Working with Experts to Combat Common Defenses in Human Trafficking Cases
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• For the best meeting quality, close other windows during the webinar

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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](http://www.TheIACP.org)

[www.TheIACP.org/humantrafficking](http://www.TheIACP.org/humantrafficking)
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

1. **Internal Foundations, Operation, & Collaboration**
   These elements describe the internal processes, protocols, systems, and efforts that contribute to the task force functioning as a collaborative group. These elements are sometimes overlooked, but are important for the long-term success of a collaborative team.

2. **Case Operations**
   These elements describe core functions and considerations for anti-human trafficking case response, such as victim-centered investigation and prosecution, delivery of victim services, confidentiality, and referral protocols.

3. **Data, Reporting, & Assessment**
   These elements describe data collection, analysis, and assessment activities of a task force. They focus on the measurement, analysis, and application or integration of data to enhance task force activities.

4. **Public & Community Engagement, Awareness, & Training**
   These elements describe the activities that fall outside of ongoing task force coordination and direct case response. They focus on external or outward-facing activities, including community engagement through outreach, awareness, and training.

The Development & Operations Roadmap for Multidisciplinary Anti-Human Trafficking Task Forces can be accessed at [www.theiacp.org/humantrafficking](http://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 Farell, et al., Urban Institute, Identifying Challengers 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
Poll Question:
Have you used expert witnesses in any human trafficking cases?
Experts at Each Stage

- Investigation
- Charging
- Prepare for Trial
- Trial
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
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.

United States v. Sutherland, 191 F. App'x 737, 740 (10th Cir. 2006) quoting United States v. Dazey, 403 F.3d 1147 (10th Cir. 2005)
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

• 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...

...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
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**

1. Identify what needs explanation
2. Consider all strategies to educate fact finders
3. Consider available experts

<table>
<thead>
<tr>
<th>Qualified</th>
<th>Budget</th>
<th>Appropriate</th>
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</table>

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Effective Experts

Academic or Credentialed

Anecdotal or Experiential
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/FtJsc6LMSoZ2FMDq7
Jane Anderson

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Washington, DC 20005

www.AEQuitasResource.org
Save the Dates:

January 7, 2021
Building Human Trafficking Cases with Traumatized Victims
2:00pm – 3:15pm EST
12:00pm – 1:15pm MST

January 21, 2021
Building Human Trafficking Cases with Intimidated and Missing Victims
1:00pm – 2:15pm CST
11:00am – 12:15pm PST

Register at
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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
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Access resources at www.theiACP.org/humantrafficking
Contact IACP at humantrafficking@theiACP.org
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Webinars
General education
Podcasts
# Additional OVC-funded Human Trafficking Technical Assistance Resources

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<th>Organization</th>
<th>Description</th>
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<td><strong>ICF Incorporated</strong></td>
<td>Enhanced Collaborative Model Capacity Building and Implementation</td>
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<tr>
<td><strong>Coalition to Abolish Slavery and Trafficking (CAST)</strong></td>
<td>Comprehensive Legal TTA</td>
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<tr>
<td><strong>National White Collar Crime Center</strong></td>
<td>Preventing Human Trafficking and Child Exploitation Through Education</td>
</tr>
<tr>
<td><strong>International Rescue Committee – Framework</strong></td>
<td>Tools to Combat Labor Trafficking</td>
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<tr>
<td><strong>OVC Training and Technical Assistance Center</strong></td>
<td></td>
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<tr>
<td><strong>Freedom Network USA</strong></td>
<td>Training Institute Housing TTA Project</td>
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<td><strong>Human Trafficking Capacity Building Center</strong></td>
<td>Improving Outcomes for Child and Youth Victims of Human Trafficking TA</td>
</tr>
<tr>
<td><strong>Youth Collaboratory</strong></td>
<td>Preventing Trafficking of Girls Training and Technical Assistance</td>
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<tr>
<td><strong>U.S. Committee for Refugees and Immigrants, Inc.</strong></td>
<td>Project Trauma Response to Uplift Survivors of Trafficking (TRUST)</td>
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<tr>
<td><strong>American University</strong></td>
<td>Maximizing OVC’s Survivor Assistance in Court Settings (MOSAICS)</td>
</tr>
<tr>
<td><strong>Futures Without Violence</strong></td>
<td>Promoting Employment Opportunities for Survivors of Trafficking Program</td>
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Thank you!

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1-800-THE-IACP X 825
www.theiacp.org/humantrafficking

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