



Working with Experts to Combat Common Defenses in Human Trafficking Cases

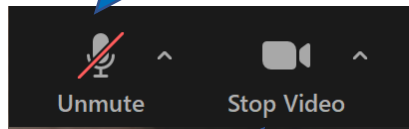


Jessie Plamp
Project Coordinator
International Association of Chiefs of Police

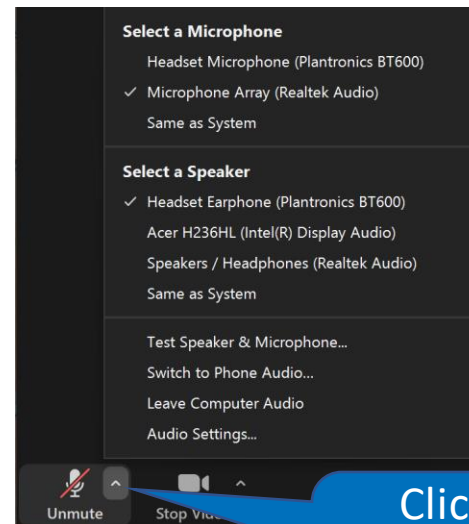
Zoom How-To

Move your mouse anywhere in the Zoom window to open the menu bar at the bottom of the screen.

Click here to mute and unmute your microphone



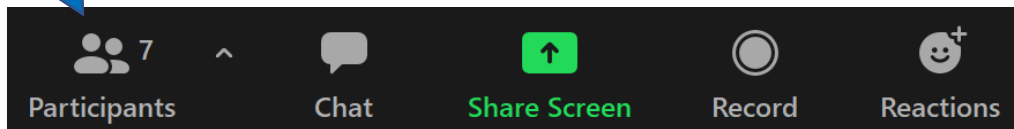
Click here to turn your camera on/off



Click here to change audio settings (Select microphone or speaker)

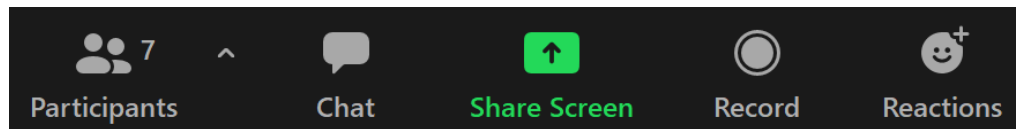
Zoom How-To

Click here to view
the list of
participants



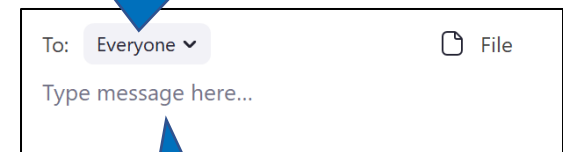
In the participants
box, click here to
raise your hand for
assistance

Zoom How-To



Click here to open a chat box to communicate with other participants and ask questions

In the Chat window, click here to chose who you would like your message to go to



Type your comments and questions in this box

Zoom How-To

- For technical support e-mail humantrafficking@theiacp.org
- For the best meeting quality, close other windows during the webinar
- At the end of the meeting, you will be directed to an evaluation

Support

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**Help us
Count!**





About the IACP

Shaping the Future of the Policing Profession

- The International Association of Chiefs of Police (IACP) is the world's largest and most influential professional association for police leaders. With more than 30,000 members in 150 countries, the IACP is a recognized leader in global policing, committed to advancing safe communities through thoughtful progressive police leadership.
- Since 1893, the association has been serving communities worldwide by speaking out on behalf of law enforcement and advancing leadership and professionalism in policing worldwide.

www.TheIACP.org

www.TheIACP.org/humantrafficking



Enhanced Collaborative Model to Combat Human Trafficking

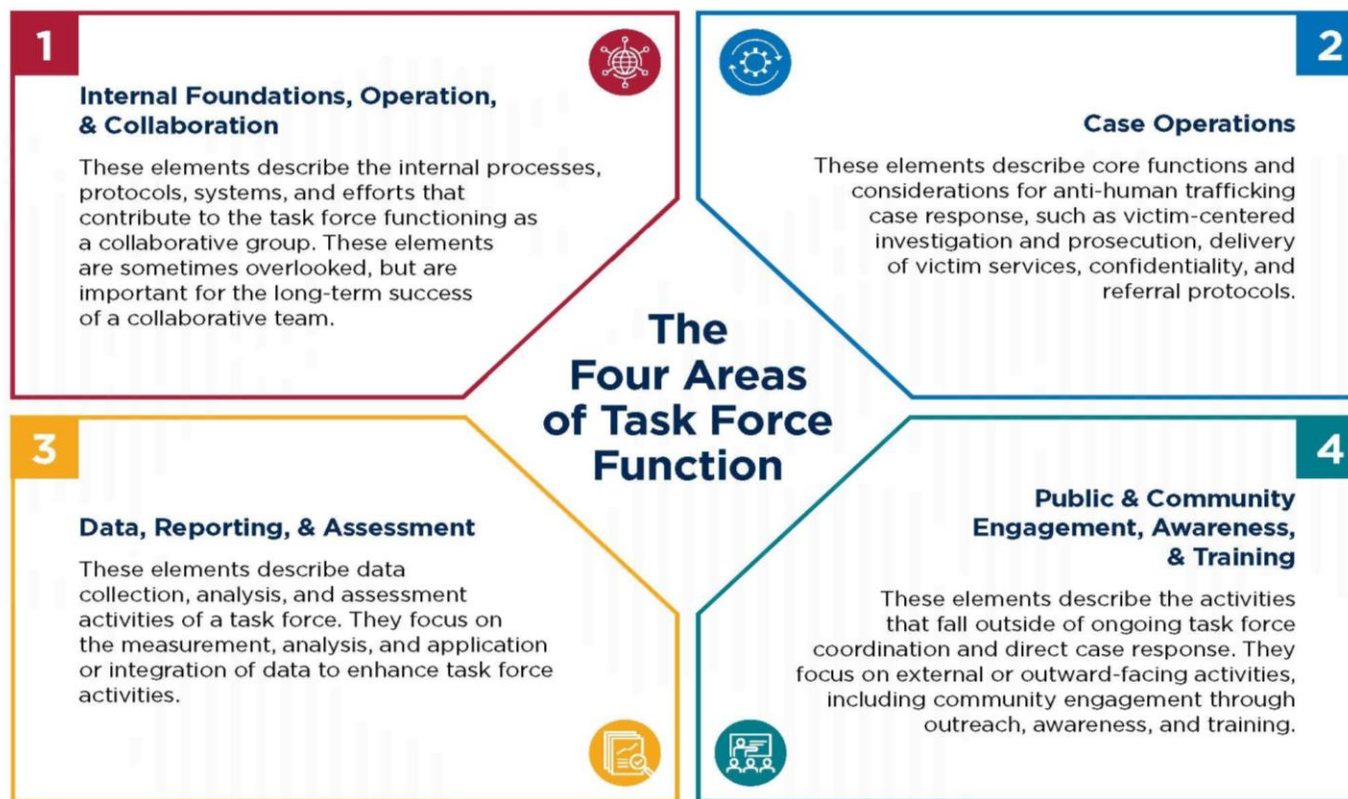
- Funded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime
- Includes federal, state, and local law enforcement and prosecutorial partnerships, alongside victim and social services providers; and relevant community stakeholders
- Develops, expands, or strengthens service programs for victims of human trafficking
- Enhances the capacity of law enforcement and other stakeholders to identify victims and provide justice for those victims through the investigations and prosecution of their traffickers
- Requires ECM human trafficking task forces to implement collaborative, sustainable approaches to investigation, prosecution, and service delivery

Trauma-Informed

**Victim-
Centered**

**Proactively Identify
& Serve All Human
Trafficking Victims**

Four Core Functions of an Enhanced Collaborative Model Human Trafficking Task Force



[The Development & Operations Roadmap for Multidisciplinary Anti-Human Trafficking Task Forces](http://www.theiacp.org/humantrafficking) can be accessed at www.theiacp.org/humantrafficking

Jane Anderson
Attorney Advisor
AEquitas





INNOVATIVE

Sustaining effective practices and promoting systemic change

INFORMED

Training, resources, and assistance supported by research and experience

PRACTICAL

Customized strategies that are accessible, responsive, and easy to apply

What AEquitas Does



Resources

Create, research, and curate publications, statutory and case law compilations, and other resources that strengthen prosecution practices



Consultations

Offer on-demand 24/7 consultations with our seasoned prosecutors to answer case-specific inquiries, discuss strategy, conduct research, and recommend data-driven solutions



Training Events

Develop curricula and facilitate a wide range of specialized in-person and web-based trainings designed to empower prosecutors and allied professionals



Partnerships & Initiatives

Provide long-term support in building frameworks for coordinated responses to gender-based violence including data collection and analysis, task force development, and training

Objectives



Combat common defenses by educating judges and jurors about the realities of human trafficking.

Consult with experts to enhance investigations and prosecutions, even if experts aren't utilized at trial.

Identify and collaborate with experts in advance of trial.

What are some common defenses in human trafficking cases?

Please type your answers in the Chat Box



**Juror
Expectations**



Reality

You have to get over this contention that human trafficking ... the perception from jurors is, well this is slavery, they got an iron ball attached to their leg, and they're wearing rags and sleeping in a shipping container. All right, real perception issues that you have to battle on human trafficking. It's hard, it's hard. And the facts that fit that circumstance don't come along all the time.

Local Prosecutor in Amy Farrell, et al.,

Urban Institute, *Identifying Challenges to Improve the Investigation and Prosecution of State Human Trafficking Cases* (April 2012)



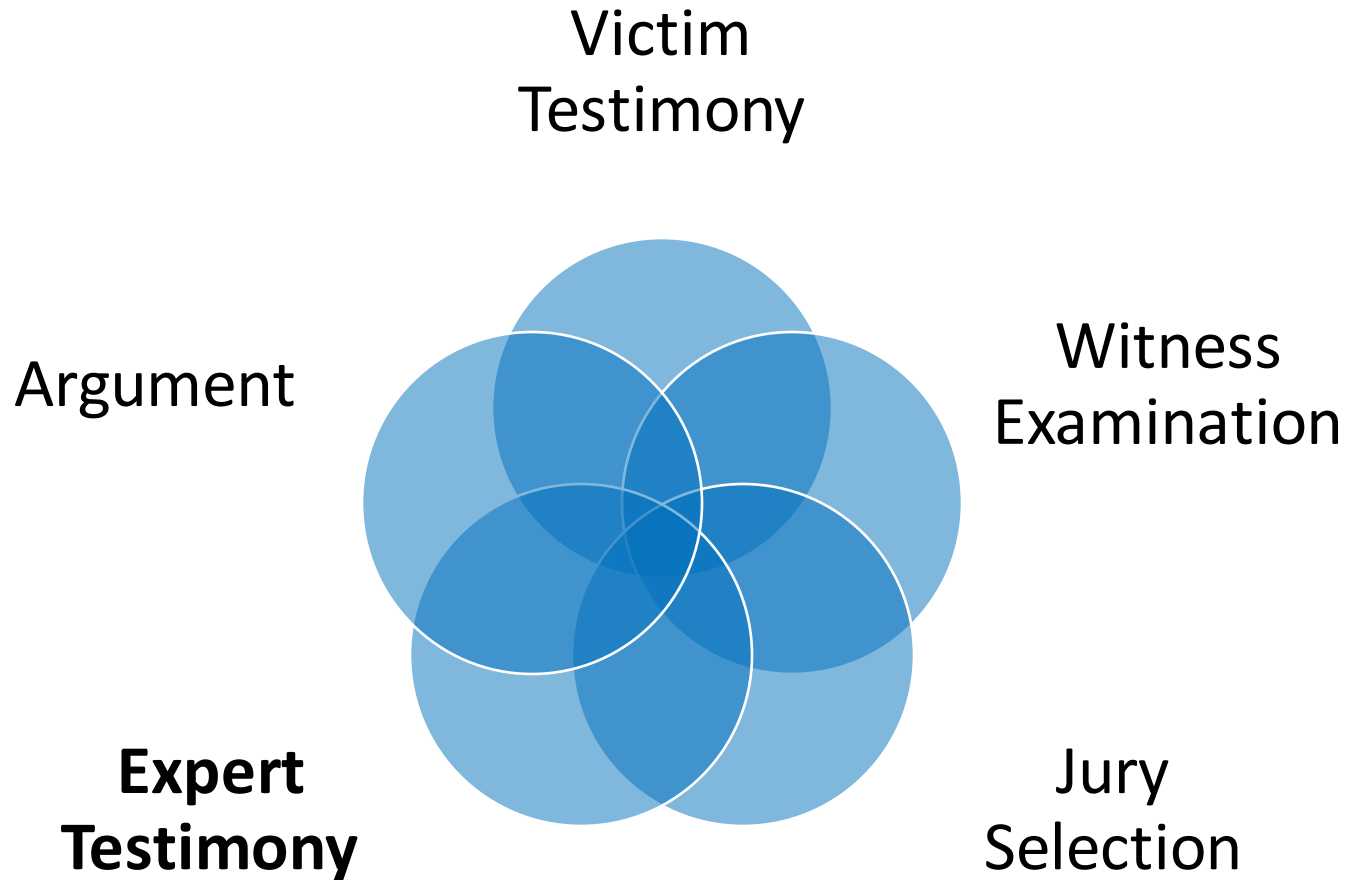
What are some myths and misconceptions about human trafficking?

Please type your answers in the Chat Box

Realities of Trafficking

- Trafficking does not require movement
- Domestic victims of sex and labor trafficking
- Variety of trafficking operations
- Victims of all genders
- Non-physical coercion tactics
- Grooming
- Common responses to trauma
- Forced criminality

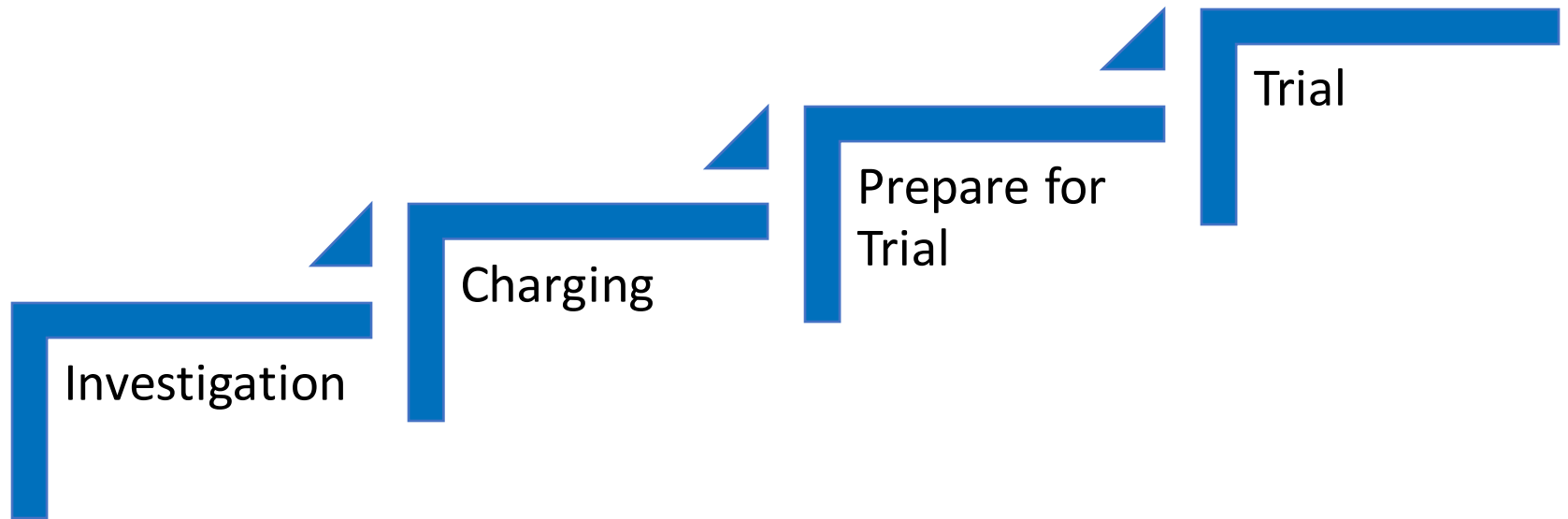
Educating the Jury



Poll Question:

Have you used expert witnesses in any human trafficking cases?

Experts at Each Stage



Expert Testimony

F.R.E. 702

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue...

Benefits of Expert Testimony

Provides Context

- Places victim's behavior in context of trauma and abuse

Supports Victim Credibility

- Enables jury to understand victim's response

Dispels Misconceptions

- Left unexplained, jurors may rely on myths/misconceptions

U.S. v. King

703 F. Supp. 2d 1063 (D. Haw. 2010)

- Testimony was pertinent to jurors' determination of the credibility of the [victims]
- Without such testimony, jurors might presume that the victims did not want to escape from Defendant's alleged operation because they failed to run away on the occasions when they were beyond his physical grasp

Danger Areas

Invading the Purview of the Jury

Commenting
on victim
credibility

Opining that
the victim was
trafficked

Even if the testimony arguably embraced the ultimate issue, such testimony is permissible as long as the expert's testimony assists, rather than supplants, the jury's judgment.

Legal Analysis

Relevancy, FRE 401

Will the testimony help the trier of fact?

Understand the evidence

Determine a fact in issue



Is the expert qualified?

U.S. v. Shamsud-Din

No. 10 CR 927, 2012 WL 280702 (N.D. Ill. Jan. 31, 2012)

- Dr. Sharon Cooper allowed to testify as an expert
- Topics allowed:
 - Means used to target, recruit, manipulate, and maintain victims
 - Contributing factors that make victims vulnerable
 - “Finesse” pimping
 - Subculture & vernacular

The Court agrees with the Government that the background information Dr. Cooper could provide would assist the jury to understand the dynamics of exploitation, to explain why the women did not leave their pimps, and to generally demystify the relationship between pimp and prostitute...

...Additionally, Dr. Cooper's opinion testimony may address factors related to vulnerability and enticement of women and juveniles, and may include a discussion of the effects that commonly used grooming and deterrent practices have on prostitutes...



United States v. Williams, No. CRIM. 05-CR-443, 2007 WL 3118306 (M.D. Pa. Oct. 19, 2007), aff'd sub nom. United States v. Hayes, 434 F. App'x 94 (3d Cir. 2011)

...The Court believes that this general information will provide a framework within which the jury can consider the testimony presented to it and enable the jury to more meaningfully evaluate whether the element of coercion has been established by the Government beyond a reasonable doubt.

Reliability

Daubert

- Social sciences are different than hard sciences
- Trial judges have broad discretion to determine reliability
- US v. Simmons, 470 F.3d 1115 (5th Cir. 2006)

Frye

- Not novel scientific evidence; based on practical experience and acquired knowledge
- Jurors can use common sense
- State v. Borelli, 629 A.2d 1110, 1111 (Conn. 1993); *see also* State v. Ortiz, 119 Wn.2d 294, 297, 831 P.2d 1060 (1992)

Blind Expert

- Has limited knowledge about the facts of the case
- Does not meet with or provide services to the victim
- Educates the fact finder
- Does not subject the victim to a defense expert's examination
- Withstands common appellate issues

Poll Question:

What other types of expert testimony might you introduce in a human trafficking case?

Practical Analysis

Identify what needs explanation



Consider all strategies to educate fact finders



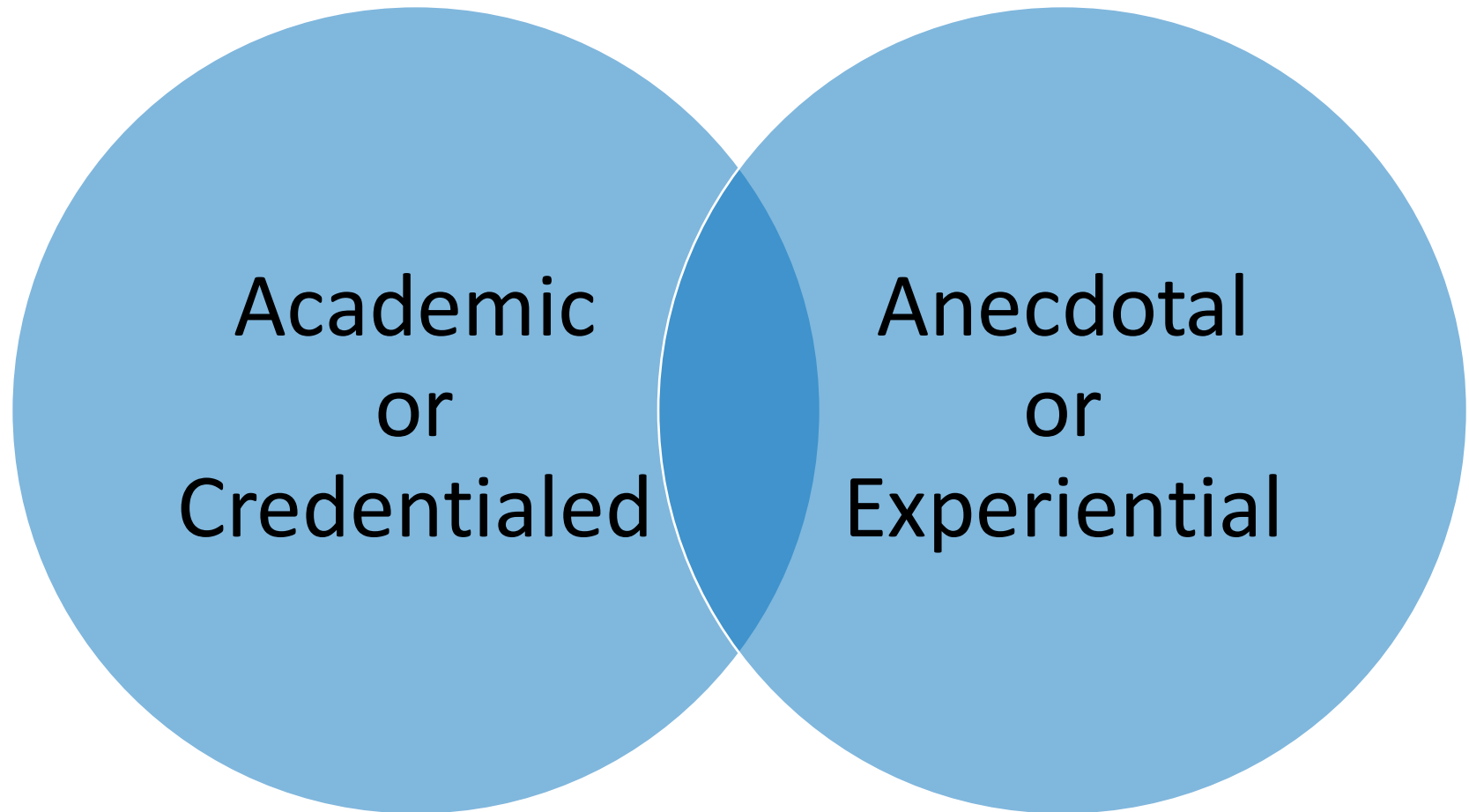
Consider available experts

Qualified

Budget

Appropriate

Effective Experts





Who might serve as an expert witness?

Please answer Poll Question

U.S. v. Sutherland

191 F. App'x 737 (10th Cir. 2006)

- Police officer testified about prostitution rings and the relationships between “prostitutes and their pimps”, from recruitment to retention
- Provided context for the jury to assess facts that could bear on guilt or innocence

Expert Testimony

- Are you familiar with...?
- Can you explain that to the jury?
- How may X impact Y?
- Would it be unusual for....?
- Is it common for...?

Going Forward

Identify issues that may benefit from expert testimony

Use experts to improve charging decisions and trial preparation

Litigate the admission of expert testimony

Questions for the presenter?
Submit them in the chat box

Don't forget: we love your
feedback! Scan with your
smart phone or use the
link below to let us know
your thoughts:



<https://forms.gle/FtJsc6LMSqZ2FMDq7>



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ATTORNEY ADVISOR



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Washington, DC 20005



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Save the Dates:

January 7, 2021

Building Human Trafficking
Cases with Traumatized
Victims

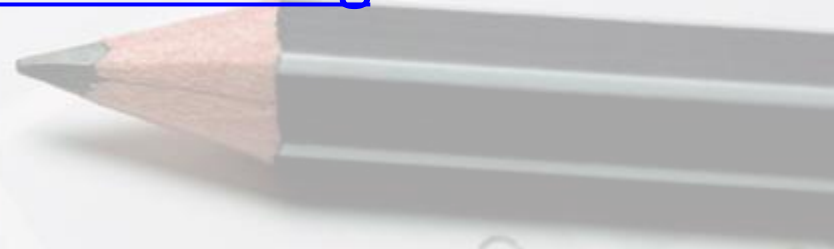
January 21, 2021

Building Human Trafficking
Cases with Intimidated
and Missing Victims

2:00pm – 3:15pm EST • 1:00pm – 2:15pm CST
12:00pm – 1:15pm MST • 11:00am – 12:15pm PST

Register at

www.theiacp.org/humantrafficking



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www.linkedin.com/company/aequitas-the-prosecutors'-resource-on-violence-against-women/

Access resources and trainings at www.aequitasresource.org

Contact AEQUITAS at info@aequitasresource.org



IACP Training and Technical Assistance Resources

- Child Sex Trafficking Toolkit
- Online Trainings and Events
- Classroom Trainings
- Peer-to-Peer Mentoring
- Customized Technical Assistance
- Task Force Connect, exclusively for ECM members

www.theiacp.org/humantrafficking

**Technical Assistance Provider:
The International Association of Chiefs of Police**

With support from the **Bureau of Justice Assistance**, and in partnership with **AEQUITAS** and the **John Jay College of Criminal Justice at the City University of New York**, the **International Association of Chiefs of Police (IACP)** provides a broad range of training and technical assistance (TTA) to enhance the capability of law enforcement and their multidisciplinary partners to combat all forms of human trafficking. Since 2015, the IACP has provided technical assistance services to more than 40 ECM task forces and provided training, tools, and resources to law enforcement, prosecutors, and allied partners throughout the United States.

IACP Resources

 ONLINE LIBRARY of human trafficking training, tools, and resources for law enforcement, prosecutors, and judges	 CHILD SEX TRAFFICKING TOOLKIT for law enforcement	 Ongoing WEBINAR TRAINING SERIES on human trafficking
 ONLINE TRAINING on such topics as labor trafficking identification, child sex trafficking, innovative prosecution strategies, and emerging human trafficking issues	 CLASSROOM TRAINING: Labor Trafficking Investigation and Prosecution, and Advanced Human Trafficking Investigation and Prosecution	 Multidisciplinary Collaborative Model for Human Trafficking Task Forces: DEVELOPMENT & OPERATIONS ROADMAP
 PEER-TO-PEER MENTORING opportunities between task forces	 TASK FORCE CONNECT , an online community for ECM task forces to network, share resources, and engage in peer-to-peer problem-solving	 CUSTOMIZED TECHNICAL ASSISTANCE on topics such as identification, investigation, and prosecution; data collection and evaluation; and effective task force operations

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<https://www.linkedin.com/company/international-association-of-chiefs-of-police/>

Access resources at www.theiacp.org/humantrafficking

Contact IACP at humantrafficking@theiacp.org

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learn.theiacp.org

On-demand
and live
training

Webinars

General
education

Podcasts



Additional OVC-funded Human Trafficking Technical Assistance Resources

[ICF Incorporated](#) – Enhanced Collaborative Model Capacity Building and Implementation

[Coalition to Abolish Slavery and Trafficking](#) (CAST) – Comprehensive Legal TTA

[National White Collar Crime Center](#) – Preventing Human Trafficking and Child Exploitation Through Education

[International Rescue Committee – Framework](#): Tools to Combat Labor Trafficking

[OVC Training and Technical Assistance Center](#)

[Freedom Network USA](#) – Training Institute Housing TTA Project

[Human Trafficking Capacity Building Center](#)

Improving Outcomes for Child and Youth Victims of Human Trafficking TA

[Youth Collaboratory](#) – Preventing Trafficking of Girls Training and Technical Assistance

[U.S. Committee for Refugees and Immigrants, Inc.](#) – Project Trauma Response to Uplift Survivors of Trafficking (TRUST)

[American University](#) – Maximizing OVC's Survivor Assistance in Court Settings (MOSAICS)

[Futures Without Violence](#) – Promoting Employment Opportunities for Survivors of Trafficking Program



Thank you!

humantrafficking@theiacp.org

1-800-THE-IACP X 825

www.theiacp.org/humantrafficking

Provide your feedback:

<https://forms.gle/FtJsc6LMSqZ2FMDq7>

