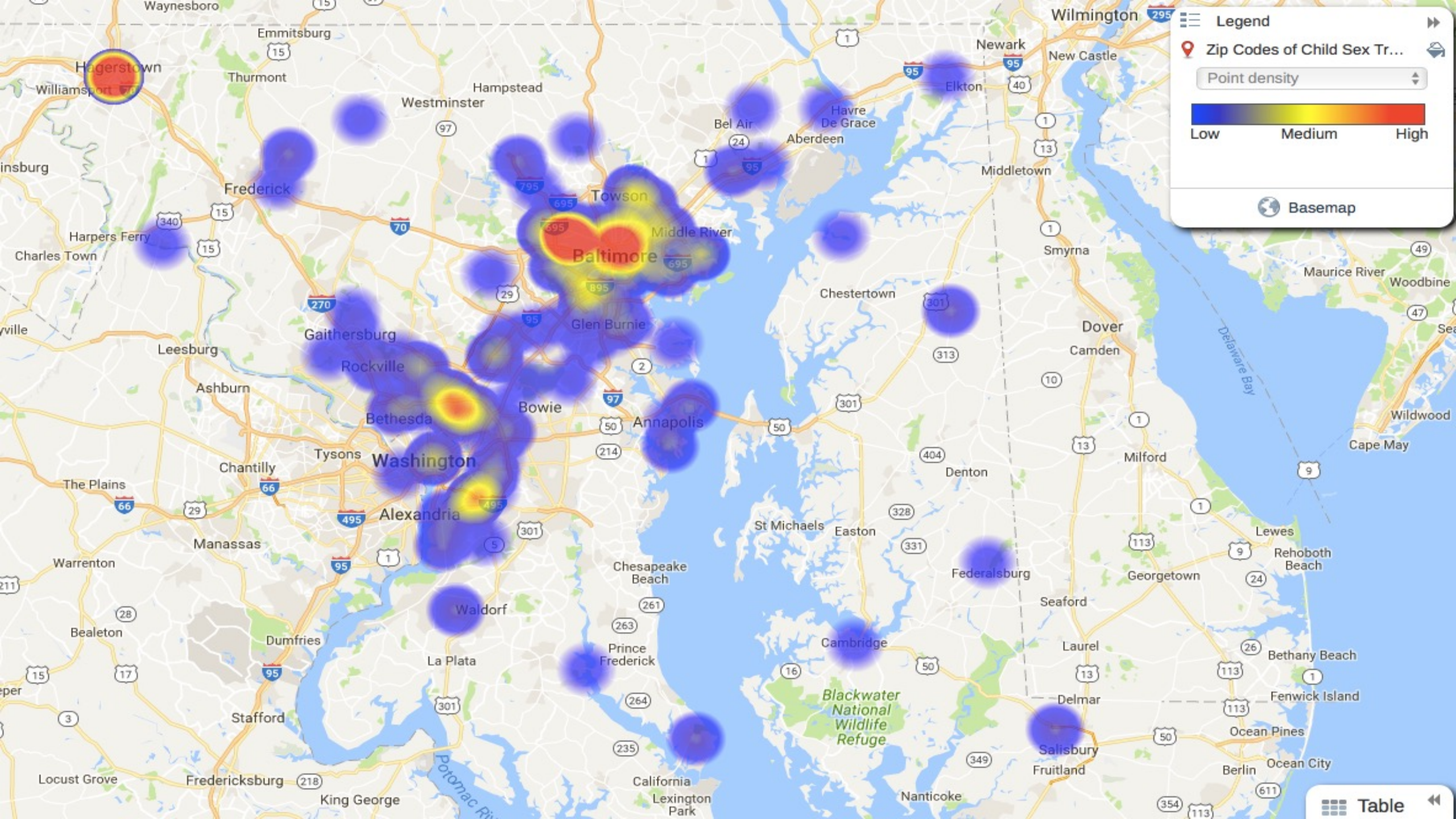
Swaner, R., Labriola, M., Rempel, M., Walker, A., & Spadafore, J. (2016).

Youth Involvement in the Sex Trade. *Center for Court Innovation*

2016 Hotline Statistics, Polaris Project

Child Sex Trafficking Reports to CPS in Maryland





Legend

Zip Codes of Child Sex Tr...

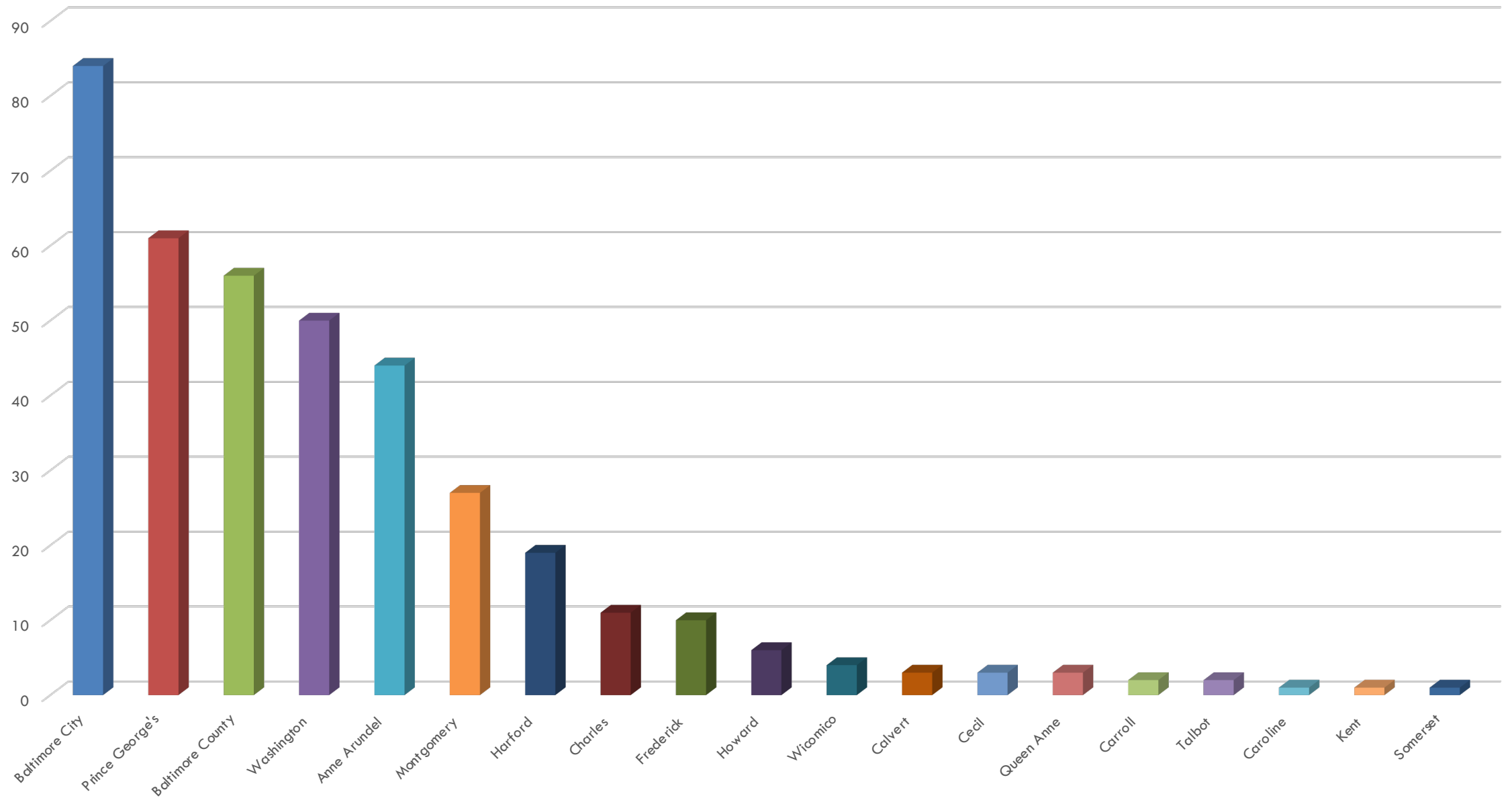
Point density

Low Medium High

Basemap

Table

Child Sex Trafficking Reports Screened In by CPS by County, July 2013 - Jan 2018



Where does trafficking
happen?

Sex trafficking happens in:

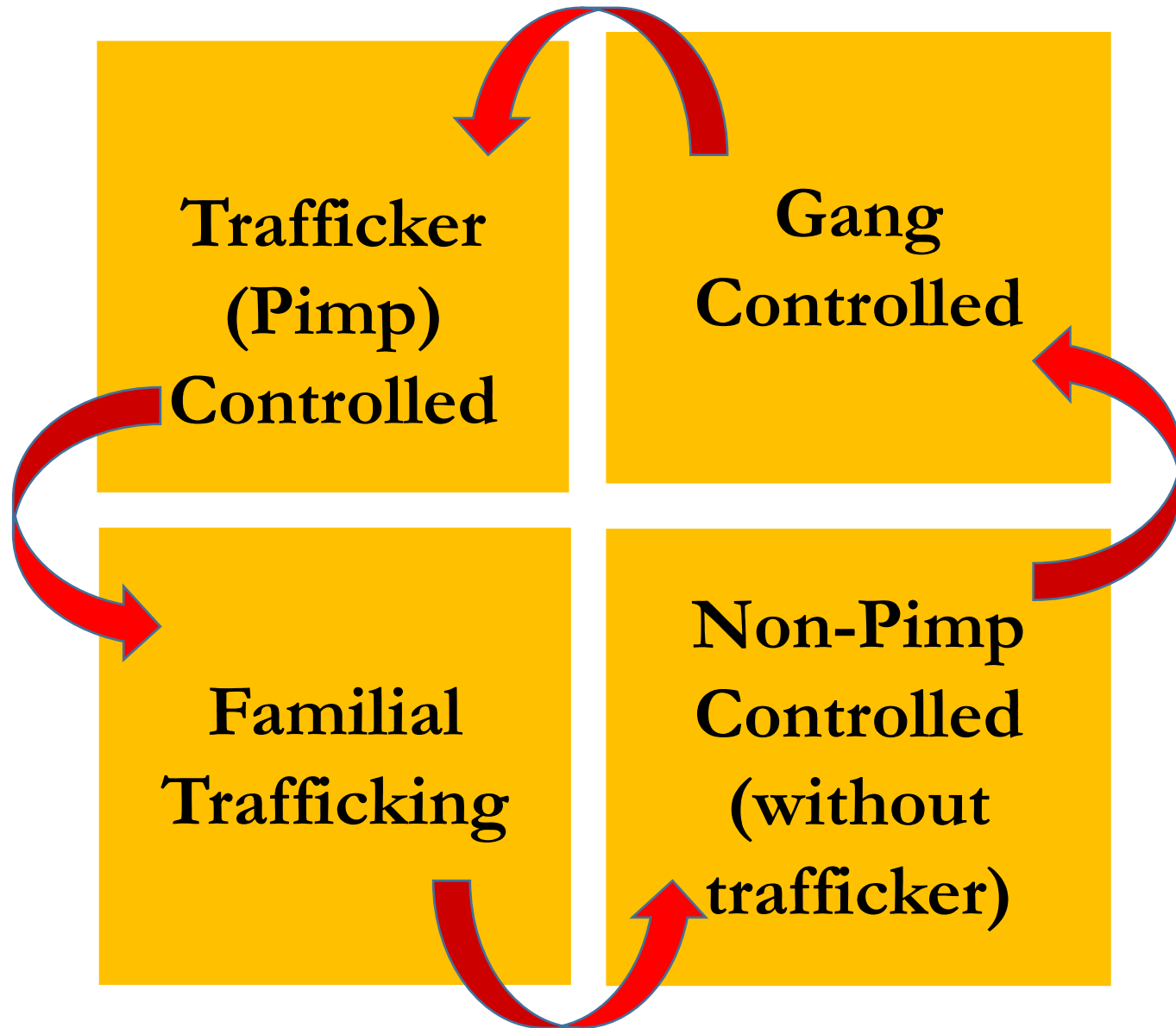
- *Street (track/ blade/ stroll)*
- *Online*
- *Hotels/ motels*
- *Private Homes*
- *Strip Clubs*
- *Truck Stops*



Why Maryland?

- Centrally located: I-95 corridor, I-270, I-70
- International Airports
- Multiple vulnerable populations: Foster youth, unaccompanied minors, domestic servants, agricultural workers.
- Gang presence

Types of Child Trafficking





CASE STUDIES

Trafficking or not?



Trafficking or Not: Small Group Questions

Answer for each case study:

- Is this is a case of sex trafficking?
- Why or why not?

Human Trafficking Methods of Control



Force

- Physical and sexual violence: hitting, kicking, rape, beatings
- Confinement, physical restraint, accompany victim in public
- Deny food/water/ medical care
- Forced drug use
- Kidnapping
- Burns, brands or other forced markers of “ownership”



Fraud

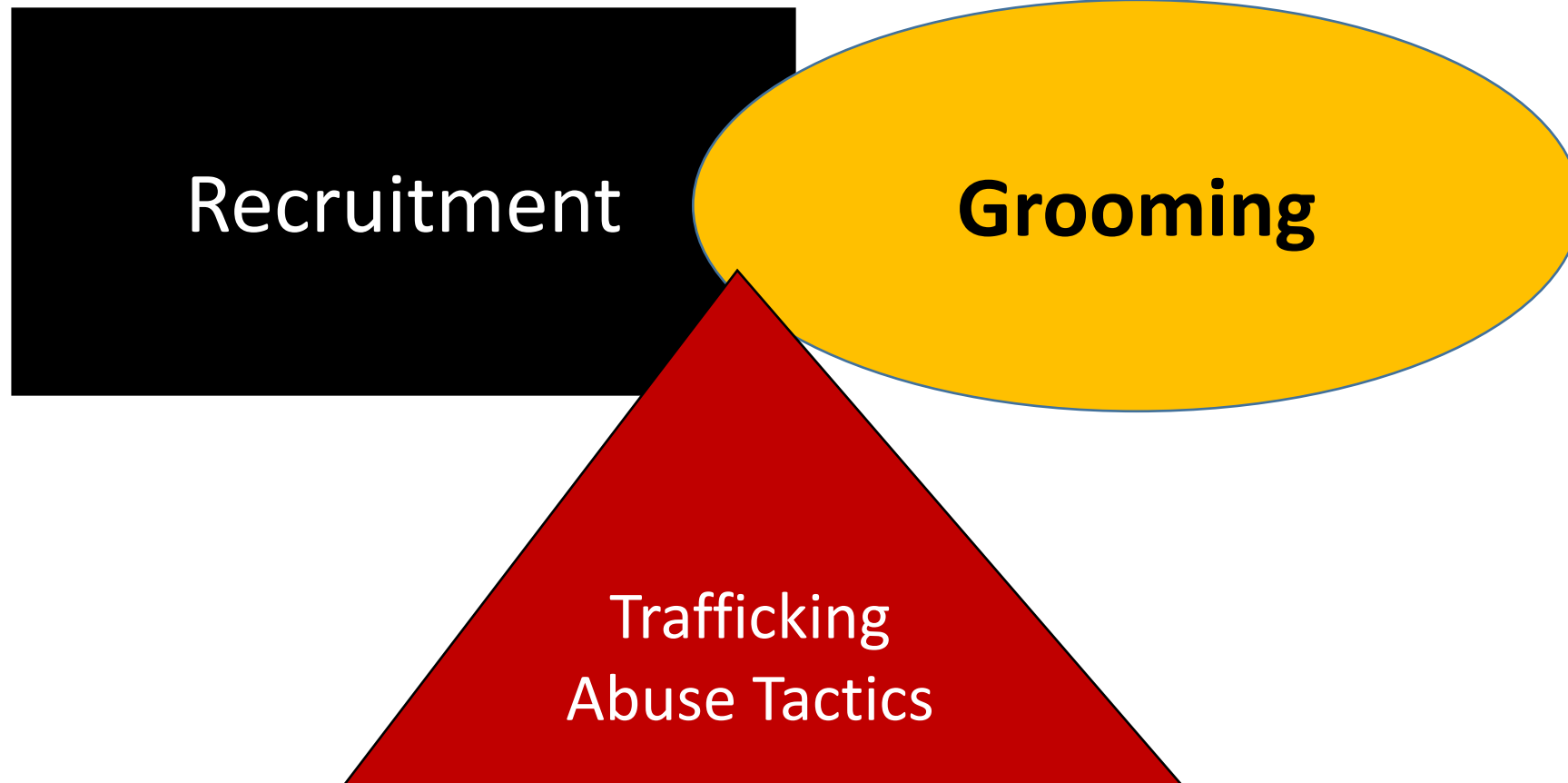
- False promises of better life
- Fraudulent statements re: job, working/living conditions
- Withholding wages, contract fraud
- Faking romantic relationship
- Providing fraudulent documents (ID cards, visas, immigration documents)
- Traffickers often lie about their age & identity



Coercion

- Threat of serious harm/physical restraint against victim or family
- Making one believe that failure to perform an act will result in serious harm
- Creating dependency
- Abuse of legal process/system
- Emotional abuse & humiliation
- Confiscating legal or ID documents

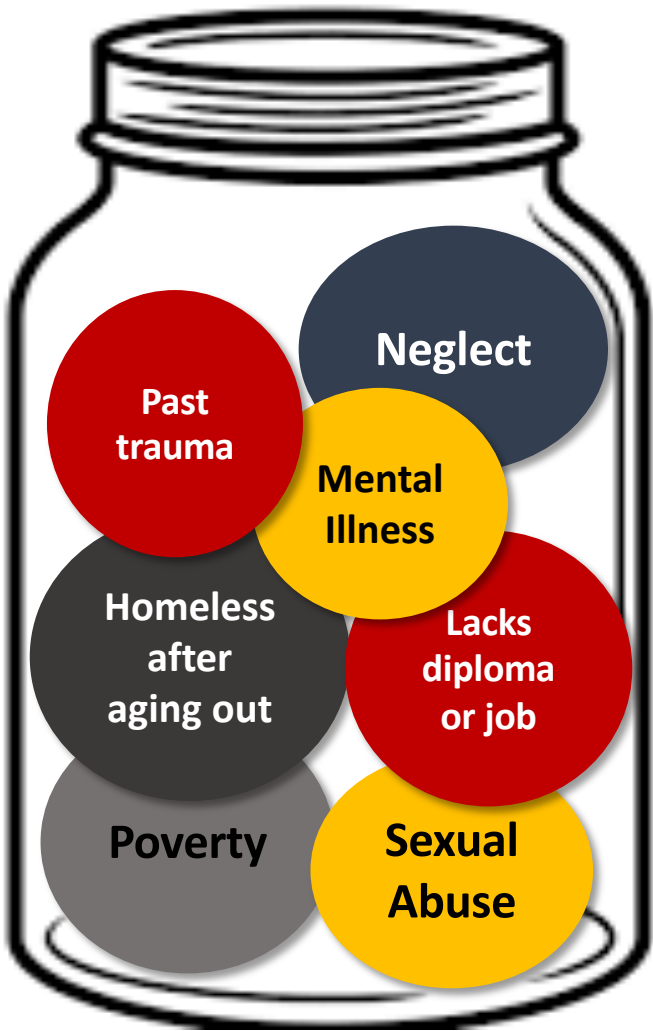
Methods of Recruitment and Control



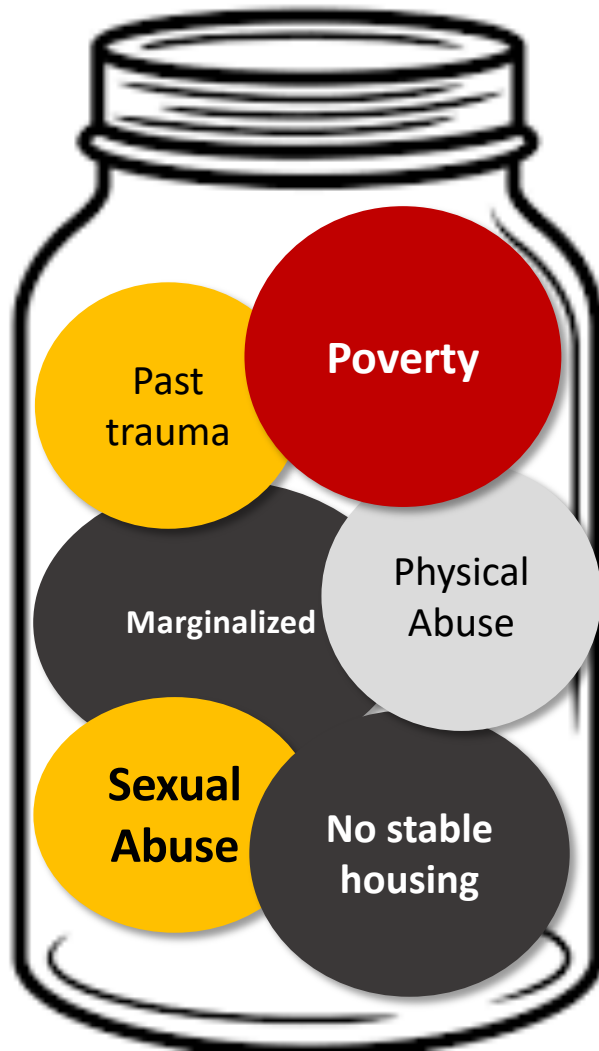
*Adolescent &
Young Adult*

RISK FACTORS

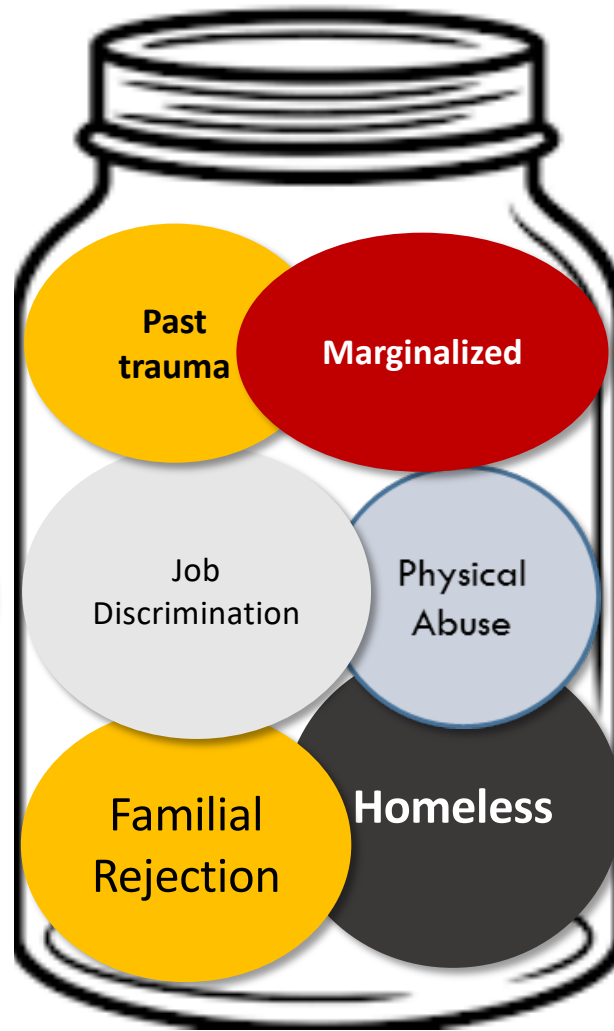




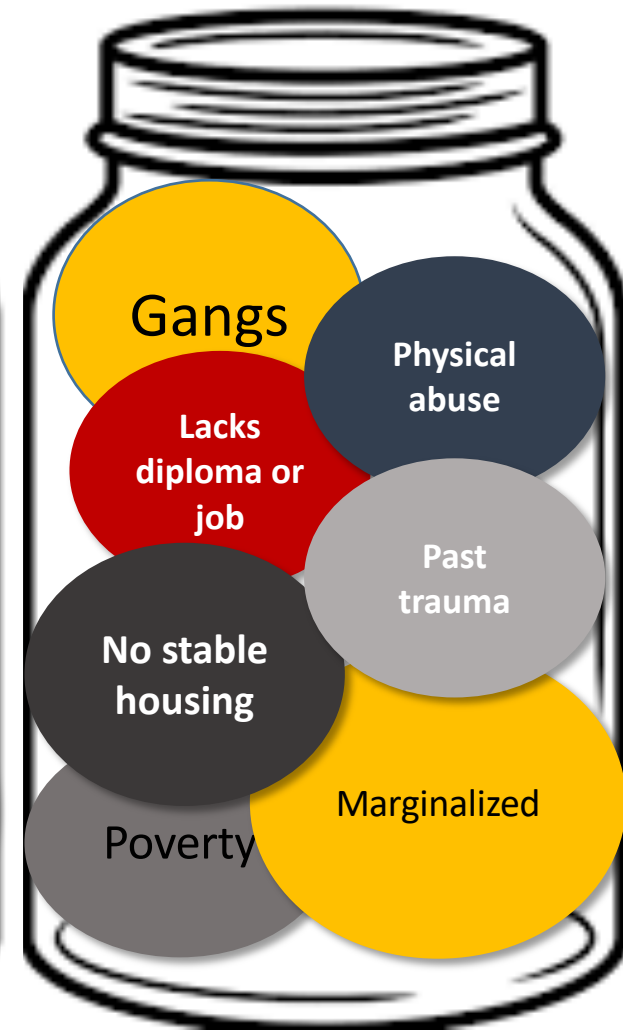
Youth in Out of Home Care



Runaway & Homeless Youth

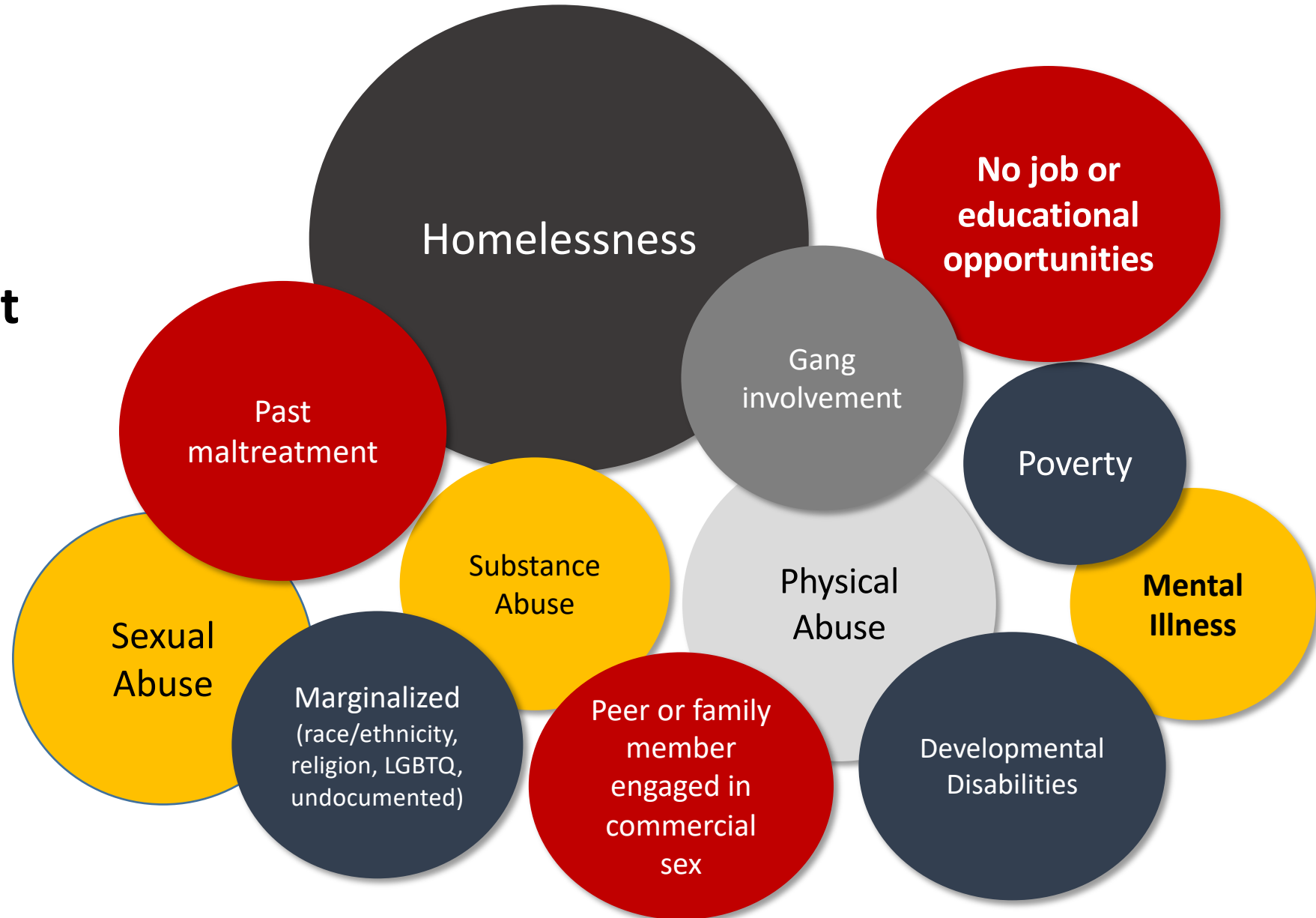


LGBTQ Youth



Undocumented Youth

Which of these risk factors also apply to adult victims?





What is Trauma?

- Serious injury or shock to the body.
- Emotional wound or shock that creates serious and lasting psychological damage.
- Event or situation that causes great distress and disruption.

A photograph showing the backs of two police officers in uniform. They are wearing dark blue or black jackets with 'POLICE' written on the back. The officer on the right has 'POL' visible, and the one on the left has 'LICE' visible. They are wearing dark caps and have utility belts with various equipment. The background is slightly blurred, showing what appears to be a construction site or a damaged area with wooden beams.

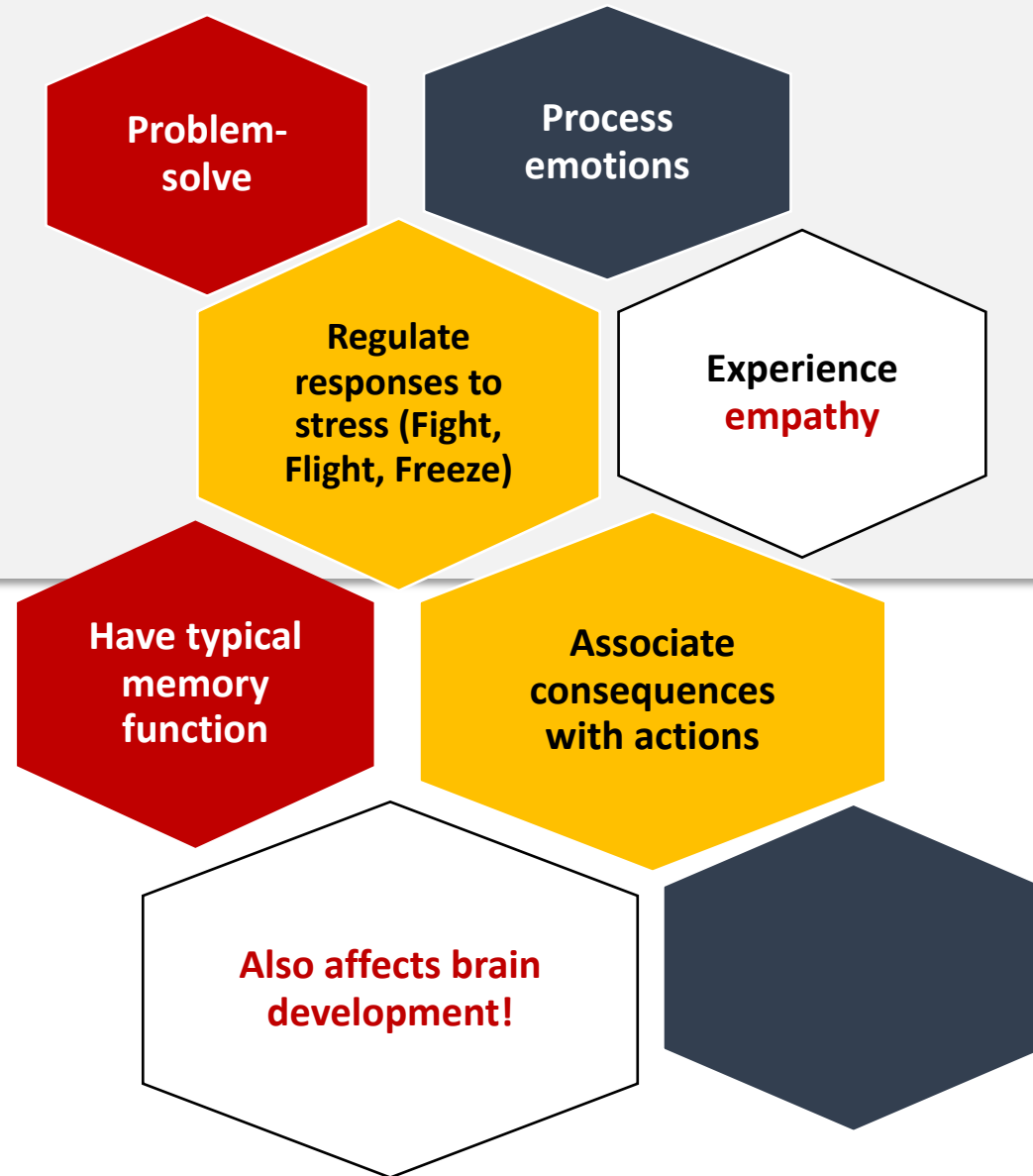
Complex Trauma

- Results from **extended** exposure to trauma.
- Associated with increased and more severe symptoms.



Common Reactions to Trauma

- **Nightmares, Anxiety, Panic**
- **Phobias, Depression, Emotional Numbness**
- **Self-medicating via substance abuse**
- **Somatization**
- **Intrusive Thoughts and Flashbacks**
- **Hypervigilance, Hypo-arousal, Dissociation**
- **Avoiding all reminders of trauma**



Biology of Trauma

Trauma has emotional, **psychological**, **behavioral**, and **neurobiological** impacts including the ability to:



Trauma Bonding

- Dysfunctional attachment
- A result of alternating cycles of affection & abuse
- A victim's survival strategy in the face of danger, shame & exploitation
- Created & enhanced by traffickers who manipulate their victims



Indicators of Trauma Bonding

- Show intense gratitude for small kindnesses
- Deny and rationalize violence
- Deny feeling anger toward their exploiter
- Believe they have control over abuse
- Blame themselves
- Don't identify as victims
- Display ongoing symptoms of trauma or PTSD



Typical Courtroom Behaviors

- Deny being trafficked or abused
- Normalize any trauma or exploitation
- Display fear, distrust, denial & conflicting loyalties
- Show gratitude toward trafficker
- Normalize relationship with trafficker
- Present themselves as being in control



They may display PTSD Symptoms:

- Active mental health symptoms
- Emotional numbness -- detachment
- Symptoms of phobias or panic attacks
- Symptoms of anxiety or depression
- Highly emotional, hostile, or angry
- Avoid appointments, court dates, etc.
- Forget important details or dates
- Negative behavior toward attorney, judge, & personnel
- Distrust law enforcement or service providers



Typical Criminal Charges

(What kinds of criminal activities might victims be coerced to commit?)

- ✓ Loitering, trespassing,
- ✓ Disorderly conduct,
- ✓ Curfew, runaway,
- ✓ Theft, shoplifting,
- ✓ Battery, assault,
- ✓ Drug possession and/or sales
- ✓ Prostitution
- ✓ Recruiting other victims



Cases Where You Might See Trafficking

(In what kinds of cases might a juvenile victim appear in court?)

- ✓ Delinquency
- ✓ Status Offense
- ✓ Dependency
- ✓ Guardianship
- ✓ Child Placement



Questions to Consider

- How might a sex trafficking victim show up in a delinquency case? A guardianship case?
- What concerns or additional issues would you expect for a juvenile who is undocumented?
- How might trauma impact a juvenile victim's case?



***COLLATERAL CONSEQUENCES
OF CONVICTION***

Housing

Employability

**Occupational
State Licenses**

**Federal & State
Benefits**

**Immigration
Relief**

Education

Child Custody



JUDICIAL RESPONSE

A vertical photograph on the left side of the slide shows a nighttime street scene. In the foreground, a white-painted crosswalk is visible on a dark asphalt road. To the right of the crosswalk, a traffic light pole stands with a bright red light illuminated. In the background, the blurred lights of a car moving through the intersection create a sense of motion. The overall atmosphere is dark and urban.

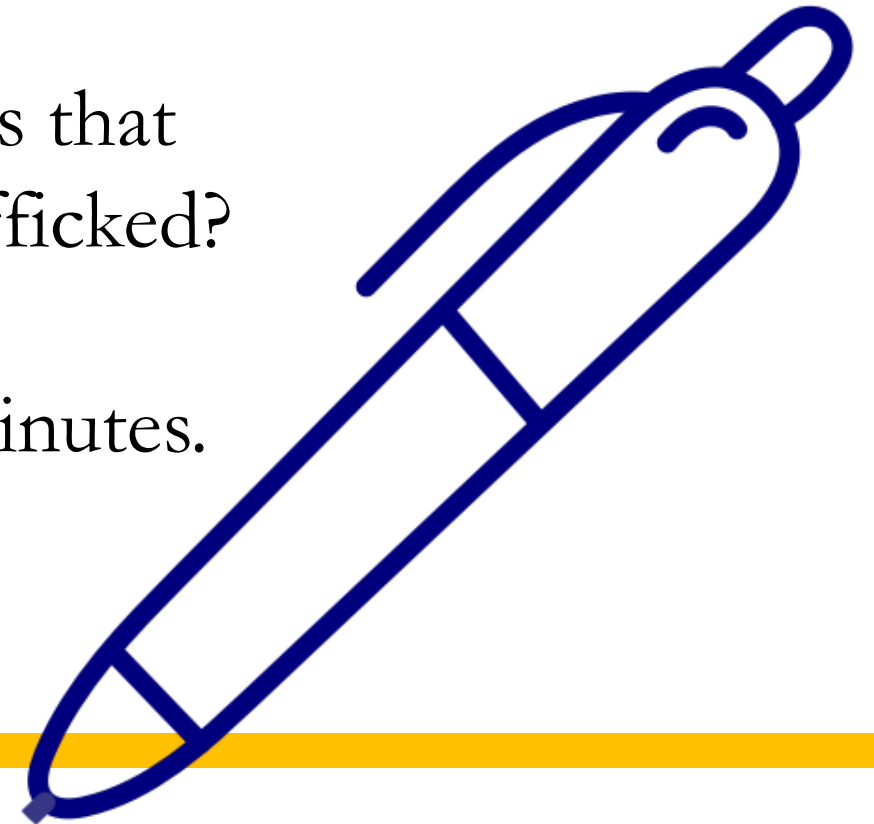
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4. Identify at least 2 options to address sex trafficking in a mock case.
5. Apply the above objectives as you practice managing mock courtroom cases.

Activity: Identifying Victims

- Find a partner sitting close by.
- Brainstorm 3-4 red flags or indicators that might signal a defendant is being trafficked?
- Jot down your ideas. You have 2-3 minutes.





Red Flags





Signs of Sex Trafficking

- Under 18 & engaged in commercial sex acts
- Absence of supervision at home
- History with child welfare system
- Family history: Incarceration, substance abuse, domestic violence
- Alcohol or drug abuse
- Behavioral problems at school; Behind in grade level
- Chronic runaway or truancy – gone for extended periods
- Prostitution: Arrest, Use of terminology, paraphernalia
- Significant tattoos (ex: initials of boyfriend)
- Sexually provocative social media posts
- Described as promiscuous; # of sexual partners inconsistent with age
- Romantic partner significantly older -- overly interested or controlling
- Is fearful, anxious, depressed, withdrawn, avoids eye contact
- Signs of physical/sexual abuse, confinement, malnourishment
- Not allowed to speak for self (3rd party insists on being present)
- Clothing & possessions don't fit situation (hair, nails, shoes, electronics)
- Not in control of own money or identification documents
- Numerous inconsistencies in story, reluctant to share information
- Reported recent or multiple sexual assaults, STIs, unplanned pregnancies
- Member of high-risk group: LGBTQ, undocumented youth, etc.



Questions to Consider

- What additional information would you try to get if you suspect a defendant is being trafficked?
- How would you try to get that information if the defendant has a lawyer?
- How would you proceed if the defendant doesn't have a lawyer?



Being Trauma Informed

Ask: “*What **happened to** this defendant?*” vs. “*What’s **wrong with** this defendant?*”

- Understand self-destructive behaviors as **attempts to cope** with past trauma vs. character flaws.
- Recognize **triggers** for re-traumatization:
 - Feeling a lack of control
 - Experiencing unexpected change
 - Feeling threatened or attacked
 - Feeling vulnerable or frightened
 - Feeling shame



Trauma-Informed Judiciary

- Mindful of trafficking dynamics that impact victims' demeanor in court.
- Prioritizes making defendants feel safe.
- Re-examines courtroom policies & procedures.
- Takes an individual approach to each case.
- Employs trained, welcoming, & nonjudgmental courtroom staff.
- Works closely with members of defendant's "team."

Activity Instructions

- Find a nearby partner.
- Turn to page titled “Activity: Creating a Trauma-Informed Judiciary” in Workbook.
- Discuss specific ways to make your courtroom trauma-informed.
- You have 10 minutes.

Communication	Procedures	Environment	Safety Considerations



Debrief Questions

- What impact could these kinds of changes in communication, procedure & environment have on trafficking cases?
- On defendants?



When you see red flags

As a judge or magistrate, how might you facilitate getting a sex trafficking assessment for a defendant?

- As a condition of probation



Discussion

- Questions or Comments?
- What other actions could you take when deciding cases involving sex trafficking?
- What additional steps might you take in juvenile sex trafficking cases?



Mock Case Assignments

Discuss the following:

- What red flags (signs of sex trafficking) do you see?
- What are your options for responding?
- What is your group decision for handling this case?

Prepare a brief report to give your peers.

You have 15 minutes.



Reporting Process

- Reporter from each group reads their case, red flags observed, & decision. (5 minutes maximum)
- Questions & Comments from group. (3 minutes)
 - Do you agree with the decision?
 - What might you do differently?



Post-Conviction Relief in MD

Expungement – What does this involve?

- Refers to the removal of records from public inspection
- May apply to both convictions and non-convictions
- Can typically answer “no” to questions relating to arrest/conviction
- May have immigration consequences

Shielding – What does this involve?

- Record hidden from public view
- Still “exists” in the legal/physical sense
- Typically remains accessible (law enforcement, criminal justice & certain employers)
- May have immigration consequences



Post-Conviction Relief in MD (cont.)

Pardon – What does this involve?

- Formal recognition of forgiveness for criminal conviction by a governing body
- May allow individual to regain certain rights
- May open up additional post-conviction options

Vacatur – What does this involve?

- Nullifies & clears judgment of conviction
- Reflects fundamental error in original judgment
- “Adjusted” disposition still visible to public
- May have immigration consequences



Maryland Vacatur Laws

Advantages

- Doesn't require official documentation of trafficking or cooperation with law enforcement
- Doesn't require survivor to prove they left sex industry or have been "rehabilitated"
- Retroactive, therefore inclusive, of older convictions



Maryland Vacatur Laws

Limitations

- Only applies to convictions for prostitution
- Doesn't allow Court to take additional appropriate action beyond language of the statute
- Doesn't require vacatur of eligible convictions



Maryland Vacatur Laws

Limitations

- Doesn't provide presumption of eligibility if official documentation is provided
- No explicit confidentiality provisions
- Doesn't automatically expunge arrest or resulting non-conviction
- No funding to assist victims with vacating their convictions



Take Away Messages

- Sex trafficking is real. It's happening in your community.
- Impact on victims is extremely harsh; they need supportive services.
- There are **Red Flags** that can alert you to the possibility of trafficking...
- However, victims can be difficult to identify or they may deny their victimization.
- Victims pass through the justice system without being identified.
- Court may be the last recourse for a trafficking victim to get help.
- Your role in this work is very important.