



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

TRANSCRIPT

Jessie: Welcome to today's webinar on Building Human Trafficking Cases with Traumatized Victims. On behalf of the IACP, AEquitas, and the U.S. Department of Justice, Office for Victims of Crime; thank you for joining today's event. My name is Jessie Plamp and I am a project coordinator on the anti-human trafficking team at the International Association of Chiefs of Police.

Before I hand things over to today's presenter, I'd like to first review some basic online event housekeeping with you. During the webinar, please keep your microphone muted to prevent disruptions. You can verify that your microphone is muted by checking that there is a red diagonal line through the microphone icon at the bottom left corner of your screen. Additional audio options can be accessed via the up arrow next to the microphone icon.

To view the list of participants on today's webinar, click the Participants icon at the bottom of your screen. The pop-up participant list box is also where you will find the raise hand feature. Please use the raise hand button to let the facilitators know if you need assistance. You may also open a chat box by clicking the Chat icon at the bottom of your screen.

The chat box will be used by presenters to share resources and handouts with you. And you may also submit questions using the chat box. Please submit questions to the everyone option in the chat box as presenters may be unable to monitor individual conversations during the webinar and breakouts and discussions.

For technical support, email us @humantrafficking@theiacp.org. For best quality, we suggest you close all other windows on your computer during the presentation. At the conclusion of today's event, you will be provided with an online survey about today's meeting. We hope to receive your feedback so we can learn more about your experience and how we can best serve you for future events.

Today's webinar will be recorded and be made available in the future on IACP's online learning platform. More information will be provided to you via email in the weeks following the event. Today's webinar is supported through a cooperative agreement with the U.S. Department of Justice, Office of Justice Programs.

Since 2015, through the generous support of the Department of Justice, the IACP has provided technical assistance services to more than 40 enhanced collaborative model task forces and provided training tools and resources to law enforcement, prosecutors and allied partners throughout the U.S. In partnership with AEquitas and the John Jay College of Criminal Justice, IACP provides a broad range of training and technical assistance such as this webinar to forward the mission and vision of the Department of Justice in combating human trafficking in the U.S.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

If you are logged in as a group, please take a minute to help us count. Go to the chat window and type in the name of the person registered and the names of additional people in the room with you today. This will help with our final count and to ensure we have an accurate record of attendance. You do not have to do this if you're viewing the webinar by yourself.

For those who maybe unfamiliar with the IACP, is the largest and most influential association for police leaders in the world with over 30,000 members in 150 countries. Visit theiacp.org for more information on IACP's commitment to enhancing community safety by shaping the future of the policing profession and our page on human trafficking to access our full library of anti-human trafficking resources. Since 2015, the IACP and our partners have been training and technical assistance providers for the Enhanced Collaborative Model to Combat Human Trafficking funded by the U.S. Department of Justice.

The ECM program, as it's known for short, is comprised of multidisciplinary and collaborative partnerships that include federal, state, and local law enforcement and prosecutors, victim and social service providers, and relevant community stakeholders. The ECM develops and expands victim service programs for victims of human trafficking to include enhancing the capacity of law enforcement and other stakeholders to identify victims and provide justice through the investigation and prosecution of the traffickers. The ECM requires human trafficking task forces to implement collaborative, sustainable approaches to investigation and prosecution that are trauma informed, victim centered and seek to proactively identify and serve all victims of all types of human trafficking.

Typical task force work can be categorized into four core areas of function, with each area describing a distinct focus. These areas of function broadly describe all multi-disciplinary taskforce duties, operations, and responsibilities. The four areas include internal foundations, operations, and collaboration; case operations; data reporting and assessment; and public and community engagement, awareness, and training. I will now ask my colleague at AEquitas Jane Anderson to introduce herself and provide some additional information about this webinar.

Jane: Thank you so much, Jessie. And thank you all for being here today as we talk about how we can better build our human trafficking cases, knowing that we're gonna be working with traumatized victims and witnesses. I'm Jane Anderson, I'm an attorney advisor with AEquitas. We are so proud to be partnering with IACP, the Office of Victims, the OVC, excuse me. and John Jay College to put together this training for you.

Prior to joining AEquitas, I was a prosecutor in Miami-Dade, Florida, and while I was there, I was one of the founding members of our human trafficking task force and subsequently, our human trafficking unit. I had the privilege of trying many of Florida's first state level human trafficking cases. And through that work, I learned so much about working with victims and mostly what I learned was from survivors and those who were providing direct services to victims in our communities. So hopefully, I'll be able to share some of that with



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

you today, and I encourage you to also reach out for further information and assistance. IACP has some great resources online that they've already directed you to, and we're always here to help.

AEquitas is a nonprofit funded almost entirely by federal grants. And we're really proud to be providing you guys with resources that we hope are innovative and practical, and really based on some data and research. We do this in the field of domestic violence, sexual violence, stalking, human trafficking, and collateral crimes like witness intimidation. We have resources online, many of them are public facing, some of them you need to request access to, and we also do training events like this, but we provide consultations on a one-on-one basis as well.

So, if there are any particular cases that are coming up, you wanna talk through a jury selection, or perhaps ways to better collaborate in your communities, we're here to help you. And we do that, along with a lot of different partnerships and initiatives, including this one, and others such as the Sexual Assault Kit Initiative, and the innovative Prosecution Solutions Grant.

So today what we're gonna do is hopefully, better be able to really support a victim's participation in the criminal justice process. And we'll figure out ways to do that by meeting the victim's needs and also hopefully trying to minimize some of those fears and barriers that exist. One of the things we'll talk about in that respect is how to better conduct a trauma informed interview.

While this is not an interviewing training by any means, we'll talk about some of the basics, and setting up a good foundation for moving forward. And then we'll think about, okay, now that we've learned all of this, how can we better educate our judges and juries by introducing the evidence of the traumatization and of the victim's trauma at trial? So, we'll get you guys started right away with hopefully some chat in the chat box.

I'm so happy to see everyone introducing themselves and a lot of names and jurisdictions that I recognize; but, what is your biggest challenge when you're investigating or prosecuting human trafficking cases? And I know some of you may be working more on the victim service side, so perhaps you can share that perspective as well. Hi Paul, yeah, we've got some great experts in the chat themselves, and so what we're hearing already is healthy witnesses. I like how you put that, enough police resources and then yeah. Some comments about, you know, really having victims be able to disclose and then kind of stick around through the process. So we know some of that times that process is lengthy, right?

And some of that is probably because there's this lack of trust, and that the victims have experienced multiple traumas and this might not be the first traumatic experience that they've had, right? So, you guys are picking up on a lot of this right here, so thank you.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

Language barrier for efficient interview. So, language access is an issue for sure. Let's see, so this is kind of where I came up with this, right? So, one of the challenges is trying to meet the elements of the trafficking statute, right? So that's just the legal challenge of being able to get to a level where you feel you can prove force, fraud, and coercion. And oftentimes, that is dependent upon our having victims that are properly supported and able to not only disclose initially, but also to, like some of- some one of you said, kind of stick around and participate through the process that may be lengthy. And so, these definitely these two challenges, sort of dovetail off one another, right? So, let's talk about some strategies as we move forward.

So, how do we increase participation? And I'm really intentional about the language that I use here because I really want us to think about this as being our responsibility and not some sort of failure on the part of the victim, right? So, when I hear language that the victim's uncooperative, that makes me think, well, we haven't done what we needed to really put them in a place where they're able to participate with us.

So, here's a couple of things that really can help us increase that participation, right? And so, you guys have already kind of picked up on it. There is a lack of trust therefore one of the strategies is to build trust and rapport. And that's really easier said than done. And we're gonna talk about some of the reasons behind that and some strategies to really be more effective in building that initial trust, but then building upon it so that we're really working with a victim that is trusting us through the process. And remember, it's not just us. We're not working in silos anymore. Hopefully, this is a collaborative response.

And so, every piece of that, every link in that chain has to be trauma informed and there has to be this trusting relationship. Or if one of those chains isn't, the whole system can kind of fall, and all of a sudden, we have a victim that is not trusting any of us because of some experience with one of us. And "us" is a really broad term when it comes to this. So, I mean everyone and every entity.

So, another way to increase participation obviously is to provide those services. And this, again, it's easier said than done, and we need to be better about making sure that not only are we providing services that we're providing meaningful access to services. So, I often will say this isn't about handing someone a brochure or giving someone a phone number. This means that we have to make sure that these services are appropriate, that they're accessible, and that we've thought about other barriers that might prevent someone from accessing services, everything from transportation to childcare, to even a cultural humility that it needs to exist for its service providers. We'll talk a little bit more about that as well. The maintaining of contact, right? So, I was just talking to a former colleague of mine and we were sort of laughing about the fact that at the prosecutor's office, we're still trying to maintain contact with victims and witnesses by making phone calls from landlines that have scrambled phone numbers coming through on the other end and numbers for which they cannot call back. Is that an effective way to maintain contact? We need to be doing better.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

We need to be thinking creatively. We need to be thinking about, what is the best way to communicate with this victim.

And unfortunately, a lot of times that we have to rely upon our service provider partners, or if we're doing the work we're relying upon sometimes our personal devices and we need to think about how we can protect our own safety, and ways that we can also make sure we're maintaining and facilitating meaningful contact, right? So, if you're working with a 16-year-old who only uses Facebook messenger, then you've gotta be thinking about how you can make that work for that person. 'Cause we're not, I don't pick up phone numbers I don't recognize, right? And if I can't just push a button and call that number back and reach the person, then I'm probably not gonna be able to find out who I need to call or how I can call that person.

And then most importantly, and we hear this from a really great work that's been done by the field by a woman named, Beth Jacobs, where she did like a survey of survivors, right? And she was asking them about their experiences in a broad way, but one of the things that came from that that really struck me was that one of the most meaningful ways and most effective ways for someone to be able to exit a trafficking situation was with the help and support of peers that had been there before and could talk about shared and lived experiences.

So we need to really make sure that we are thinking about building capacity in that regard in our jurisdiction, that we are intentional about survivor-led organizations and survivor belt organizations. And so I see that coming through in the comments as well. And so I'm happy to hear that we're seeing more sort of really survivor-led nonprofits that are working and that can dovetail with a lot of the other things we're saying, right? Because if this is a peer that we're connecting them with, it's probably gonna be more meaningful access to other services, it will help us build trust and rapport because we are providing that trusted relationship and also to maintain contact.

So, really great ways to sort of think about what you have in your community to make sure that you are doing your best to increase participation through these four-fold strategies. So, where does that inability to participate come from? And, we have a couple of things here and I'm sure there's many, many more.

Obviously the first thing that we often think about is this fear, this very real fear. And fear can be fear of physical violence, it can be fear of deportation, it can be fear of being arrested, of child services being called, fear of the unknown, fear of a system that is not trusted in their eyes. And so lots of reasons, just without one word that we're thinking about having victims be unable to participate.

We also have the trauma and very common traumatic responses are going to be incompatible with participating in the criminal justice system, whether that be substance use, or whether that be cognitive issues of remembering things, being able to track



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

appointments appropriately, or it can be just the fact that this traumatic experience is something that they do not want to relive or be triggered with, right? So that trauma is a big piece of it. And then of course, witness tampering. We should be thinking about this in each and every one of our cases, this will be happening.

And so, we can't just be reactive. We need to be proactively addressing that. And we'll talk a little bit more about that as they go through the materials today. The lack of services, and so this could be us not knowing, we may wanna make sure one of the action items from this would be like, let's do a map of our jurisdiction and available services. Do we really know who is out there providing services? Have we vetted them in some way to make sure that it's appropriate services and that they're appropriately trauma informed and designed, but also there may be gaps in services.

And so that might be something that you need to address with, if there's current service providers that could expand their capacity, or if this is a need to bring in additional service providers to address certain elements of the community or certain types of trafficking. And failure of communication, right?

We talked about some of the difficulties, so that's of course one of the reasons why victims are unable to participate. It may be a simple thing as we don't have a good address, or their phone number isn't working at the end of the month. Or we haven't done our work of figuring out what's the best way to communicate. And then that's also failed communication amongst us as the partners, are we doing our best to make sure we're communicating with one another? And that communication should start really early, right? This is early and often communication. And some of the reasons that, when we see things that haven't worked really well, a lot of the times we can go back and go you know what, this is a lack of communication, failure of communication, or sometimes it's the fact that the communication just didn't start until now we're in the middle of a case and that communication really needs to have happened before that.

And then of course, victims are unable to participate when they don't have the appropriate resources. And I was just looking at a report that came from a subject matter meeting over in Europe, and there was a wonderful quote from a survivor from Canada who said, "I don't know how they expected me to leave my trafficker when that trafficker was providing me with all of my basic needs and there was no replacement for that." Right?

So, we need to be thinking about what that trafficker or the trafficking situation is providing the victim survivor, and then think about how can we replace that, how can we do better than that, hopefully, and that of course is everything from your emergency housing to perhaps job training or access to education. So, lots of things there that we need to make sure we're addressing so that we can do our best to allow the victims to participate with us in our investigations and prosecutions.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

So have you ever worked a case where the victim returned to the trafficking situation or to other illegal activities? And then why do you think this happens? I love hearing that some forensic exams are being done for adults in Texas, great. Threats to their family, right? So, in the economic dependence, the substance use disorders, substance abuse, trauma bonding, yeah. It's very common in labor trafficking, and that's probably based on both the sort of the dead bonded situation that often occurs, threats to family, to have a baby with their trafficker, right? This happens quite a bit. I know I handled many a cases where that was the case.

Finances, threats of deportation. I'm so happy we have such a chatty group today. I'm having a hard time catching up, but yeah, traffickers is the family, and maybe you mean that literally, or maybe you mean that figuratively, but both of those are really appropriate, that trauma bond, the manipulation.

Failure to follow through by resource providers, right? That follow through being so essential. And when it's in a sort of an intimate partner violence context, you have those dynamics as well where they are in love with the trafficker and that they just want the abuse to end and not necessarily to end that relationship, right?

So some of us that know my background, before starting to do human trafficking work was having done quite a bit of work in the field of domestic violence. And I think those dynamics are sort of what allowed me to kind of have a sense of where to begin with our human trafficking cases. In sex trafficking cases and labor trafficking cases, you're gonna see these dynamics as well. And so I think what we need to realize, again, is try to take some of this burden on ourselves.

And again, not think of this as a failure of our victim, but maybe a failure of our ability to provide the resources and support they need to help transition or exit out of the trafficking situation.

So, I wanna talk a little bit about sort of trauma and what it actually looks like. And, I've put together this material with the help of a lot of subject matter experts, some of you on the call today, so thanks. And it's definitely not a comprehensive be-all end-all about trauma, because there's so much to talk about. But what I really wanted to draw our attention to is the fact that trauma is not one thing.

There's not just one type of trauma, right? So many of us are probably very familiar with the idea of acute trauma, or something that has just happened that's traumatic. And we can see that in regards to perhaps a rape, or a beating that has occurred in the context of a trafficking situation, right? So that's something that's really immediate, and that of course brings its own trauma.

And then we have things that I'm sure a lot of you guys are familiar with in your work, these ideas of having historical trauma, generational trauma, psychological and physical trauma, sexual trauma, some of the things we don't think about as much as maybe spiritual trauma,



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

we've heard more and more about how cultural fear tactics are being used as a course of means in trafficking situations, labor and sex trafficking. And what I mean by coercive cultural tactics or cultural fear tactics are things that, excuse me, the trafficker knows perhaps the victim's religion, perhaps something about their culture and their family, or their country of origin and uses that against them, right?

So sometimes we hear this, there's a labor trafficking case that referred to the fact that the traffickers in the country of origin, in Togo, were practicing voodoo and that in turn had the victims believe that their family members would be harmed because of that voodoo. And so sometimes we see it being termed like that, or other times it could just be a basic belief in God, and the fact that, that belief in that connection with their higher power has been disconnected because of their trafficking situation and can leave someone feeling like there is no support in that they've maybe been forgotten or relieved. So that spiritual trauma can be very real and very impactful along with all these other types of trauma.

I wanna talk a little bit about, sort of the historical and generational in the context of how this can really impact our work as law enforcement, as prosecutors, as people that are going to be viewed from the victim's point of view as being part of the sort of government or the system. So, while we talk about all those different types of trauma, I wanna think about that in the context of what are the course of means being used by the trafficker, right?

So, as I just mentioned, if there's a spiritual coercion, you're gonna have a spiritual trauma, right? If there is physical coercion, a physical force, there's gonna be a physical trauma. And so this can help us when we're working with victims of trauma to figure out perhaps the best ways to address this, right? So these are some offender tactics. This is from the Biderman's Chart of Coercion. And it was really developed thinking about brainwashing and becoming part of a cult, right? And then it was sort of identified as something that could also be helpful in terms of looking at domestic violence and batterers.

So this can be thought of as being part and parcel of sort of that power and control wheel that we sometimes use. This is another tool like this. And it's really great for law enforcement and prosecutors to kind of have at hand, and I think we can make it available to you in the chat as a file so you guys can have it handy. Because it's really great to use it, to think about how we're going to ask questions about the sort of less obvious types of coercion and control that were used by the offender, right?

So, isolation, that's also one of the spokes on the power and control wheel. But this is making your victim dependent on the abuser, right? But the one thing that was also interesting in this part is the second one, which is allows victims to be present at all times to keep the home environment stable and non-threatening. We see this in cases where perhaps the trafficker has sort of organized their trafficking organization as like a family unit. And that family unit provides that stability that perhaps the victim's looking for. And so, this sort of home environment and being very isolated as this home environment, it



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

adds to the sense of stability and family within the trafficking organization, but it also promotes a sort of “us versus them” context. Like no one understands us, the four of us in this house, or whatever that context is.

The next one is control or distortion of perceptions, right? And so, this is where the trafficker is going to basically want to have the victim view everything through the trafficker’s eyes, through their perception. But it also has something else which has the victim really think about just the current situation. So, this idea of being able to think long-term, or think about exit strategies or think about what life might look like outside of the trafficking situation gets really dulled. And it's a real problem for working with traumatized victims that have had this been going on for a long time, and then you're trying to work with them and say, "Hey, we can do something better. We can provide you something else, a way out."

And it's something that just really can't be seen or fathomed, and that's one of the places where your peer support, where survivors can help that victim sort of see the future in that way. But we also see, you're reading the screen, you've got the things most of you probably very familiar with, the abuser being charming and seductive. And of course, that is part of how they're able to control things as well.

One of the interesting things that I read about or saw about the power control wheel is that the wheel was really developed because prior to that, they were looking at domestic abuse as sort of spectrum of being up and down, right? And there'd be these good times. And the survivors who informed the wheel said, "You know what, even the good times were part of the control." That was part of the abuse and the battering, were those good times. And so recently, I did another webinar with some survivors who were sharing that similarly.

As a prosecutor, I would see social media where let's say my victims are out on the town, they look like they're having a great time at the club, they just got new shoes. Sometimes this is really prevalent in our sex trafficking cases and the defense always really seizes upon it. And prosecutors are often challenged with how to explain that. And the survivors that I spoke with, talked about that that was necessary. And the traffickers knew exactly when to provide those occasional indulgences to keep that control going, because, of course, the trafficker had originally recruited them with the hopes and dreams and thoughts of a better life, they had to occasionally dull some of that out to keep the victims under control.

And we can think about these and in the context of labor trafficking, as well as sex trafficking, right? So when we look at demonstrating the victim, that resistance is futile. So, we hear about crew chiefs that have a gun on their waist at all times. Don't even have to use it, but it still demonstrates this omnipotence and this superiority of power. One of the things that's really good is also this idea of enforcing trivial demands. So, we've heard it in the context of a trafficker, sort of controlling how many squares of toilet paper a victim could use. That wasn't because they were preserving toilet paper. That was because they



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

were enforcing even the most trivial demand, thereby demonstrating that the victim had no ability to control even how much toilet paper they were using.

So, when we look at all of these means of coercion and the different types of trauma, then we wanna think about these normal traumatic responses, right? And the first thing we wanna know right off is that there's a wide range of individual responses to trauma, and that can be dependent on the individual person, the type of trauma and the compound trauma that they've experienced, the course of techniques of their offender, their prior experience with law enforcement. And this can all change over time as well. So, we need to be prepared for that, right? And so, I'm sure a lot of you out there have had the experience where a victim one day seems like a totally different person than that maybe they worked with the month before. And so, we need to normalize that this is a traumatic response to the trafficker's actions. And the trafficker is the person that we need to hold responsible for these responses.

These responses often challenge us, right? So, whether it be the trauma's affected somebody's memory, or if it be that trauma is affecting the victim's substance use or their ability to even come in for an appointment, right? So, these are challenges, and we need to, instead of being frustrated by them, recognize them as what they are, which are very normal traumatic responses to the trafficker's actions and behaviors.

Trauma can be one of several interconnected explanations for a victim's behavior. So, trauma is not just this one size fits all. We can just attribute everything that we're being challenged with by trauma because it can't, it can be interconnected with some other things as well. Whether that be historical distress whether that be the results of substance use or even traumatic brain injury that we see, or additional fears and misconceptions of the system and their place in it. So, all of these are the fault of the offender because of that infliction of trauma.

So, this is the definition of being trauma-informed that's used, I wanna say, I thought I had it quoted here, and I apologize it's not here. It's used by the DOJ when they're sort of putting out their requests for people to apply for grants, right? So, one of the things that they often say is, we wanna make sure that you are trauma informed, and this is the definition that's used. And I think we're always sort of tweaking with this a little bit, but it really is at its heart understanding that we have to do better, right? We need to make sure that we are informed as to vulnerabilities, experiences of trauma survivors, that we look at it from that holistic sense of both being physical, social, and emotional, and that when we're approaching it, that we are identifying the signs, that we're responding to it appropriately, and that we're doing that internally as well, right?

So, we're placing a priority on survivors, victims, their feelings, their safety, their choices and their ability to control what they can. And so that's our responsibility as trauma-informed agencies, and responders. Yeah, there's the citation there, sorry about that guys.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

Okay, so now we want to be implementing a trauma-informed response, but I would go out on a limb and say that law enforcement and prosecutors' offices may not be sort of built for this from the ground up, right? And so, we're doing really amazing work across the country. And so many of you on this call are involved integrally in doing that, but there are always gonna be sort of these tension points. When we are coming from the position of law enforcement and prosecutors and we're trying to be as trauma-informed as possible while still doing our jobs.

So, here's the poll for you guys. What are some of the tension points when implementing a trauma informed response? So, I'll give you guys some time to think about this. One of them is sort of the lack of services available to victims, lack of trauma informed training for all allied professionals, interacting with trafficking victims. Most human trafficking prosecutions require victim testimony. Identifying sex trafficking usually involves undercover stings, and obstacles to providing trafficking victims with immigration relief. So hopefully some of these are things you guys have thought about and are working towards improving but probably recognizing these as common points of tension, right?

And I don't see any responses. I think you have to end the poll for me to look at what you guys are responding here. But yeah, so we've got a lot of sort of mixed bag and I think you guys were given the opportunity to pick many of these, and I'm sure some of you guys did. And I agree with you. I think all of these are points of tension, right? And some of these are things that can be resolved more easily than others.

Lack of services available to victims. If you're in a community that doesn't have human trafficking specific services, that's an uphill battle to start trying to create such services or expand existing services to reach that capacity.

Most human trafficking prosecutions require victim testimony. We are constantly doing trainings and working on building evidence-based prosecutions where perhaps we can go forward on other charges such as racketeering or money laundering, but at the end of the day, it is very fact specific when you can go forward without a victim's testimony in an adult sex or labor trafficking cases. Most of the time, you're going to need testimony from someone who can talk about that force, fraud, and coercion. And so that's a point of tension, right?

Testifying in court is not necessarily the most trauma-informed thing to do. So how can we do better and minimize any re-traumatization, right, minimize that. Identifying sex trafficking usually involves undercover stings. We were talking about this recently, it's still really the bread and butter of how sex trafficking is identified. We're doing a lot of work to come up with alternatives because of this exact acknowledgement, which is that a undercover stings are not trauma-informed as much as we try to make them more trauma-informed. There's many things about them that are not.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

And we were talking recently about what to do with a victim's cell phone, right? We know the victim's cell phone is full of evidence that we want to build our case. And in fact, sometimes that is the exactly the evidence we need to build a case without a victim testifying. But by taking someone's phone and doing a search warrant or asking for consent, we are invading somebody's privacy. So, these are points where we just need to recognize their points of tension and how can we have these conversations, not in the middle of the sting, not in the middle of the trial, but early and often to make sure that we're all working towards sort of minimizing these. And that includes everything on this list, right?

And what are those obstacles to provide immigration relief? Do you guys have a policy about that? And we recently recorded a webinar as part of our labor trafficking series, and I think if not available on IACP soon, to be available on IACP. And one of the modules is about immigration relief in particular. So, you can learn more about that there.

Okay, so we wanna make sure that what we're doing to the best of our abilities is really identifying and minimizing all the fears and barriers that are posed for our victim survivors, right? So what are those fears? And if we can identify the fears and start to minimize them, we're gonna be building trust, we're gonna be minimizing re-traumatization, and hopefully we're gonna be supporting the victim's ability to participate with us in an investigation and in a prosecution.

So, we have these fears, and of course we talked about that's not just fear of physical force, that can be fear of deportation, collateral consequences involving children and families. It can be really broad, right? And then we also wanna think about the barriers that exist, and those can be systematic, those can be lack of resources in your community, and you may need to reach out to other communities. All those barriers we wanna be identifying them and then trying to minimize them.

One of the biggest barriers that I have identified is this ingrained distrust. And this is really a complex conversation because it can be distrust that's been ingrained through the trafficker's manipulation and through their lived experience and through the lived experiences of their families and community members. When we talk about generational historical trauma, this can come into this, right? So, there is a distrust, whether we call it a distrust of the police, of the government, of the man, of the straight world, but we'll often have victims that have been told not to trust us, not to trust the police, law enforcement, anybody that's sort of not in the life. Or in a labor trafficking context, it could be anyone that's not sort of in this organization, this business, right? Everybody else out there is out to arrest you, to deport you, right?

So, this really us versus them mentality that can come in there. And it can be paternalistic, it can be threatening, but that mentality can exist. And oftentimes victims are told they will be arrested. And then in fact they are arrested. And again, we're moving the needle on this, but we know when we talk to survivors and we look at the data and we just talk to them



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

anecdotally, or we look at the survivors that we work with and we look at their criminal histories, we know that we are and have been arresting victims of trafficking. And hopefully we're really moving away from that, but that doesn't mean that that distrust and that ingrained distrust doesn't exist for really pretty valid reasons, right?

And so, a simple conversation, one time conversation where you're trying to tell the victim before you that you're different, you're not there to arrest. You see them as a victim. That may be that one conversation, or you're not there to deport them. That one conversation may not be enough to get over the sort of ingrained distrust from their lived experiences, from their historical generational trauma, and from what the trafficker has told them. So, we need to be patient and we need to really work towards this. So, how do we disrupt that cycle?

And thank you for the comment, I'm just looking at it now. One of the comments is that distress can also not only be because they've been arrested, but they could also through the course of their trafficking, be abused and used by people in positions of power. Many times, trafficking victims would share with me that their buyers were police, or prominent members in the community. So that also goes ahead to sort of not only distrust, but also have these thoughts of, "Who would ever help me? Who would ever protect me?." So, we need to be disrupting that cycle, doing our best to, and it seems, silly to say, but the first one here I have is just genuinely care.

This isn't ticking some boxes. This is generally caring about the person in front of you as a human being, that has every human emotion that you have and more and has experienced a lot and has survived a lot, before you as a survivor, and they've been able to do that, and many times based on some very strong survival skills. And those survival skills and those coping mechanisms may not be very convenient to us, but they have been the things that have gotten the survivor to the point that they are. So, accepted as your responsibility, don't deflect, don't get defensive.

Unfortunately, as a law enforcement officer as a prosecutor, I don't just represent Jane Anderson prosecutor. I represent every prosecutor they've ever seen on the movies or they've had interactions with in court or what that. So, accept it as your responsibility, don't deflect, and acknowledge that we haven't always gotten this right, and we're trying to do better. And actually, the survivors and the victims we work with can help us do better if you ask them what they need, treating them with dignity and respect and not assuming that you know what's good for them. Be really transparent, let them know what you have control over, what you don't have control over. What's gonna happen, who's gonna see what information, what choices they have.

And check in. Check in with them and say, "What's up?" And that's not just when you need something. Often survivors will share that they felt that the law enforcement prosecutors were just like the trafficker and in fact that they wanted something from them. This time they want an arrest, or they want a conviction. So, by demonstrating, really walking the



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

walk, that, "Know I care about you, I'm just calling to check in, I knew you had an appointment last week." Or, "I know that trial dates coming up and I just wanna see how you're doing." Be consistent, walk the walk, and, sorry. And so, keys to success when we're interviewing them. So that's disrupting the cycle.

That's really just the very beginning, right? And it's gonna take some time. And so then we wanna be doing that as then we set up the keys to success for our interviews. And again, not an interviewing training today, but we wanna make sure we're building trust and rapport. That that's a continual consistent thing that we're doing, that we're collaborating with our partners to help us do that, right? So, if a victim has already received services that built trust with our victim service provider, will then have that victim service provider introduce us to them and bring us to them. And then perhaps we can sort of, as law enforcement and prosecutors, a little about that trust and rapport will sort of rub off on us. Prioritize the victim safety at all times, and that's emotional and physical safety.

Acknowledge the trauma. Make affirming statements, right? These are strong survivors. Let's build upon all of those strengths that has gotten them to this point, right? And build an affirm that they have those inner strength and ability to do whatever they want, right? Whether that be, engaging in services or whether that be looking for another job or opportunities or just trying to bring them to a safer place. When we're asking the questions, eliciting sensory details. So that's one of the ways that we see that trauma impacts memory, is that our sensory details are still probably pretty accessible. And by asking about those sensory details, we can sort of unlock some memories and we can get some really strong visceral type of statements about what people saw, heard, felt, and smelled. And that can be really powerful in the courtroom as well. We do a little bit more training on that if you wanna reach out to us 'cause there's a lot of information there for that.

And then provide that opportunity to disclose, provide the safe opportunity to disclose. We think we're doing that right when we're conducting our interviews, but we may not be right. What does it mean to feel safe enough to disclose? Whether that's the right person in the room, the right people in the room, the right services that have already been put in place, perhaps immunity is involved, perhaps witness protection on some level needs to be there before there's that opportunity to disclose, but we wanna think about it as us really providing an opportunity and not really not us requiring it of them for anything moving forward.

So, do your police agencies (yours, or somebody that you partner with) do you guys record your interviews of human trafficking victims? So I think there's a poll question, yeah, okay. So, thinking about police, this is one of the hot topics we wanted to bring up today was, do your law enforcement agencies, people you work with, do you record interviews with human trafficking victims? And, I've got, I don't know, I'm unsure of their policy. Some of interviews seem to be recorded, others not, I'm really not sure why. Some interviews are recorded, and others are not. It depends on the investigator. Some interviews are



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

recorded, and others are not, it depends on if the victim gives consent. Interviews are not recorded, or other, and I already see that other is, we've got a couple of people I was talking about when there's a minor victim or child and they're recorded because they're at a child advocacy center and there's a forensic interview that's done and recorded. Got some other folks that are talking about official interviews and forensic interviews of children. Great.

So, we've got a lot of you guys that are unsure of the policy. And so, this may be an action item to go back to. It's definitely something that we hear people talking about more and more. So, it's kind of an emerging issue. I think historically they were not recorded. For lots of reasons, there's lots of really valid reasons why not to record them, but there's also a push a lot of times from the defense bar, that not recording them is somehow hiding the bar. And so, thinking about how we're gonna talk about that at trial, what our policy is, what is the basis of our policy? And IACP is coming out with a resource that's not directing you guys to record or not to record, but really, and I think the name of it is "for your consideration." And that's exactly what this resource is meant to do is just to give everyone some really thoughtful points to think through about the rationale of what your decision is.

Is this gonna be for, like somebody said official interviews, but we know in trafficking cases, sometimes there's multiple interviews. Are all of those recorded? How do we explain if some are and some aren't, and then, does it chill maybe our trust and rapport building? How do we talk about consent with victims? How do we talk about consent at trial if perhaps somebody wasn't consented? What if our victim doesn't look like we want them to look on that recording? So, lots of different considerations, and I look forward to and I'm sure you all will get an email blast when that document "for your consideration" is ready to be pushed out, I think it will be soon.

So, the other big topic is always who else is in the interview, right? So, we have the presence of others. And so, this could sometimes be a criminal attorney, it can be a victim advocate, it can be an immigration attorney, it can be a civil attorney on behalf of the victim. Lots of different people that we are asking to come in and help us build this holistic response. But then of course we have these considerations for our investigations and for our prosecutions. So obviously on the pro side is providing the victim with who they want to have in the room with them, that comfort, that stability, that security, right? And then the other side we have potentially, somebody that's a witness to the statement, somebody that could be perceived as influencing the statement, and we have these sort of fears out there on the con side.

So, again, this is not something to first start the conversation about when you're about to conduct your interview. This is something that you guys should talk about in your task forces, or in your collaborative responses, however formal or informal your responses to trafficking. This is one of the big conversations to have, right? So, presence of attorneys and advocates. Do this well in advance, set your boundaries, talk about what are the implications of confidentiality and privilege, so those are different things, right?



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

So, privileges that are attorney client privilege, there may be confidentiality between a victim and their counselor. There may not be a human trafficking privilege in every state. If you're working with a victim witness counselor who is systems-based, meaning that they work for the law enforcement agency or the prosecutor's office, then that's usually not a confidential relationship. So, make sure everyone is aware of that. Offer alternatives that really could address perhaps the victim's fears and concerns. So, the advocate can be right outside of the room or their attorney could be accessible via Zoom if there were any questions that came up.

And so, think about different ways to avoid that because honestly a victim service provider doesn't wanna be on a witness list, a victim service provider doesn't want to be called by the defense to impeach their client's statement. Like nobody wants that outcome, right? So, thinking about how can we accomplish what we wanna accomplish and lower our risks for sort of maybe more traumatizing events down the line. So be really clear about what everyone's role and responsibilities is. This is one of those boundaries setting places, so, we don't want people asking their own questions. We don't want things like that, right? That we think might jeopardize our ability to have a truthful disclosure from the victims. Respect the victim's decision ultimately however, right? This is part of that trauma informed response that we wanna respect the autonomy and choices of the victims and survivors that we serve. And then include attorneys on your task forces.

This is one of those like things that people look at me crazy, because perhaps past experiences working with civil attorneys or criminal defense attorneys or immigration attorneys hasn't been a great positive response from yourself. But, when you bring them into your task force, then you are also vetting them and you have a trusted relationship that you build through your work together. So, I know that Amy on the line and she works in the Western District of New York, and they have an immigration attorney on their task force. And for stuff I think everyone would, well, maybe not Amy, but I know a law enforcement would share that that was really sort of scary and intimidating. However, once they realize that, now all of a sudden, they have somebody that they completely trust that they know understands trafficking, that they know understands the whole process. And so, when that immigration attorney comes to them with a T visa, it's something that already has some credibility born into it.

And so, you can do that with criminal defense attorneys, victim attorneys, victim advocates, and that can really help your response. I think I just mentioned this here, just some language clarification. We talk about victim service professionals being systems based or community-based. Systems based being those that work for law enforcement agencies and prosecutors. Typically, there's no confidential relationship there and they should be referring your victim out to other community-based victim service professionals. Because that confidential relationship when it exists statutorily, or by case law in your jurisdiction, that can be really, really strong powerful relationship for your victims and really help them



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

through the trauma, help support them through the process, and help them ultimately continue to participate with you.

But this is a place where there's a lot of defense litigation motions to compel records, things like that. And again, AEquitas and IACP, we're here to help you if those are something that's coming up in your jurisdiction. Addressing your immediate concerns, right? And so, this is, again, this idea of trying to minimize or break down your fears and your barriers. If one of your fears is being deported, and one of your barriers is you're about to get deported. Then what do you do if you wanna work with that traumatized victim? If that's where that trauma is coming from, those fears are coming from. Well, the best thing you can do is provide continued presence immediately, and then go ahead and sign that T visa law enforcement declaration. Those things can be done at the very onset of a case. Particularly continued presence.

The purpose of it is to be completed at the time of identification of a victim, not at the end at the time of the investigation. It's there to help the victim get some stability, access to work authorization, benefits, right? And the benefit to you is that have a more stable victim that you can work with, and you can actually conduct a thorough investigation because you've got a stable victim. On the other side you may have a victim that their immediate concern is what criminal liability they may have. Whether that's for, because they've been arrested or because they perceive they will be arrested or there'll be subject to arrest if they truthfully disclose.

And this is something where again, we will point you to an outside resource through the IACP portal, but there's a webinar called "Analyzing Culpability," right? And this whole thing is about trying to figure out how we are sometimes criminalizing the victims. And we know that happens. So, one of the ways that we can protect victims and walk the walk and really demonstrate to victims that we see them as such is providing them with immunity or providing them access to a criminal defense attorney. We should be working with the defense bar on this.

So, the defense bar is very likely, seeing and working with victims of trafficking all the time. And if we don't have a trust relationship, we're not getting referrals and we're continuing to criminalize folks that really shouldn't be. So, what are the challenges that come with victim interviews, right? I think you've already kind of picked up on a lot of these. Thank you IACP, you're like filling in all the things I'm referring to as we go through there.

So, let's see, we can answer in the chat box, but really, we have all these challenges when it comes to interviews, and I think, that's one of the reasons why some folks don't like to record interviews, is because upon first identifying a victim of trafficking, you may come across someone that is very angry, that is a normal response. Whether it be a traumatic response or whether it be a result of the fact that there has been this police interaction. And so, because of all of these fears and traumas, we have things like lack of candor, or the



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

fear of either the trafficker finding out they're talking to us, the fear of that they'll be arrested, the fear of leading the trafficking situation, right?

And so, there's lots of reasons why somebody may not be willing to truthfully disclose to us. And we know that, and we get that right? So, what we need to make sure that we're prepared to do is not run away from that, right? I've definitely heard from folks where it's like, well, we're just gonna do one interview. Therefore, we'll never have any inconsistent statements. Well, that's just really not possible in trafficking cases to put it bluntly.

It takes time to build the trust and rapport. You may have piecemeal disclosure for lots of reasons. Some of it is fear based, some of it is trauma and actual disruptions of memory. Some of it is that there's a lack of trust that's been built so far, and so lots of different reasons. And so, what we need to do is not shirk from that, not shy away from that. But we need to see it as evidence of trafficking, evidence of trauma, and something that we can sort of flip the script on, right? So, if you've got lots of interviews with your victim and you've got a defense attorney that's calling you, trying to make a big deal of that, make a big deal out of these inconsistencies, well, then it's paramount to you to have a plan in place.

Are we gonna talk about lack of trust with the police? Are we gonna talk about fear of the trafficker? Are we gonna talk about witness intimidation or are we gonna talk about trauma and how it affects memory? We can do that through argument. We can do that through testimony. We can do that through expert witnesses. And even if we're not calling an official expert, it could be a very seasoned, experienced detective can really talk about why they have multiple interviews, why it's not shocking that a trafficking victim wouldn't disclose everything immediately and why there may be some piecemeal disclosure. Really, it's just about having a plan and having a strategy to turn what really is evidence of trauma, evidence of trafficking and turn it into such when it comes to court.

Okay. So, going forward, and I did wanna mention that there's gonna be a companion webinar that we're gonna do a deep dive into sort of the witness intimidation piece of that, that I sort of touched on today. We're gonna do deep dive into the witness intimidation and what happens when we've got intimidated victims, or really sometimes we have victims where we don't know where they are at all and they're missing and there could be many reasons for that.

So, as we go forward with the material presented today, I really encourage you guys to think about what it means to provide a meaningful opportunity for victims to disclose, right? Are we doing everything to alleviate fears, barriers, ingrained distrust and addressing all those traumatic responses? But the best thing we can do is really support victims by prioritizing their safety, their wellbeing, and giving them that meaningful access. And I encourage you guys to think about survivor led organizations and survivor peer support.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

And then ultimately, as we do all of this, thinking about how we're gonna present it at trial, because this trauma is actually super powerful evidence. And if presented correctly, it can really build your case into a stronger one where you may not have a victim that's able to participate, or you may have a victim that is participating in a more limited manner. And then you can support all of this with the evidence of trauma. So that is it, I don't know if we have any questions.

Jessie: Thank you, Jane. So, in a moment, we will answer some participant questions. If you have a question for today's presenter, please submit them in the chat box. But before we get into the Q and A, I'd also like to ask that you take a moment to provide your feedback on today's webinar. You can access the evaluation form by scanning the QR code or following the link on the screen.

We do have one question so far for you, Jane. The question is from the registration, and it says, "What are the benefits of bringing in a victim rights attorney as soon as possible, and how can victim rights attorneys best work with prosecutors to facilitate this relationship?"

Jane: Ah, good question. I think we kind of touched on it, but I'm really glad you asked. There's a further question and I just wanna also address. One of the chats just that came in that said think about using the expert witness at trial. And any of you who missed the first training of this three-part training, we talked about expert witnesses extensively, and I appreciate how you guys are using them and that you really see them being a positive effect in your cases. So, check out the old webinars as well on combating common defenses by using expert witnesses, really great point.

So, victim rights attorneys can be brought in at any point. I think that historically, there is sort of this distrust. And I noticed speaking from personal experience as a prosecutor, there were definitely times when the victim had an attorney and I thought to myself, "Oh no, oh no; that's gonna make everything just so much more complicated." And I felt that perhaps they were obstructionist and they didn't provide, I wanted more ready access to the victim and there were sort of these hurdles that I felt were being thrown in my way.

But I have since learned that that was exactly the wrong approach. To have people out there whose sole job is to support the victim because frankly that's not yours as law enforcement and prosecutors. It's one of the things you wanna be thinking about at all times, but that's not your sole and only responsibility, right? We are responsible for holding offenders accountable, and there can be points of tension in that. And so, if we can surround our victim with folks that their only goal is to help that victim, whether it be victim service professionals or victim attorneys, those folks are key to our response.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

And so, I would not be afraid of engaging with victim's rights attorneys from the outset. I would want to vet them obviously especially if we're providing them to the victim, if the victim has their own attorney, then hopefully we can have some meaningful conversations with them and make sure we're on the same page about how we envision this partnership to look like. But if we're already thinking about maybe providing victims with their own attorneys, then maybe we should be thinking about vetting and providing training to, like a cadre of victim's rights attorneys, or maybe there's an organization that's doing it for you and you guys just need to build a better relationship or keep that relationship going.

But I don't think there's any reason not to bring them in early. I think they can help us really demonstrate that we do care about victims. That's part of the walking the walk, right? "Hey, you're afraid of your criminal liability, here's somebody that can talk to you about that whose only goal is to do that for you," right? Victim's rights attorneys depending on what they're there for, they could be tasked with maybe trying to do some vacant motions, perhaps their immigration also concerns. Perhaps it's just really an advocate that is gonna be there in court with them and perhaps, maybe it's somebody that's looking at a civil suit against the trafficker as well.

So, you kind of figure out what role that person is, have the conversation, do some boundary studies, talk about expectations, and then talk. And because really at the end of the day, you guys can support each other and it can be a really helpful relationship, but it's not a natural one. So, work needs to be done upfront.

Jessie: Thanks Jane. So that will wrap up our Q and A portion of the webinar. If anyone has any additional questions, please send those to humantrafficking@theiacp.org. And don't forget, please let us know your feedback on this webinar. So, this is Jane's contact information. If anyone needs it, it'll also be on the slides that were put into the media fire link, as well as shared in the chat. Before we end, I'd also like to let you know about our next upcoming webinar that Jane mentioned, "Building Human Trafficking Cases with Intimidated and Missing Victims."

Jane will join us again on January 21st at 1:00 p.m. Eastern time to discuss how to minimize and respond to witness intimidation and how to identify victim statements that may be admissible without the victim testifying. To register, please visit our website attheiacp.org/humantrafficking, or use the link provided on the slide.

I would like to give a shout-out to all of our partners today, as well as our presenter and expert faculty. AEquitas has been a major part of the IACP on the development of this training. So, we encourage you to check out their resources by visiting their website on the screen, and also give them a follow on all of your favorite social media platforms.



Building Human Trafficking Cases with Traumatized Victims

Webinar
January 6th, 2021

As a training and technical assistance provider for the ECM program, IACP provides a number of services and resources to enhance collaborative model grantees and the broader anti-human trafficking field. Through the support of the Office for Victims of Crime, IACP provides resources such as a webinar training series, online classroom trainings, peer to peer mentoring, a development and operations roadmap, customized TA, and through taskforce connect: an online community exclusive for members of the ECM task forces. For more information about IACP anti-human trafficking resources, please visit our website at theiacp.org/humantrafficking. We also encourage you to follow IACP on social media as well. Check out our website to find our robust library of resources, including our development and operations roadmap for human trafficking task forces, new protocol development checklist, roll call training videos and more.

The recording for today's webinar will be housed on IACP learn, IACP's new online training platform. IACP learn houses all IACP's online training webinars and educational material. Please look out for an email after this webinar regarding how to access the platform. You will use the same login and password you used to register for today's event.

IACP is just one of a number of OVC funded anti-human trafficking training and technical assistance providers. You can find out more information about our fellow TTA providers by visiting OVC's website. I also encourage you to download a copy of today's slides and use the links to explore each provider's online resources.

Thank you for joining us today. Before you go, please take a moment to provide your feedback on today's webinar if you have not already done so. You can access the evaluation form by scanning the QR code or following the link on the screen. Thank you all for being with us today, and we hope to see you in two weeks for our next webinar.

Jane: Thanks everyone, I really appreciate all the active chats and all the work you guys are doing every day that are addressing human trafficking in your community.