Understanding Sex Trafficking in Juvenile Cases and Developing Appropriate Responses

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Overview

- Judge's Perspective
- Sex Trafficking 101
- Health and Mental Health Needs of Victims
- Community Responses
- Runaway Youth
- How should courts handle these cases differently?

The Judge’s Perspective

Definition: What are sexual exploitation and trafficking?

- Federal Definition: 18 U.S.C. § 1591 makes it illegal to recruit, entice, obtain, provide, move or harbor a person or to benefit from such activities knowing that the person will be caused to engage in commercial sex acts **where the person is under 18 or where force, fraud or coercion exists**. This statute does not require that either the defendant or the victim actually travel. **

Oregon State Definition

ORS 163.413: Purchasing Sex with a Minor

(1) A person is guilty of purchasing sex with a minor if:
(a) The person pays, or offers or agrees to pay, a fee to engage in sexual intercourse or sexual contact with a minor.

(2) Consent of minor does not constitute defense. ORS 163.315

Other Common Charges for Sex Traffickers

- Promoting prostitution
- Child pornography
- Money laundering
- Rape/kidnapping
- Assault
- Weapons
- Leading organized crime

In Court

- Warrants, wire orders, pen registers, trackers
- Bail and flight
- Post-charging criminal activity
  - Witness tampering/intimidation
  - No contact order violations
  - Continues trafficking
  - Money laundering
- Discovery issues
  - E.g. computer forensic analysis

In Trial

- Victim offenders
- Statements of Co-conspirators
- Traumatized witnesses
- Recanting witnesses
- Rape shield
- Forfeiture by wrong-doing
- Expert witnesses
- Multiple police agencies (state and federal)
- Business records

WHY DO JUDGES NEED TO KNOW ABOUT COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN?

You see children in your court who are sexually exploited or at risk of being sexually exploited.

Juvenile Offenders

- You have jurisdiction over minors who can be prosecuted in juvenile court for prostitution.
- These youth often come into court for theoretically unrelated offenses (theft, harassment, assault, robbery, drug/alcohol offenses).
- They may come before you for status offenses: truancy, running away, curfew violations, etc.

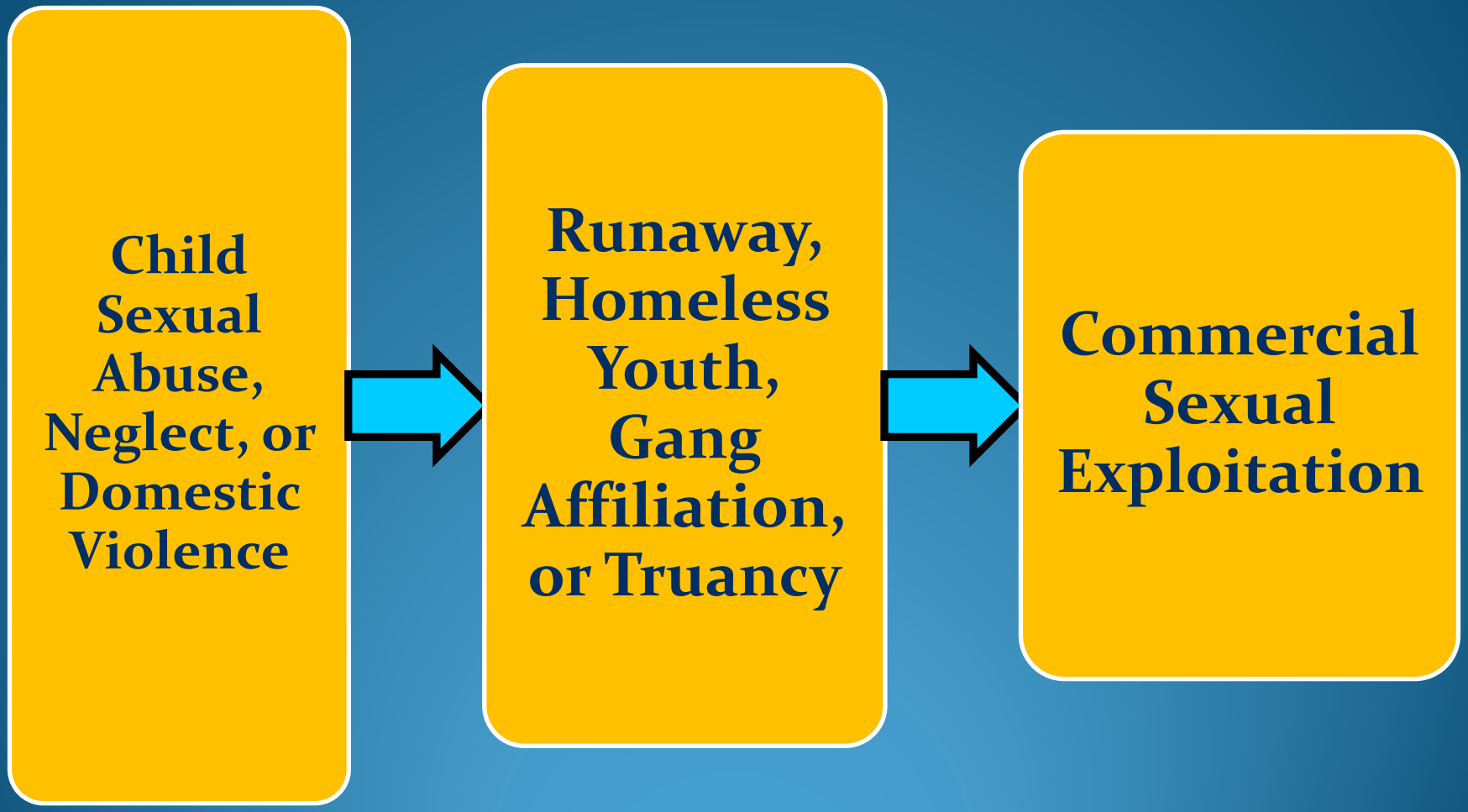
Child welfare/dependency

- The courts have jurisdiction over abused & neglected (dependent) children.
- Courts can order children to return home with supervision, be placed in foster care/group home, or arrange independent living for older children.
- In most states child welfare cannot respond unless perpetrator of abuse was parent or caretaker.

Risks Posed by Child Welfare Involvement

- Lack of contact with family
- Multiple transitions in school, at home, with peers and caretakers
- Institutional care
- Poverty
- Foster care is a MAJOR risk factor for trafficking
  - Stigma
  - Recruitment while in foster care
  - Multiple placements significantly increase risk

Pathways to CSEC



How to identify Sexual Exploitation

Red Flags

- Chronic truant / runaway / homeless youth
- Excess amount of cash
- Hotel room keys
- Having goods or services they cannot pay for
- Signs of branding (tattoos, jewelry)
- Lying about age / false identification; inconsistencies

Red Flags (con't)

- Dramatic personality changes, evasive behavior especially around a "new boyfriend / girlfriend"
- Lack of knowledge of a given community or whereabouts
- Provocative clothing, sex toys, multiple condoms, lube or other sexual devices

Impacts of Sexual Exploitation

- 71-95% physically assaulted in prostitution
- 63-75% raped in prostitution
- 75% homeless at some point in life
- 68% met criteria for PTSD
- 65-95% sexually abused as children
- 88% experienced verbal abuse and social contempt
- **89% wanted to escape** but did not have other options for survival

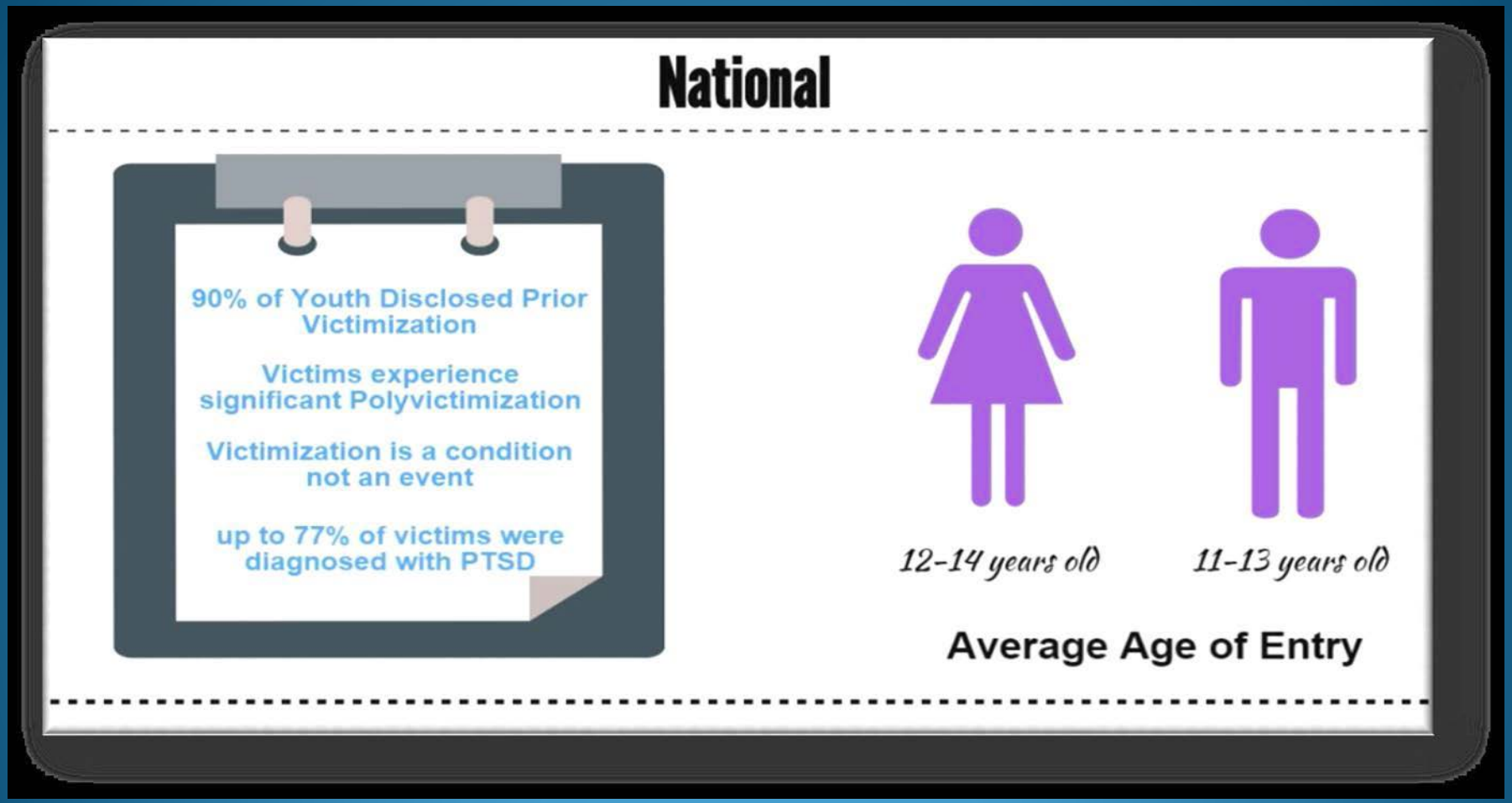
(Farley, 2003)

The Market for Sex

- Web sites where commercial sex is available
  - 100+ websites
  - 1000's of ads
  - Backpage: 25,000 ads per month for Jul, Aug, Sep, 2015
- In 2014 ASU concluded there were 6800 buyers soliciting sex on one site in 24 hours in King County
- One local review site had 15,000-20,000 members
- Detectives will get 200-250 responses to prostitution ads in 2 hours

Commercial Sexual Exploitation of Children 101

Statistics



Finkelhore, D., Ormrod, H., and Turner, H. (2007). Poly-Victimization: A neglected Component in Child Victimization. *Child Abuse and Neglect,* 31, pg 7-21. Retrieved at: http://www.unh.edu/ccrc/pdf/CV91.pdf

The Commercial Sexual Exploitation of Children: The Medical Provider's Role in Identification, Assessment and Treatment. American Professional Society on the Abuse of Children. October 2013. Retrieved at: http://www.kyaap.org/wp-content/uploads/APSAC_Guidelines.pdf

Domestic Commercial Sexual Exploitation of Children Questionnaire:

- What percentage of teens will be recruited into the life within 48 hours of becoming homeless?
  - A) 1 in 100 teens will be approached
  - B) 1 in 55 teens will be approached
  - C) 1 in 11 teens will be approached
  - D) 1 in 3 teens will be approached

- How many youth are exploited annually in the US?
  - A) 100,000
  - B) 200,000
  - C) 300,000

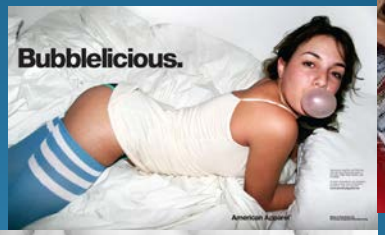
- How many years does the average child live after entering the sex industry?
  - A) 26 Years
  - B) 7 Years
  - C) 15 Years

Sex Trafficking & CSEC Includes

- Pornography
- Stripping
- Erotic/ Nude Massage
- Escort Service
- Chat Lines
- Private Parties
- Gang-based Prostitution / Organized Crime
- Interfamilial Pimping
- Internet Sites & Hotels (out-call vs. in-call)
- Walking the Track
- Clubs (underage clubs)

Current cultural messages that promote the sexual exploitation of girls, women, and LGBTQ individuals:

- Media
- Sexualization of youth
- Female worth based on looks
- Male entitlement/ POWER dynamics
- Dehumanization & Objectification



Children who are at risk for recruitment into CSEC:

- Are under 18 years old
- Walk to school or to the store alone
- Own or have access to a computer
- Are attracted to consumer goods
- Desire to develop romantic relationships
- Sometimes feel insecure
- Want to feel more “grown up”
- Feel misunderstood
- Fight with their parents
- Sometimes feel their parents don’t care or don’t have parents
- Want more independence
- Test boundaries and take risks

Oppression Creates Vulnerability

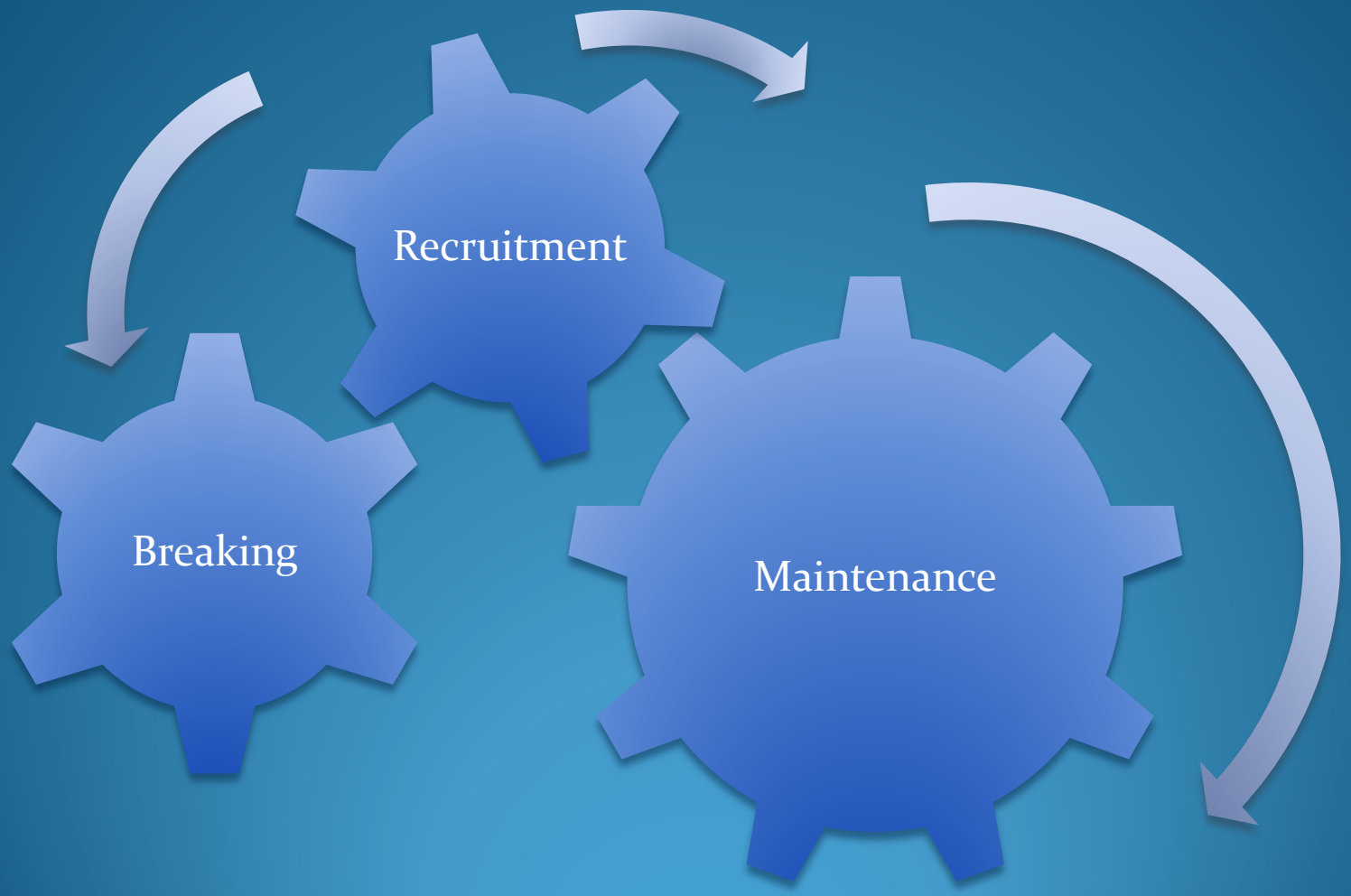
Oppression = more risk factors

All youth may be at risk based on the vulnerabilities of age and the complexities of being a teenager – but reality shows us that *the greater the oppression the greater the vulnerability.*

The majority of youth that I have served are youth who have experienced oppression based on:

- History of sexual abuse
- Race
- Economic status
- Being part of the system/DHS-involved or juvenile justice
- Parents being part of the criminal justice system etc.
- Family Members who are or have been in the life

3 Stages



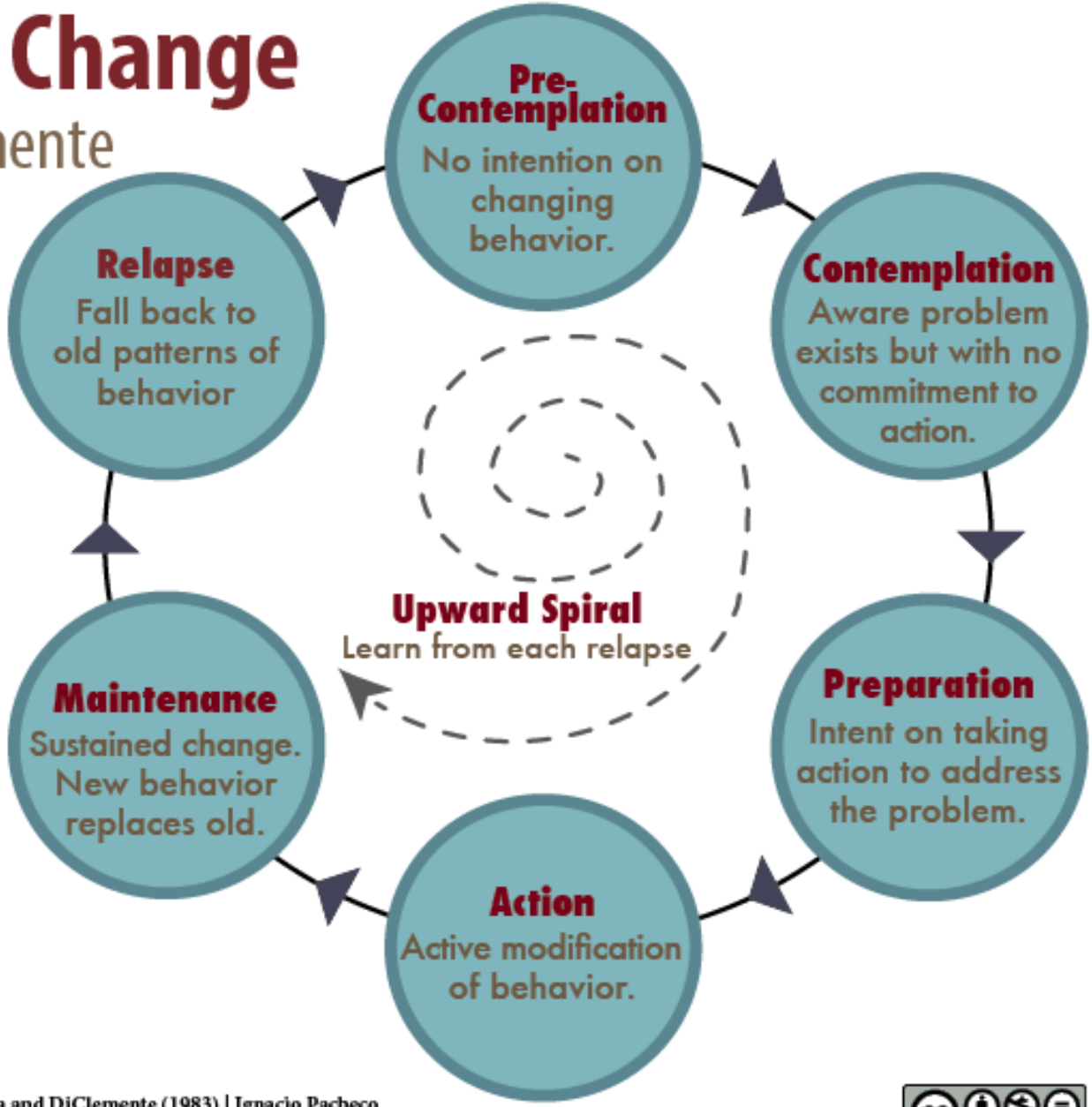
Why Do They Stay?

- Trauma Bonding
- Fear & Intimidation
- Family
- Community
- Addiction/Normalcy

The Cycle of Change

Prochaska & DiClemente

- **Precontemplation:** A logical starting point for the model, where there is no intention of changing behavior; the person may be unaware that a problem exists
- **Contemplation:** The person becomes aware that there is a problem, but has made no commitment to change
- **Preparation:** The person is intent on taking action to correct the problem; usually requires buy-in from the client (i.e. the client is convinced that the change is good) and increased self-efficacy (i.e. the client believes s/he can make change)
- **Action:** The person is in active modification of behavior
- **Maintenance:** Sustained change occurs and new behavior(s) replaces old ones. Per this model, this stage is also transitional
- **Relapse:** The person falls back into old patterns of behavior
- **Upward Spiral:** Each time a person goes through the cycle, they learn from each relapse and (hopefully) grow stronger so that relapse is shorter or less devastating.



Social Work Tech!

The Cycle of Change
Adapted from a work by Prochaska and DiClemente (1983) | Ignacio Pacheco
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Health and Mental Health Needs of Victims

Mental Health

- Suicide
- Depression
- Anxiety
- Phobias
- Eating disorders

Mental Health Issues

2 to 5 times higher in CSEC than general population adolescents:

- clinical depression
- suicide attempts requiring hospitalization
- serious substance abuse problems
- 16% had been pregnant or had children

Brantley, N., (2009.) Framing the issues of commercial sexual exploitation of children. MISSSEY (*n=149)*.

Psychological Trauma

- Threatened, controlled, confined, deprived of basic needs
- Feelings of helplessness, shame, denial, disbelief
- Cultural shock from isolation, unfamiliar surroundings

Substance Abuse

Trafficker supplies narcotic and illegal drugs to create dependence

Consider a Suicide Assessment

Trauma Can Lead To

- Fragmented understanding of questions
- Fragmented responses
- Poor listening skills
- Poor sequencing
- Forgetfulness
- Abrasive speech—expect hostility
- Poor coordination, balance

Reasons for Seeking Medical Care

- Mental health crisis
- Physical trauma
- Drug intoxication/withdrawal
- Acute infections
- Pregnancy
- Sexual assault (SAFE Kit)
  - Tanner 1: <24 hr. since assault
  - Tanner ≥ 2: <84 hr. since assault

Physical Health

Scars

- self harm – cutting
- injuries

Physical injuries

- strangulation
- confinement
- bites
- hickeys
- tattoos

Sexual violence

- injuries to genitalia, rectum, mouth
- signs of injection drug use

Physical Health

- Malnutrition
  - vitamin deficiency
- Dehydration
- Dental neglect
- Substance abuse
  - intoxication
  - withdrawal
- Tuberculosis

Non-Genital injuries

Type	Mechanism
• Peri- or intraoral • Neck bruises “hickies” • Impact bruises to face, body, intra-abdominal bleeding or organ rupture • Traumatic alopecia, subgaleal hematoma • Ligature marks to wrists/ankles • Abrasions to back	• Hand restraint, hit, forced penile-oral penetration • Strangulation; suction • Blunt trauma with fist, foot, object • Hair-pulling • Restraint with rope/wire • Victim struggle while restrained in supine position

Adapted from Kellogg, N.D. (2005). Child Sexual Exploitation

Purpose of Medical Assessment & Forensic Exam

Provide Medical Care

- Identify and treat injuries
- Evaluate and treat medical conditions
- Assess risk of pregnancy and sexually transmitted infections
- Provide prophylaxis for sexually transmitted infections and emergency contraception, when indicated

Purpose of Medical Assessment & Forensic Exam

- Document history of assault
- Document medical findings
- Collect forensic evidence
- Provide Victim Advocacy Services
- Connect with treatment resources/support and medical follow-up

Health Consequences

- STIs/PID
  - **Syphilis, gonorrhea, chlamydia**
  - **HIV/AIDS**
  - **Hepatitis B & C**
  - **Trichomonas**
  - **HPV**
- HIV/AIDS
- Other infectious diseases
  - **Tuberculosis**
  - **Hepatitis A**

CARES NW & Other CAICs

- Triage
- MDT partners meet
- Medical/social history
- Complete forensic medical exam
- Video recorded forensic interview
- Family crisis intervention & education
- Diagnosis & treatment
- Safety planning
- Debriefing with LEA/DHS/guardian
- Trauma therapy

Runaway Youth

Individual Risk Factors

- History of relationships or general violence characterized by intimate partner violence
- History of trauma to self or witnessed
- Low scholastic performance or disconnection from education system

Individual Risk Factors

Runaway, throwaway, homeless youth

- Estimate 450,000 – 2.8 million children run away or are thrown away each year.
- 1 of 3 runaways will be lured into prostitution with 48 hours of leaving home
- 1 in 4 LGBT youth will be forced out of home
- Only 20% of CSEC are LGBTQ, but they are trafficked at higher rates than heterosexual homeless youth
- Estimates that 40-50% of boy victims thrown out of homes due to sexual identity

Why Do They Run?

- Impulsivity as a result of trauma or cognitive/developmental issues
- Fear they "can't make it."
- Fear that they "aren't worth it."
- Fear that perpetrator will "find" or "punish" them for leaving; follow through on threats
- Drugs/alcohol
- "Missing the Drama," "Bored"

Why Do They Run?

- Their exploiter is the only person who has ever “loved” them, and offers the most stability they have ever known.
- They like the manicures, clothes, etc., and have nothing to replace it with.
- They do not see themselves as victims.

Community Response

What interventions and placements are appropriate for victims?

Service Needs

- Advocacy (transformative relationship)
- Shelter
- Employment and/or vocational training
- Basic needs and drop-in services
- Legal advocacy
- Therapeutic services (mental health & CD)
- Education
- Support groups (survivors, D/A, mental health)

What is being done in Oregon?

Collaborative Taskforce

- Everyone has their role to play
- Identify culturally specific services for true healing
- Needs to be a level of trust among partners for true collaboration to work

Purpose

1. Collaborate with service providers and community partners to bring awareness to their community

2. Identification of Victims

3. Build a crisis and long term response for victims of trafficking

Responses in King County, WA

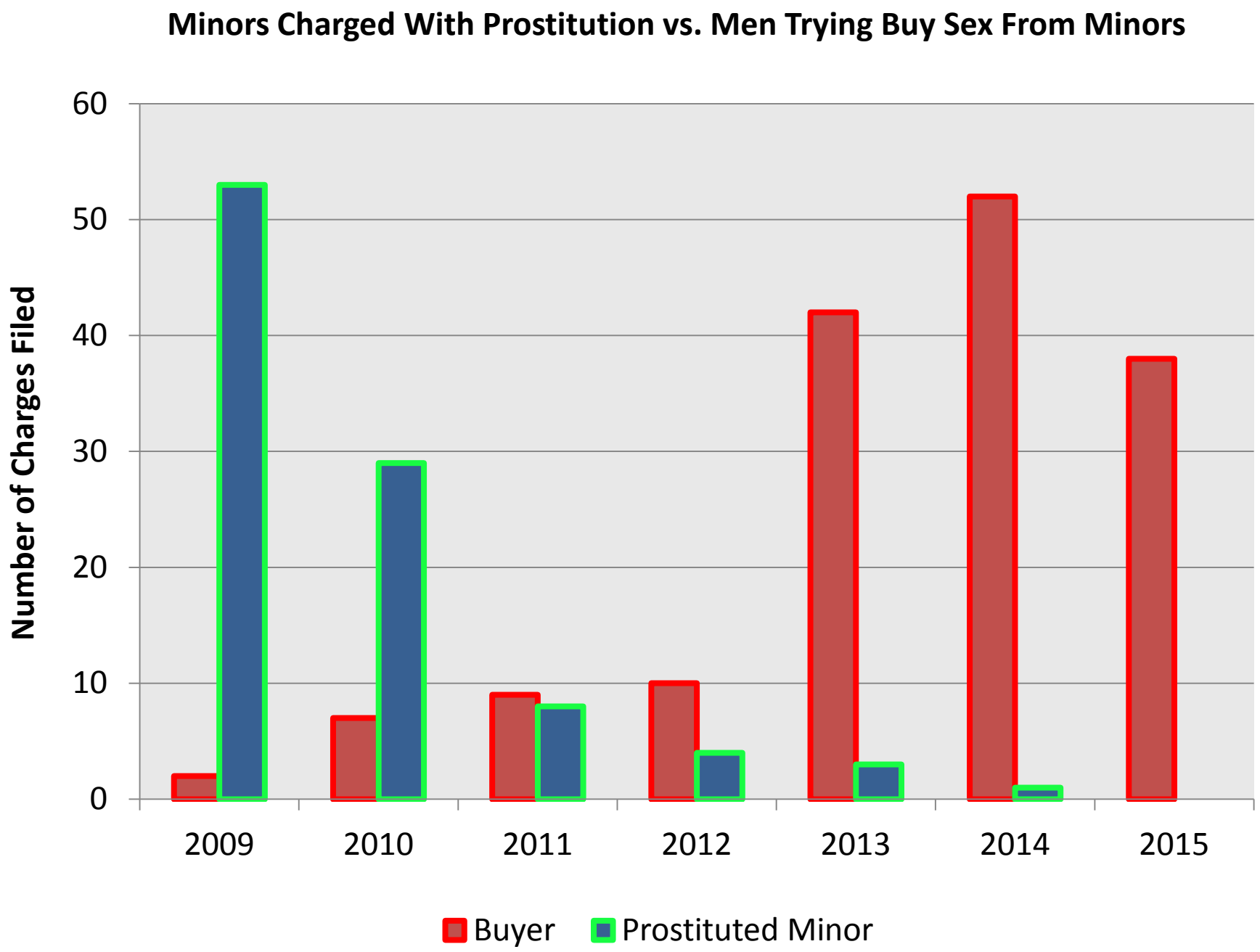
- CSEC Task Force convened by Superior Court
- Mission: Ensure the safety and support of CSEC and prevent further exploitation.
- Task Force promotes and implements a victim centered approach.
- Relies on broad partnership in the community including: law enforcement, service providers, DSHS, schools, public health, prosecutors, defense bar, survivors, businesses, local non-profits, probation counselors, county and municipal agencies, University of Washington.

Responses in King County (con't)

- Toll free CSEC hotline to call a community advocate.
- Free CSEC training in identification, engagement, and service referral.
- Advocates are case managers who specialize in working with CSEC or youth at risk for CSEC.
- Advocates work with multi-disciplinary teams that coordinate and provide services to youth.
- Reaching out to youth, and working with support systems is key component.

Responses in King County (con't)

- Data collection: work with community partners to collect and analyze demographic and other data on youth who are victims of trafficking.
- University of Washington is conducting an outcomes evaluation of our multi-disciplinary approach.
- Work will provide valuable feedback on the strengths and effectiveness of our coordinated response


Minors Charged With Prostitution vs. Men Trying Buy Sex From Minors
Number of Charges Filed
60
50
40
30
20
10
0
2009
2010
2011
2012
2013
2014
2015
Buyer
Prostituted Minor

Beatings, rapes, and murder are a reality of prostitution.
You don't want to buy into that.

Police are arresting men who buy sex.

27 MONTHS IN JAIL,
$5000 FINE,
SEX OFFENDER REGISTRY

Are you willing to take the risk to end up like one of them?

This time make the choice without regret!

"It's such a relief to be out of that cycle" - former sex buyer

CLICK HERE to get help from men who understand this experience

WANT TO KNOW MORE?

(Safe and confidential)

email

SEND

Buyer Intervention Program

- "Stopping Sexual exploitation"
  - 10 week program
  - Court referred
  - Condition of sentence for sex buying conviction
  - Self-referred

Initial data/evaluation is positive.

Targeted Sectors

- Employers (government, businesses)
- Education
- Technology
- Health
- Criminal justice
- Media
- Marginalized populations

Judicial Leadership

- Local systems/protocols to address trafficking in juvenile cases:
  - Who is screening?
  - Is an appropriate assessment available?
  - Are needed services provided to victims?
- If there are service gaps - help create partnerships to fill

What can judges do?

- What's already happening locally in your district to respond to CSEC?
- Is this an issue that you've addressed at Model Court, and what was the result?
- What assistance do you need?

How Should Courts Handle These Cases Differently?

Judges Must Recognize

- Transformational relationships are the primary intervention.
- Partnerships and systems are important supports.
- This is the long game.
- Judicial leadership can bring community partners to the table.

How Should Judges Respond?

- Maintain a **compassionate** and **non-judgmental** attitude. This is hard for judges, and it does not mean no orders or limits.
- **Be consistent**; follow through, and don't make promises that cannot be kept.
- **Build trust, then relationship**; this is a very slow process and relationship testing is expected.

How Should Judges Respond (con't)

- Cultural Competency: be sensitive to the unique cultural needs and experiences of each person. Judicial officers and providers must be aware of their own biases and cultural world views.
- Self-determination & empowerment: youth should have information relevant to their situations and be encouraged to make informed decisions when possible.

Tips for Engagement

- Be Real
- Be impeccable with your words; avoid sarcasm or put downs of **anyone** (and don't let anyone else in your courtroom put anyone down)
- Go slowly; respect the process of building relationships
- Expect testing
- Celebrate the small successes, **all** of them
- Accept that you don't have the "whole story" … ever

What NOT to say in court

- Never accuse or ask whether a youth is engaging in prostitution, or suggest, directly or indirectly.
  - E.g. “I want you to see someone who can get you out of “the life”
- Never ask a question that will shame the youth, and don’t let anyone else, including parents, shame him/her.

What You Can Ask

- Would you like me to call you Ms. Jones or Tammy?
- Are you safe?
- When you were on the street did you see any dangerous situations or any bad things happen?
- Did anything bad happen to you?
- I'd like to refer you to an advocate, someone who is there just for you. The advocate does not report to the court or probation, and whether you engage with her/him is up to you.

Take Your Time

Do's and Don'ts

DON'T expect these children to

- self-identify as victims
- recognize their situation as exploitative
- see a need for rescuing

Adapted from CCIP Training Institute GEMS Training Manual (June 2010)

Do’s and Don’ts

DO recognize their **symptoms of trauma** and **coping mechanisms**, which may not be those typically associated with victims

Resources for Judges

- http://www.htcourts.org

Information Cards

Fact Sheets

Educational Materials

HT Guide

Resources for Judges

- Office of Justice Programs; Office for Victims of Crime; Human Trafficking Task Force e-guide: https://www.ovcttac.gov/TaskForceGuide