



# Building Human Trafficking Cases with Intimidated and Missing Victims

Webinar  
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## TRANSCRIPT

**Jesse:** Hello, and welcome to today's webinar on Building Human Trafficking Cases with Intimidated and Missing Victims. On behalf of the IACP, AEquitas and the US 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.

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For technical support, email us at [humantrafficking@theiacp.org](mailto: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 is supported through a cooperative agreement with the US 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 US. 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 United States.

Help us count! 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 the additional people in the room with you today. This will help with our final account and to ensure we have an accurate record of attendance. You do not have to do this if you are viewing the webinar by yourself. Again, only if you're viewing with more than one person, please type in the name of the person registered and the names of additional people joining you today.

For those of you who may be unfamiliar with the IACP, it is the largest and most influential association for police leaders in the world with over 30,000 members in 150 countries. Visit [theiacp.org](http://theiacp.org) for more information on IACP's commitment to enhance community safety by shaping the future of the policing profession and on our page on human trafficking, to access our full library of anti-human trafficking resources.

Since 2015, the IACP and our partners at AEquitas and the John Jay College of Criminal Justice have been training in technical assistance providers for the Enhanced Collaborative Model to combat human trafficking, funded by the US Department of Justice, Office of Justice Programs. The ECM program, as it is 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 developed 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 their traffickers. The ECM requires human trafficking task forces to implement collaborative and sustainable approaches to investigation and prosecution that are trauma-informed, are victim centered and seek to proactively identify and serve all victims of all types of human trafficking.

Typical taskforce work can be categorized into four core areas of function with each area describing a distinct focus. These areas of function broadly describe all multidisciplinary task force 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. It's really a pleasure to be with all of you today and talking about this really important topic which is how to build human trafficking cases where victims may be missing or intimidated or both, right? I'm an Attorney Advisor with AEquitas. I'm a former prosecutor having served in Miami-Dade County for about nine years. I started my career handling domestic violence cases, continued my career by handling sexual assault cases, homicides, drug trafficking, really anything you could find in Miami. And then in about 2010, 2012, we started looking at human trafficking from a state perspective, and I was lucky enough to be in a position to really be involved from the ground up.

And so I had one of our first cases assigned to me and ultimately started doing some sort of very loose, you know, taskforce. I don't even think that's the right word but we started

putting together some partnerships. It turned into an official task force and ultimately a standalone unit where I tried most of Florida's first state level human trafficking cases.

Learned a ton along the way, I was fortunate to work with some folks that had been providing direct services to victims of trafficking for years. And they really educated me. And of course, working directly with survivors myself it was a steep learning curve. And through that, we started trying to figure out, okay, here are some really common challenges. What can we do? And some of it involved really creative charging including money laundering and racketeering others. It really was incumbent upon us to think about how we could better serve victims so that they were in a position where they could participate with us. And also things like, trying to better understand the control mechanisms that offenders assert, well beyond an arrest or even prosecution of a case.

So I'm really happy to be here to share with you some of those promising practices that we learned and all that I have subsequently continued to learn as one of the partners in this program, right? So proud to be working with the IACP with the Office for Victims of Crime, with the Department of Justice and with all the ECM task forces around the country that one of the big advantages is that all the task forces can really share what they're seeing, whether it be emerging trends or practices that have been successful. So hopefully we can bring that to you today.

AEquitas is a nonprofit. We were founded in 2009. We receive funding through a variety of grant sources including this one. We're made up of primarily former prosecutors that have extensive experience with domestic violence, sexual violence, stalking, and human trafficking cases and also sort of those concurrent criminal cases that we're gonna be touching upon today like witness intimidation. We strive to provide the field with really innovative and informed, but more than that, practical information that hopefully you can take and apply to your work almost immediately.

We have resources online that I encourage you to check out. We obviously are involved in different partnerships and initiatives like this one. We do trainings on all levels, a web-based for individual offices, task forces and national events. And then we provide 24/7 consultation services. And that's really one-on-one help that we can provide folks that may be dealing with a particular case or a particular issue that we can help work through with you. So feel free to reach out to us and you'll have all my information at the end of this webinar.

But right now I wanna start us off by saying the objectives of this training today. And this is a sort of complimentary training for the one we presented two weeks ago on building cases with traumatized victims. We're now looking at victims that have been intimidated and obviously those aren't separate and distinct from one another, but there's a common goal that through this process, we really wanna be supporting the victim's ability to participate in an investigation and prosecution. One of the ways to do that is really to think about how we can minimize opportunities for witness intimidation. And then when we see it to have really distinct strategies to combat it, respond to it and maybe even take advantage of it. And then, really at the end of the day, when we're looking at, "okay, how are we gonna bring this case to trial?" Maybe we don't have a victim that's able to participate. Maybe we have a victim that we cannot locate, despite our really diligent efforts or a victim that's so afraid

that we and that asking them to participate would really be counter to our overall mission of supporting victims. And so how can we maybe bring that victim's voice into the courtroom through various statements that were documented and that are supported through non hearsay or hearsay exceptions. So we'll talk about all of that today.

So let's start you guys off right away hopefully using the chat box, because I know looking at the participant list, first off, there's a lot of you, which is great. And also I recognize many of your names as being folks that are doing this work. So hopefully, maybe you guys can share with one another as well as with us, what are your biggest challenges when you're investigating or prosecuting a case? Or if you're working on the victim service professional side of things, what do you see from your perspective as being challenges with the eye towards the investigation and prosecution of a case? So we've got lots of people saying hi to one another, wow. From all over the country, love to see that. And I'm guessing some of you are gonna be really recognizing each other's challenges because they're pretty universal. Right? And we talked a little bit about it last time. We're working with victims that are traumatized and that have survived traumatic experiences through the trafficking and maybe even prior to that and maybe even after that. And the result of that trauma can sometimes be sort of trauma responses that are not super convenient for us as investigators and prosecutors, right?

So thank you for pitching in there. Someone's out there saying, "hey, it's just logistically hard to keep in touch with folks when the process of bringing a case to trial or investigating the case is so long." Building that rapport, right. And maintaining communication, maintaining cooperation, building trust, that lack of trust with law enforcement victim participation, language barriers, right. That links of time. So I think you guys are a lot on that same page. And I just wanted to point out that we often talk about the victim's lack of cooperation. And I would just challenge you guys out there to think of it as a little bit from a different viewpoint which is why are they unable to cooperate, right? What have we failed them in, right? Are we not allaying those fears that they have? Are we not providing them with the services they need to exit the situation? Are we not addressing some intimidation that we should expect to be happening? Are we not providing them with the language access services they need? Those are sort of some of the things I wanna like turn that around with and put the burden maybe on us to make sure that we're doing our work so that a victim is able to participate. And this is a big piece of what we're gonna be talking about today.

I always think of the challenges as sort of two parts that are dependent on one another. So one of them is ultimately we need to meet the elements of our trafficking statute, whether you're working in the federal world or in your state world, it's a pretty common, act means purpose. And usually it comes down to can we prove the force, fraud, and coercion element. We're gonna give you strategies today to do that even perhaps when we have a victim that's not able to be located or that's not able to participate. But generally this is gonna be dependent on at least having taken some victim statements and speaking to victims, right? And then the other half of this is how can we effectively support victims to allow for their participation. And that may be necessary for us to meet those elements. And meeting those elements allows us to support victims. So it kind of goes hand in hand and we're gonna talk about it from the perspective today of looking at intimidated and missing victims.

So some of the ways to increase participation are to build that trust and rapport, to recognize the trauma to recognize some ingrained issues of distrust with the system, which we are all a part of, whether we want to admit it or not. We are all the system if you're on this webinar. To provide those services that are really accessible, that are appropriate, and that have that come to this work with some cultural humility. To maintain contact with the victims, survivors. And that is as easy as trying to figure out what is the best way to communicate with this person? Do they have consistent access to a cell phone? If not, who are their trusted people that we can maybe use as conduits that they feel safe with, whether it be a friend or grandmother that still has a landline or maybe they have access to wifi fairly regularly but not a cell connection.

And so we should be thinking about maintaining contact through a wifi based apps like WhatsApp or through Facebook messenger or other things, but we need to take it upon ourselves to figure out what that best effective way to maintain contact is. And then also to connect the victims with peer support. And again, some of this material right here as we're getting started is sort of foundational and things we talked about quite a bit more in the previous complementary webinar. but I did wanna just, again, sort of amplify the fact that peer support is one of the most powerful ways that we can support victims and survivors through this process. And so that should always be on our minds.

Excuse me. So the inability to participate is gonna be based in some of these, all of these, a combination, and maybe some other things as well. And I know some of you guys are already putting it on here which is that we've got this real fear and that fear, I use just the word fear because I wanted it to be really broad for us to think broadly, right? So some of the fear is maybe what comes to mind immediately which is fear of physical retaliation, an honest, which is fear of physical retaliation, an honest... survivors and victims are able to really determine their own safety oftentimes, right? They're survivors. And one of the ways that they've survived is to navigate a very dangerous situation or situations. And so the fear is very real: physical retribution, intimidation, but it can also be fear of deportation, fear of family separation, fear of the unknown sometimes, right? So that's a really broad thing to look at.

And then we also have the trauma, trauma responses, coping mechanisms that survivors have taken upon themselves to deal with the trauma. Those can be things that serve as barriers to their ability to participate, on the need for resources, right? Sort of we help victims exit a situation where we need to go make sure that we are then providing to them. Those basic needs that maybe the trafficker did actually provide for them, right? And being really thoughtful about how we do that and the reality of our limitations.

And also we should constantly be looking for other avenues to provide other resources, right, beyond a place to stay for tonight. We need to be thinking long term about what survivors need. Failure of communication. And whether that be a failure of effective communication or an actual logistical failure to be able to reach someone. And some of that groundwork needs to be done at the very beginning, as far as figuring out how we're gonna communicate, who is the best person to communicate, what point person are we giving them, and is that a trusted relationship? And then lack of services. And that again is sort of counter that goes along with our need for resources. And then today, we really are gonna

focus quite a bit on this last piece, which is the witness tampering piece. And we should be assuming this happens in all of our cases.

So we should be anticipating witness intimidation, right? We should be looking at what are the tactics, this trafficker used to recruit; to assert force, fraud, and coercion; and to sort of avoid accountability for as long as they did, right? So there's all these tactics that the trafficker's been using. Well, these are gonna be the same tactics that the trafficker's going to use to intimidate or tamper with the victim. Because it's been effective in the past, trafficker knows this victim. They know what buttons to push, whether it's that threat of deportation that kept them working where they did. Well, now the intimidation is going to look like I'm gonna call ICE, right? So they are going to be related and we should be able to anticipate, at least in part, how our offender is going to behave, once they've been maybe arrested, maybe there's a case filed, or maybe it's even just at a point where a victim has exited the situation, there's no pending case but we've got an offender that's fearful of that, right? And then they're gonna start this sort of desperate acts to get back a hold of this victim. And it's very dangerous time of that case.

And so we should always be thinking about this early on. We should be talking to the victims about the different versions of force, fraud, and coercion. We can also ask victims if they witnessed this trafficker engage a witness intimidation with other victims. Oftentimes in cases that I worked, the victim that was sitting in front of me, and I use that term because there's a legal significance to the term victim as a prosecutor. But understanding that many folks are probably more comfortable with the term survivor, and I'll use them interchangeably. But if I'm working with someone, I'm often will be asking them, did anyone else ever leave this trafficker while you were still with the trafficker? And oftentimes they'll be able to say, yes, you know, somebody else didn't show up for work or another girl left, and then it'd be, well, what did the trafficker do in that situation? Well, that's gonna give us a preview of what to expect.

So what have you guys seen? We've got a poll question here. What type of intimidation have you witnessed in the human trafficking cases you've worked? From whatever side you're on. And I think you're gonna be able to maybe choose several of these. So I'll give you guys a couple of minutes, and I think you know, it may be dependent on the types. It sounds like... I'm looking at some of these comments and some of you may be working with primarily minor victims. And that may look a little bit different. Obviously, if you have a foreign national victim versus a US citizen victim, you know, threats of deportation don't usually work on US citizens but I love to see this, all of the above, the recognition, just like the force, fraud and coercion, it's not just usually one tactic being used. It's a combination of tactics.

And some of you guys are adding in here, some additional comments. So the threat of arrest, sort of a low answer here with only 1% even though I'm sure it's included in the answer of all of the above as well. We see that a lot with the threats of arrest, but what's not here, and I'm glad someone put it in the comments is threats to children, threats to pets. We had that happen in a lot of cases where children are involved. And surprisingly, there are quite a few where the victim is an adult, but they have a child. And the threat of calling the Department of Children and Family Services, or your version of that, or just the separation, not giving access to the child, seeing that quite a bit, threats to family members



that happens in particular with cases with foreign nationals where the offender is from the same country of origin and has access to the social networks back in the country of origin. That's a huge factor in folks being able to participate.

Emotional pleas are, yes, can be more powerful than threats of violence. So, I think all of these are really, really great examples. And just like traffickers in the trafficking situation, they keep thinking of more creative ways to assert this power and control or coercive control because it is a really individualized process, right? What works for one victim may not work for the other victim but if we're doing a case that involves drunk facilitated human trafficking, then the promise of drugs or the withholding of drugs is really powerful, not to facilitate the trafficking itself but it could also be something that could be used for intimidation purposes, let's say, we're trying to help a victim access some drug treatment and the trafficker's trying to intervene in that that could be something that we could see as intimidation or control, once the case where we sort of moved beyond the trafficking and now looking at the intimidation.

Okay. So these are some common tactics. We obviously picked up on a lot of them. Emotional appeals. I always love to bring out this study called "Meet Me at the Hill Where We Used to Park." It's focused on domestic violence relationships and how that works with emotional appeals. But for those of you that are working on trafficking, I'm sure you see already some of those commonalities. And when there is an intimate partner relationship or at least some sort of trafficking being facilitated through bonds of love and loyalty, it is very resonant with the work that you do as well. So I recommend you looking at it.

The other one is this cultural fear tactics. This is where we have a trafficker that may be sort of calling upon the victim's faith or the victim's fear of some sort of cultural aspect. So there was a case that we, that I recently wrote an article about where the victims and the trafficker were both from a community that engaged in like Santa Terraria. Sometimes people refer to this sort of overlapping as like voodoo or juju. But the idea is that it's something that's really maybe specific to a culture. And then that is turned around, something that could be positive in most regards, including, you know, just somebody that has deeply held religious beliefs. And those are turned around and used as coercive fear tactics. And so something to really think about we talked a little bit about spiritual trauma that is related to that when you've experienced it as well.

Deportation, threats of violence and financial manipulation, definitely have had traffickers try to pay off victims. My personal experiences, that's much more common in labor trafficking, but it could be promises to buy a car or promises to buy a house. Those same promises that are related to financial manipulation through the course of the trafficking, now it can be used to tamper with the victim post that.

This is sort of a fun thing I wanted to put in here but it should resonate with all of you as well because this is a card that I think they sell in like the prison commissaries, but it's this type of language that we see when we're talking about those emotional appeals, right? And so this can be for domestic violence. This can be for some of our intimate partner trafficking or trafficking that's reliant on false promises of love and family.

And so the insight, and I'll let you guys see this but I'm sure those of you that have ever listened to jail phone calls or have ever worked with victims, you're gonna recognize some of this language, right?

Perfect love only happens in the movies. In the real world, we sometimes say things in anger that we could take back. We hurt the ones we love the most but that doesn't mean our love isn't real and isn't worth fighting for. And these are the types of emotional pleas that we see in cases that involve that type of coercive nature. And so you should be looking out for these, should be educating the victims that they should expect to hear some of these types of pleas.

And so that's part of one of the strategies, right, is to educate the victims. About what the reality of tampering intimidation looks like because in their heads, they may be expecting it to be, I'll kill you if you testify, right? Or, you know, the horse's head on the pillow next to them when they wake up. I'll call anyone who recognizes that reference, please put it in the chat here, see how old everyone is on this call. And so we really need to educate the victims on the more subtle forms. Yay, Tammy wins, "The Godfather". So we need to educate them like, "you're gonna- you may get those overt threats, but you also may get those pleas of love and family and togetherness. And so this is what it's gonna look like. This is what it might sound like." And if you educate them early and often, then when those jail phone calls come in or when those tactics start being used by the offender, you may get some light bulbs going off. Like they told me to expect this, right? And that can be an effective way to sort of intervene there.

Also educate victims of how to report it and how to preserve it. When the tampering happens much like, I don't know if you've worked stalking cases, right. And stalking is actually something you can charge here, side note, but it may seem at first like a text message, side note, but it may seem at first like a text message, a Facebook message, not something that a victim wants to call 911 on or not to bother you with. And there's this minimization that may be happening. So you need to educate the victims about how to report it, how to preserve it, right? So you don't need to call 911 but here's your point person. This is who you need to make sure you're reporting every contact to. If you ever feel in danger, you're calling 911 but also there are other ways to report. Make sure we're all aware of what's happening. Protect the victim's privacy, right? So that's sealing documents from the public record. Using initials or better yet pseudonyms. Redacting information. That's not only their name but also anything that may help identify them, their family and their location.

I learned this the hard way where we were working a trafficking case and everything was beautifully redacted. The victim was a minor. We had everything. And what we missed was the fact that somewhere in the arrest warrant was a note of the fact that she had been reported missing and the last known location was, and it had an address and it happened to be her grandmother's address. And we learned that really difficult lesson. Luckily, thankfully, you know, it was problematic in the sense that the press got ahold of it, but not in the sense that the victims was in danger physically. So, but I'm a big proponent of really having multiple eyes on this and thinking beyond just the name and birthday which sometimes we do.



Monitor the offenders, right? I know a lot of us are working in challenging times where our offenders are gonna be released whether that be because of COVID restrictions or because of bail modifications and reform, which is great. But we should be arguing for GPS when appropriate, different pretrial release conditions so that we can be monitoring them more effectively. And if they're in jail, of course, be monitoring their jail communications, social media, all of that, because we can't be reactive to this we need to be proactive. And then come up with a safety plan. And this is something where we should be leaning upon our victim service professionals. They do this. This is part of the work that they do is coming up with safety plans. We just need to make sure that they are aware of some maybe specific dynamics unique to trafficking or unique to our case, right?

If we know that this is gonna come via technology or third-party offenders, including other victims. We need to be making sure everybody's aware of that and knows, and comes up with a safety plan. And that plan is reassessed on a regular basis. And that we're checking in on a regular basis. This conversation about safety and tampering, it can't be a one-off when we first meet with the victim and then we just rely on them to let us know if something's happening because we also know that witness intimidation it's gonna have like lulls and peaks, right? If there's a court hearing, we expect a peak but there are long lulls, as you all talked about one of the challenges, right, is that there's this lull where between court dates and those are the times where we're maybe not doing as well in checking in, and we're not asking these questions. So this should be a conversation with every contact that we have with the victim.

This is a resource that my former colleagues at the Miami State Attorney's Office developed. They developed it after I sent them the City of Denver Victim Services, little, one pager the City of Denver Victim Services, little, one pager that is linked to here at the bottom of the slide, and you guys will have access to these slides, they did this one sheet for victims of domestic violence. And it says, these are some of the things you might hear and it's in the voice of the offender.

And it's meant to provide to the victim on the outset so that they can read through it and, you know, maybe have those light bulb moments. And so in Miami, they sort of took that idea and converted it to this little, it's like a business card, side thing, but read between the lines and they use the idea of that same first person language of what they might hear from their traffickers. And that was the thought of that. And so, something you might wanna think about is either actually creating something like this, or at least using it as a guide to the conversations you're gonna have with the victims you work with.

So prepare for recantation. And this is from the "Meet Me at the Hill Where We Used to Park" study, and they did a ton of jail phone calls is how the study worked. And basically they came up with, this is how this intimidation works. And so we start off with the victim being strong and resolved. And then we have an offender that is gonna start minimizing the abuse and start casting themselves as the victim. That's gonna start and then we're gonna see the next phase, which is this.

They don't understand us, which is of course, again now pulling upon a familiar tactic that offenders use in the course of trafficking which is, it's us against them. They don't understand us. They're the straight world. They are only looking to sort of arrest people or

to use you. You're one more person. So really it's us against them and lie for me it's us against the world. And then we see that there's this plan that is developed whether it is, signing a non-prosecution affidavit or not showing up to court or calling the prosecutor and saying you lied, whatever that is. So this is what we can expect. And especially for those cases that look a little bit more like domestic violence, but you can see the same sort of dynamic in other cases as well.

So we are expecting it, we're educating about it. And now we have to be realistic which is how are we gonna eliminate the payoff? Witness intimidation is so prevalent because it works. It's effective. So we're gonna see how can we turn that around and eliminate the payoff. So let me ask you guys: Are sex and labor trafficking victims eligible for protection orders in your jurisdiction. We've got a poll cause there's a couple of variants here. So yes, victims are eligible for both civil and criminal protection orders. Victims can only receive criminal protection orders and only when a criminal case is filed. Sex trafficking victims can receive civil protection orders when they can show a dating or intimate partner relationship with the offender. Civil protection orders are only available to human trafficking victims if they can prove stalking or imminent threats of death or great bodily harm, I am not sure and other. And if you have an 'other', we'd love for you to share it in the chat box.

So this, I think, some of you might've thought this was a simpler answer at the outset before you started looking at these options and depending on your, the other work that you are involved with, you'll know, more or less about the civil protection order side of things. And it is really state to state. I'll share with you some common differences and things to look out for. So we have 48% of you say that victims are eligible for both civil and criminal protection orders. And then almost as many of you say, I am not sure. And very few of you are saying, there's some differences here. So I find that really interesting. And this is maybe an action item for when you get back to your offices to find out what it looks like because I would be surprised if victims are eligible for both. I think there's an assumption sometimes that is actually not the case, but I'm hoping you're all working in great jurisdictions that have taken this upon themselves and done better.

So protection orders sort of fall into two different categories and I'm talking in generalities now because like I said it varies. So criminal protection orders are almost only, almost exclusively tied to a open criminal case. They usually live and die with that case or with a probationary or sentence that is connected to that fake case. So oftentimes it's a condition of pre-trial release. It's a bond condition that comes up right away, and then it survives the life of the case. And then often it will also be a condition of any sort of sentence or probation or things like that. It can be revoked. And when it's revoked, excuse me, this is not super clear. So if you're out on bond or some sort of pretrial release and this is a condition of it, if you violate that condition, your release may be violated, right? So you could be put back in jail or you can have a higher bond set or there can be other bond conditions. So it's usually very tied to your criminal case. When you release, if there is a violation sometimes that might be a stand-alone crime as well. So in where I practiced, there was a crime that was a first degree misdemeanor violation of a pretrial release condition in domestic violence crimes only. And all of these cases are also contempt. So we'll talk a little bit more about contempt in a second, but contempt is also a way to that you can sort of uphold the criminal protection order. Now on the other side of things is a civil protection order and you really need to look at what your jurisdiction does. But a lot of

civil protection orders are really based upon a relationship that, between the offender and the victim. So it can be a domestic violence relationship or a dating relationship. There are also civil protection orders that are available to folks that don't have that type of relationship but those usually require a higher level of threat. So there needs to be a specific death threat or specific imminent harm, imminent threat of serious harm. or specific imminent harm, imminent threat of serious harm. So if there is no relationship that you call intimate partner or dating, then there is a heightened requirement for there to be threats of imminent violence or threats of death. And so this is where sometimes our cases fall through the cracks. If you don't have a case where there is this relationship of that you'd also describe as dating then you have to prove a higher level of threat. And so in our labor trafficking cases this can be a real sticking point. Violation of a civil protection order is almost always a separate and distinct crime, usually a misdemeanor, sometimes a felony, if we can get to that sort of aggravated stalking level. And I really encourage you guys to be thinking about stalking when you're looking at this, in through this lens of a witness tampering, witness intimidation, 'cause stalking is often a really effective way to hold offenders accountable. The violation is a crime. And there's also this ability to hold someone in contempt through the violation of that.

And a civil protection order is usually done through like a family court process, an ex parte process. And I'd love to, if anyone has any questions about that, I'd really encourage you guys to maybe reach out to your own domestic violence folks that are working in this. They should be really familiar, but AEquitas is also a resource for you. And we can do some state specific research for you.

So what does contempt look like? I personally think this is an underutilized way to hold folks accountable for intimidation for the violation of those stay away orders or civil injunctions or criminal injunctions whatever you guys call them in your locality. So how contempt works is that an entity needs to file a petition for an order to show cause. Sometimes that's the prosecutor. Sometimes it's a judge. Sometimes it can even be, you know, a court advocate. But, basically, what this does is it puts the defendant on notice, "hey, you need to tell us why you had cause to do what you did. Why did you violate this court order?" Contempt is always connected to the violation of a court order. So the order to show cause initiate either a civil or criminal proceedings and the defendant is asked to show cause why they should not be held in contempt. Judges have an inherent right to uphold their own orders. This is a really well-established in goes way, way, way back in our case law and in our basic jurisprudence.

The defendant usually has a right to an attorney but very uncommon for them to have a right to a jury. Therefore, this can be something that doesn't take as long to get through the process. We can usually take- contempt hearings are usually done in quick order which allows us to maybe hold somebody accountable in a quicker fashion than maybe filing additional charges or waiting to litigate it at the trial itself because we filed additional tampering charges. So you could do a contempt charge, still file criminal charges as well and maybe, perhaps have this defendant sentenced to some jail time and giving everyone a bit of a breather. Usually it's only allow- the punishment is between like 30 and 90 days. So we're not talking long punishments but sometimes it's just the breathing room that you need to get your case back right into get your victim set up with additional services and an

additional safety plan and things like that. So something in your toolbox that you should not forget about.

We should also be making sure that we're doing everything we can to keep victims safe when they're in our courthouses, when they're in our offices, right? So sometimes you guys are working in, you're lucky to work in places where there are formal safe spaces or sometimes we're having to do informal safe spaces by using other offices or things like that. But usually, especially if you're notifying the court, there's things that we can do. We need to be training court personnel as the prosecutor, even as the law enforcement officer, we're tasked with a lot when we're in court, right? I'm physically, I'm looking at the judge and I can't see what's happening behind me which is exactly where that tampering might be happening in the courtroom. So training all the personnel to identify it and to know what to do when they do identify it.

Make a record. Sometimes the intimidation is going to be subtle. It's going to be non-verbal, it's not gonna be making- it's not gonna be getting on the record formally. So you need to make a record. For the record, your honor, the defendant just put their finger across their neck as if to slit somebody's throat while they were looking at the victim in this case. I mean, that's obviously, a really clear way to document it and something I have literally seen several times. And then ask for court orders when appropriate. The court is a public space, and there's some levels that you need to make that record. But when intimidation has occurred, when it's documented, there are things that you can do and make a record of that have been upheld by the courts, including things like cell phone policies, including things like requiring identification prior to entering a courtroom. The court in this case is "intimidation is enabled by anonymity." And I love that quote. And it's something that if you're looking to do something like this, throw it in your brief, again, another place where you can reach out to us if you're looking to do something like that. Those of you who are working in grand jury, you can convene anonymous juries, and here's some resources for that as well.

To actually close the court, or any partial of the court closure, is a really high level. And so I don't want you guys to be thinking you can close the courtroom when the victim's testifying or anything like that. It's a high burden. Sometimes it's appropriate. And so I wanted you to have the Seminole case law *Waller v. Georgia* to talk about what are the things that you need to establish to close the court in a partial way. And so that's a resource for you guys but really it's all about making that record. Okay. And now I think what is one of our biggest strategies and tools is forfeiture by wrongdoing. This is the federal evidence code that talks about forfeiture by wrongdoing. It's in most States' evidence codes. There's a couple of places where it's only applicable via case law but in every 50 States has upheld this doctrine called forfeiture by wrongdoing. And it's essentially that idea that a defendant can forfeit their right to confront witnesses against them if they're the reason that witness is not in court. So it's really a wonderful tool when you have witness intimidation and when you can establish the defendant's intent to cause the victim to not appear in court.

So let me ask you before we do a deep dive into this, have any of you been involved in a case where a forfeiture by wrongdoing was used? We've got a poll it's yes; no; yes, but we never actually had to litigate it 'cause maybe we got a plea out of that; I'm not sure; or other. And then of course if it's other, feel free to let us know a little bit more in the chat

box. This is- it's fairly, well, the codification of forfeiture by wrongdoing is fairly recent. It's been around in United States jurisprudence. And before that in English law, since before the country was established. The first case in the United States was in 1890s, Reynolds v. US. But I think we've seen it kind of emerging as a tool and some folks are really using it in, right, So somebody just said, we've used it in a murder case or gang cases, domestic violence cases. And so now we're really encouraging folks like it's really ripe for use in human trafficking cases. And so this, you guys are in line with what I see across the country. When we talk about forfeiture by wrongdoing. I mean, some folks are like "forfeiture" and immediately start thinking about asset forfeiture. Completely different concept and you're not alone to not have been using it. But I wanna encourage you guys to think about it.

So this is the language from the Seminole case Reynolds v. US; and it basically says, the constitution guarantees you that you have the right to confront witnesses against you. Like, we all kind of hear that in movies and TV like I have the right to confront witnesses against me. But this basically says, but if you're the one that voluntarily kept those witnesses away, you can't insist on that privilege. It's really a subversion of justice in that case. And so of course, the prosecution has to prove that, right?

And so here are the elements. First off, the witness does have to be unavailable. That means a couple of different things. I'll go over where you have to establish that. And it has to be because of the defendant's wrongdoing, at least in part. And the defendant has to have intended or at least one of their intentions was to keep the witness away or make them unavailable.

So a couple of the nuances here. Witnesses cannot be located after diligent attempts. So that's our missing witness where we have looked for them. We've tried to locate them. We've gone through all of the contexts that we ever had. We've done some law enforcement work. We've looked at our law enforcement databases. We've tried to locate family members. You may have to go as far as to actually issue a subpoena. That's an issue that's still being litigated through the courts, but you really can't just say, oh, I don't know where she's at. You have to make these attempts. But unavailability may also mean the witness is literally sitting in court but they have real or feigned amnesia or memory loss that can be deemed unavailable. In cases- And I definitely have this in my trafficking cases, the defendant went ahead and married the victim or witness, and now is insisting on a spousal privilege. That has been deemed to be unavailable. And it could also just be a witness who refuses to testify, present in court, refuses to testify.

Wrongdoing. It's not limited to wrongful conduct or misconduct. It does not require threats force or intimidation. It could be those emotional pleas, those persuasion and that control that the defendant uses through those emotional manipulation. So that could also be deemed wrongdoing.

Let's see. A person's claim of amnesia creates a practical unavailability especially when the defendant can be shown financed, supported, or were actively involved in the implementation of that plan. Remember the whole plan, the last one was making your plan. This is what that was here. And court found that the forfeiture could be established when the defendant had any knowledge or complicity in that plan.

So the defendant's intention, right? It doesn't have to be the sole intention. So for example, Montague was about marrying the witness and the defendants like, I didn't do that to prevent it from testifying. I did that because I loved her and the court said, well, it doesn't have to be the only reason but it was definitely one of your reasons. And so here's some other case law that talks about that as well.

And here's the language about the marriage. You know, even if the idea of marrying originated with the victim, this is kind of an interesting thing, right? Because you'll have defense attorneys that will say this was the victim's plan. And this case is really great to say, even if it started with the victim, the defendant agreed to it and they knew about what the consequences were and how it would infer that the defendant was now going to have somebody that was unavailable to testify. So great case law in there. If you have any questions again, you're gonna have that and then we're always here as a resource.

So what if the victim recants on the stand? This is something that we're seeing more and more of and in New York, and really I wanna stress this is only in New York. New York's doctrine is based on case law and not based on the evidence code which makes it not as applicable to other jurisdictions. But I still see this as an emerging issue. And the courts in New York said that even a victim recanting can be deemed to be unavailable for purposes of this doctrine because really the victim's truthful testimony is being withheld.

So kind of an emerging issue but there's a really an argument for expanding it to recantation because if the court said here to deem a testifying, but recanting witness available, as the defendant suggests here, would provide witness tamperers with an incentive to induce witnesses to recant rather than to refrain from testifying at all. So it's sort of a build a better mouse trap situation here, right? So you can see traffickers at first were like, don't come to court at all. And then we were using this doctrine of forfeiture by wrong doing and saying, hey, they're unavailable. And then they tamperers said, well, come to court but just refuse to testify. And then that got included in forfeiture by wrongdoing. And now we're seeing, well, come to court, testify, but recant and the courts are kind of maybe getting to the point where they're saying, hey, this is all unavailable for the purposes of the underlying doctrine of forfeiture by wrongdoing.

So this requires a judicial determination. You have a hearing outside of the jury, often in advance of a trial, but it could happen in the middle of a trial. You need to be prepared for that. The standard of proof is usually preponderance of the evidence, which is sort of like a 51% standard. So it's a lower standard than our reasonable doubt. Three States require a slightly higher standard and clear and convincing evidence. During the hearing itself, hearsay is admissible. Affidavits are admissible. The statements which you want to introduce are admissible. And you could also think about (if you're trying to really educate your judge about the dynamics of trafficking, about witness intimidation) it might be helpful to use an expert witness as well.

Typically what we have at these pre-trial hearings is the lead detective, talking about the case, talking about the evidence of tampering that they've discovered, whether it be jail phone calls, whether it be other hearings out like bond hearings where the victims talked about their fear or sometimes it's a victim's family member that can talk about the manipulation that's been happening. So it's usually a couple of witnesses, the lead detective



being key. So be prepared detectives out there to do a little extra work here. And then the statements that you introduce, and then maybe this expert could be helpful. And sometimes the court will reserve ruling. Let's say, you're doing this pretrial. The court may say, well, I'm gonna reserve until trial when you actually call the victim and the victim doesn't actually appear. And so that's a possibility for sure.

How do you bring this all in? Jail phone calls are really a treasure trove of information. We use those a lot. But you also wanna be thinking about other witness statements. Victim statements themselves, if they've talked about and made statements about the fear or about previous times that were they tried to leave the trafficker and they went back or previous cases that were dropped and then you really wanna flush out what are the dynamics of their relationship. There's a case called Giles where the court really gave in their concurring opinion, a roadmap that says, hey, this is what we wanna hear, right? And that was in the context of a domestic violence relationship, but you can see that that would apply in these trafficking cases as well.

So how do we bring the voice of the victim into the courtroom? Forfeiture by wrongdoing is a great way to do that because if the court makes the determination that you have established those elements, the result is that all of the victim's statements come into trial. There is no hearsay analysis. There is no confrontation clause analysis, Crawford analysis, everything just comes in. So you can see what a strong, strong tool this is. But there's other tools as well if you don't have, and can't establish forfeiture by wrongdoing.

You also wanna be thinking about what other statements do I have and have I documented and have I collected through the course of this investigation that I can now introduce as either non hearsay or exceptions to hearsay? I think we forget about the non hearsay a lot. And this is not gonna be a hearsay training by any means, but it's important for us to remember that hearsay is only applicable when we're introducing a statement for the truth of the matter asserted, which means that if we wanna introduce a statement like the victim said, I'm going to the grocery store and we wanna introduce that to show that the victim left then that's not hearsay. We're not introducing that statement to prove that they went to the grocery store. We're entering that statement to prove that they left. So it's a very subtle difference, but it's important for us to recognize because it really does open, if we can articulate this and litigate this effectively, it opens up what types of statements we can bring into court without our victim testifying.

Other things that are really key in the course of human trafficking case or things like solicitation or the formation of a contract. Those are determined to be verbal acts instead of statement because the words have a legal significance outside of the words themselves. So for example, words of solicitation that you might have in a case that involves maybe an undercover operation and you're talking about the exchange of sex for money, right? You're trying to check off that box of establishment, of commercial sexual act. Those are gonna be non hearsay. In this case out of Oregon, relatively new, haven't seen it elsewhere but I really love it because this goes as far as to say that online advertisements can fall under this exception as well. That can open us up to introducing at least the content of some online advertisements maybe where we don't have that business record relationship because now those advertisements are being hosted by an online service that's located in Ukraine. So this

is a case law that sort of talks about that and saying that those advertisements are not hearsay.

Also, if you're talking about the promises involved in a job, right, let's say there's a labor trafficking case and you're talking about the conversations that included how much they would get paid and their housing. Those statements would be considered verbal acts as well, formation of a contract and could be litigated as non hearsay. Statement of co-conspirators. Another one we don't think of very often but the most important thing here, I would say, is that they do not need to be charged co-conspirators. But as long as the statement is made in the furtherance of a conspiracy, they are not hearsay. One of these cases, really interesting, is not only did the court in *People v. Brown* say the co-conspirator does not need to be charged. In that case, the co-conspirator was actually immune from prosecution under California Safe Harbor law, because she was a minor. The court said even if she's immune from prosecution, she can still be deemed a co-conspirator for the purposes of this hearsay or non hearsay rule. And so thinking about our cases that may involve multiple victims, I know you'd hate to say, oh, I'm charging, you know, you're a co-conspirator in this, but for legal purposes and especially you're not charging them, you may be in a position to make this legal argument.

Other hearsay exceptions that often come up in these cases are present sense impression. If someone's talking about real time events, those are gonna be exceptions to hearsay. Excited utterance, something that happened in the heat of the moment, something that somebody said right after someone's excited occurrence. So those are oftentimes gonna be your 911 calls. Or if somebody, if a patrol officer comes to a scene or even maybe a neighbor or somebody else responds to an incident. Then existing mental, emotional, or physical condition. Again, there's this sort of contemporaneousness that needs to occur. But it might be something that your law enforcement, and you can as a prosecutor, lay that foundation and make the arguments that those are admissible. And then statements for medical diagnosis or treatment. We've been doing a lot of work at IACP and OVC and AEquitas about really making sure that we are being conscious and intentional about integrating a medical response to all cases of trafficking: sex trafficking, labor trafficking. Whether you're looking for DNA or not, there's a real value to providing our victims with medical care that's accessible and that's for them and them alone. Side benefits sometimes can be that because of that connection we may be able to admit statements that were made for the purpose of medical diagnosis or treatment. Reach out to AEquitas for more information on that.

There's always the secondary Crawford analysis. That means that statements that are made to law enforcement are less likely to be admitted under this, because if there's this idea that the primary purpose is for prosecution. There are exceptions to this, there's things to make. But the point I wanted to say here is what this should also tell us is that we should be documenting statements made to other people than law enforcement. Whether that be hotel staff, somebody that's acting as a driver, a neighbor, family members. These non law enforcement statements- also teachers, nurses, all of those statements are much more likely to be admitted under this Crawford analysis. So we should be thinking about that as we're doing our investigation and thinking about how many people that are non law enforcement can we talk to about the victim's statements?

And then that goes for our reports and records as well. This is sort of a deep dive. Don't need to get too far into it. But when we've got reports that talk about DNA, Ballistics, where somebody has done an analysis, those are gonna be testimonial. If we're getting like electronic records, phone records, call logs, those are gonna be non testimonial and should be admitted without a problem.

So we really wanna think, is it hearsay? Does an exception apply? Is it testimonial? Does it meet the Crawford analysis? And then we should be doing that with every statement. You should be going through your records. You should be going through your reports and trying to determine what can be admitted and what can't.

And if you do it on that basis, you're much more likely to find admissible statements that can be brought into court even when you have a victim that's missing. Even when you have a victim that's been intimidated and is not able to participate and even when you have a victim that's too traumatized to participate. So you wanna be identifying anyone the victim spoke to. You wanna be talking to all witnesses and suspects, right? I think sometimes we forget to interview the suspect. Document any statements and then also document circumstances. 'Cause the timing of a statement and the demeanor of the victim at the time of the statement are gonna be key pieces of your arguments of whether these are gonna be admissible or not. So if you're the role of a law enforcement or a non-confidential victim service provider or medical professional, these are key pieces to put aside in your documentation, besides just the statement itself. And so I'm loving to see these people are saying, hey, our prosecutors are doing this. It's not possible in every case, but when you start off your investigation thinking about, hey, we may not have a victim at the end of this. We may have a victim that's too traumatized. We may have a victim that's too afraid. I still wanna have a case at the end of the day. I'm gonna investigate my case from the beginning. Assuming that, you're gonna be so much better off. You're gonna have more charging decisions at your disposal. You're gonna have more statements that can be admissible. You're gonna have that digital evidence. You're gonna have those jail phone calls, right?

And so that demeanor evidence is really, really key sometimes, right? Especially if you're thinking about an excited utterance, you have to prove that the victim is still under the excitement. So you wanna be able to have somebody say, yeah, the victim was crying. The victim was shaking. The victim was looking all around, making sure nobody else could hear her when she was telling me what she told me. Those are the types of things we wanna hear. We also, one of the strategies that we can employ is this idea of preserving testimony when we have the opportunity to do so. And this can be through various means. It's a state-by-state analysis again. Some really strong law in California, some less strong law elsewhere, again a place to reach out to us. But sometimes if a victims testified at a prior hearing and the defendant had a full and fair opportunity to cross examine that testimony can be admitted at some point in the future. So if you think about it, grand jury testimony, there's no defense there, there's no discovery that's been passed. That's not gonna fit the bill. But if you have an adversarial pretrial hearing of some sort, or you ask to preserve testimony in the form of a deposition or something like that. And it mirrors what would look like in court, the defense has an opportunity for full and fair cross examination. The defense has all the evidence that they would be expected to have at the time of trial, at their disposal to ask the questions they wanna ask then you may be able to argue and say, "hey, this prior testimony should be admissible at this point because it basically took the place of

what would it be expected at the trial." So we're really looking at adversarial preliminary hearings and motions to preserve testimony. I think this is an emerging trend where prosecutors getting creative, where legislators are passing other laws, because they know of this thing sort of called the golden hour which is sometimes we have these moments where a victim is in that strong and resolute area where they're feeling supported. And those may be the times where we can preserve this testimony, if we do it right. So think about that. Love to talk to you some more about it if you're interested.

This is the California Penal Code that talks about it and they are able to talk about it, not only like, because, let's say, like- so when I was in Florida, we could move to preserve somebody's testimony; if it was a police officer who was in the army reserves and was being deployed. And then we'd be able to say, let's preserve the testimony because the officer's not gonna be around by the time we have trial. But it was really this narrow exception. So now what we're seeing is, so let's open that up maybe and think about making arguments that say, you know, because of intimidation, because of physical threats, we have reason to believe this victim may not be available so let's preserve it now. Thoughts there to be thinking about. I think there was a link to these slides already put in the chat. I don't know if you can put those in again but these slides are available to everyone.

And so we really want to be going forward thinking about, A, how can we encourage and support victim participation, right? And most of the time it's by providing services, by setting them up with resources, by connecting them with peer support, by making sure we're addressing their concerns of deportation, T visas, as continued presence, providing them language access. We want to be doing that all the time because at the end of the day we would like the victim survivor to be able to participate in the process with us. However, we also need to have our eye on the other train track, which is from the very beginning we need to be thinking about how can we make this case as strong as possible if the victim ultimately is not able to participate or is unable to be located. So we wanna be doing that at the same time. And then we wanna be thinking proactively to combat witness intimidation and strategize how to eliminate the payoff, right? If that intimidation was effective, but then all of a sudden we got all of the victim's statements into court under the doctrine of forfeiture by wrongdoing, the payoff has been completely eliminated for this offender because we may even have a stronger case because those victim statements that may not have otherwise been admissible because of hearsay or Crawford, now they're admissible and they're all coming in. And then thinking about whether victims are available or not available, missing, intimidated, traumatized, thinking about how can we bring that victim's voice into the courtroom, through our available avenues of non hearsay, exceptions to hearsay, and of course, forfeiture by wrongdoing. So I know we covered a ton of material. Thanks for sticking with me through this. Like I said, you'll have all of the slides. We've got a couple of minutes for questions.

But I know I would be remiss if I didn't tell you to submit the evaluations using this little QR code. Jessie.

**Jesse:** Thank you, Jane. So as Jane said, we would love if you would go ahead and either click- put the link in the slide into your browser or use the QR code to take the evaluation. But we will go ahead and answer a few questions as well. I do have a few questions already for you, Jane. It looks like the first one is, do you have any tips for participants on how to deal with

the challenge of trying to locate undocumented workers or other victim witnesses that are difficult to locate for interview or hearing?

**Jane:** Yeah. Right. So kind of, some of it is just good old fashioned investigation. Some of it is, I think, getting all various contact information at the very beginning. So not just getting a phone number but getting social media handles, getting family phone numbers, getting other means of connection, other addresses, getting other means of connection, other addresses, getting everything at the outset, checking upon that the whole time, continuing to update that. I think that's really effective. But when we're talking about undocumented folks, I think the most effective thing to do is to set them up with an immigration attorney. Our cases, our trafficking cases involving undocumented victims. You should be working with folks to get that victim continued presence. That is a form of short-term immigration relief that's available to victims of trafficking at the very onset of identification. The purpose of continued presence is to stabilize that victim and allow you to conduct your investigation with a stable victim that you can get ahold of. It's the whole purpose of continued presence. You do need a federal partner to help you with that, can sometimes be a bit of a hurdle. IACP has resources on this. I'm sure Jessie is working on getting you a link to a recent labor trafficking webinar we did about continued presence in T visas.

But if you've set up a victim who's undocumented with an immigration attorney, you are providing them with so much security. You're protecting them from deportation. You're protecting yourself because now you're gonna have a victim that's accessible, a victim that feels supported, a victim that oftentimes has work permission. And so it's just a boon to your case. If you can set a victim up with continued presence the turnaround on that is sometimes as little as two to three weeks, four weeks, it's meant to be an immediate relief. It lasts for about two years because the folks recognize that that's how long a case may last. And you want to be able to access the victim during that case. And then oftentimes what's happening is that the same time they've got their continued presence, you should be working with victim service professionals, immigration professionals who are then applying for a T visa for a longer term immigration relief for the victim of trafficking.

So that's the biggest thing you can do when you're working with undocumented folks. And Jessie of course did put up some resources, immigration relief, and the tools that are really developed for us as law enforcement and prosecutors. The rationale of these forms of immigration relief is to help us fight crime and to identify dangerous offenders. We should be using it to our benefit. And that's a major piece of it. And I can talk about it forever. So feel free to reach out if you have more questions or if you're working in a jurisdiction where you think folks are not using continued presence the way it's designed, or there are a lot of myths and misconceptions about various forms of immigration relief. And we like to demystify those and do some education on it. And we're happy to do that for you.

**Jesse:** Thank you, Jane. So the next question we have is what tips or recommendations do you have for police, investigators, and prosecutors about communication and coordination with victim service providers during the course of an investigation? Why is a victim access to services during the investigation so important?

**Jane:** I think we hit on a lot of that, but what I do wanna say and what I sometimes hear is that one is contingent upon the other and we really need to get that out of our heads. Access to

victim services and meaningful access to victim services, (and I say that in the sense of like, this isn't a brochure you're handing out, this is a real connection) that is not contingent on taking an interview, on opening a case, on your ability to charge and prosecute an offender. Victims have rights. They should have access to those services. That should be first and foremost what you're doing when you recognize, identify a potential or verified victim of trafficking with that connection to victim services. I know a lot of you are working really closely altogether and are probably identifying that there are challenges, but the benefits so clearly outweigh the challenges. It's relationship building. It takes patience. You have to look at it from a macro level. You may have cases where you connect to somebody to services. They never go. Maybe they connect with those services later. They never reconnect with you from the law enforcement perspective. That's still a win. And so that connection is incredibly key to the work we do. And probably more important than anything else we do is connecting victims with those services. And the upside is that usually allows us to have a victim survivors that are stabilized that feel safer emotionally and physically. And those types of folks are more likely to be in positions where they can participate in our cases with us. And these are oftentimes long cases. I often had cases where I lost contact with victims and then found contact again. And, you know, we all complain about the length of these cases; but there's actually, I found, an upside which was because these cases took so long to get to trial, it also gave me and the victims that I worked with more opportunities to connect with the appropriate services, because it may not always be- you know, you're setting them up with one service provider that may not click with them. And so you should have different options. You should be talking to the survivor. What do they think they need, right? We shouldn't be dictating that. We should have options. We should be vetting those service providers. We talked a little bit more about that in the other webinar about how we can vet that. Maybe have different culturally responsive service providers. Map out the providers you have available so that you can give victims options. And above all, and thank you so much for saying that, once again, above all, we have seen time and time again when survivors are involved in the peer support, when they're involved in the victim service provision, when they are designing the safety plan, you're gonna have so much more success. So really think about survivor led organization, Survivor you know, organizations that are really intentional about using survivors as employees that they pay to do this work. So excellent. Does the marital privilege extend to matters prior to the marriage? I believe so. So there's sort of two privileges at play. One is the marital communication which is only towards communication that happened in the course of the marriage. But then there's another privilege which is that somebody that is married to somebody can never be forced to testify against them. So one is held by, for lack of a better word, one is held by the defendant, one privilege. And one is held by the victim, one privilege. So the defendant can prevent the victim from talking about anything that discussed in the course of their marriage. The defendant holds that privilege, the Marital Communication Privilege. And so that can not be pierced even if the victim wants to testify. However, the victim also holds immunity, I think it's called, oh gosh, getting me back to my days. But that's spousal immunity and what that is is that the victim can refuse to testify against their spouse about anything. And that's a privilege held by the victim. But the victim could choose not to use that if it's something that occurred outside of the course of the marriage. And if you have like a particular case your thinking about, please let me know and we can do some specific research for you because there are other, many states have exceptions that involve domestic violence. And some of those exceptions have been expanded including like child



abuse and other criminal acts. But I don't know of anyone that has specifically extended it to human trafficking, but it would be interesting.

**Jesse:** Thank you, Jane. So that is all the questions we have right now, but if anyone else has any other questions they want answered, please feel free to put them in the chat and we will follow up with you later. And if you have any additional questions after the webinar, feel free to send those to [humantrafficking@theiacp.org](mailto:humantrafficking@theiacp.org). Next slide, Jane.

**Jane:** Sorry.

**Jesse:** No, you're good. So here's Jane's contact information for anyone who needs it. It is up on the screen, and it'll also be on the slides, if you download those. And then feel free to follow AEquitas at any of their social media platforms. They've been a big help in developing the content for this webinar. And we would love for you to go ahead and visit all of their different areas of social media.

**Jesse:** As a training and technical assistance provider for the ECM program, IACP provides a number of services and resources to the ECM grantees and the broader anti-human trafficking field. Through the support of OVC, IACP provides resources such as a webinar training series, online classroom trainings, peer to peer mentoring and a development and operations roadmap, customized TA, and Task Force Connect: an online community exclusive for members of the ECM task force. For more information about IACP's anti-human trafficking resources, please visit our website at [theiacp.org/humantrafficking](http://theiacp.org/humantrafficking). We also encourage you to view IACP's social media as well as our website. And again, contact us as if you have any questions.

To view our previous webinars, please visit IACPlearn: IACP's new online training platform which houses all of IACP's online training, webinars, and educational material.

Also, 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've 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.