The Intersection between Prostitution, Human Trafficking, and Victimization Among Justice Involved Women

November 1, 2016

A webinar co-sponsored by

National Resource Center on Justice Involved Women
cjinvolvedwomen.org
courtinnovation.org

Primary Goal: Provide resources and tools to professionals to equip them to be more successful in their work with justice-involved women.

Primary Activities:
- Targeted Technical Assistance
- Training and Webinars on Key Topics
- Policy and Practice Briefs
- Innovator Series
- E-newsletter
cjinvolvedwomen.org

Learning Objectives
- Explore women's pathways to prostitution and human trafficking;
- Increase awareness of the overlap between domestic violence, human trafficking, and other forms of victimization;
- Consider the challenges that the victim-defendant paradigm poses for justice system stakeholders;
- Explore the various roles stakeholders can play to address the needs of justice involved women who are victims;
- Review effective strategies for identifying and diverting victims to community-based services; and
- Learn how procedural justice can improve outcomes for justice involved women who have been victimized.

Presenters

Hannah Estabrook
CATCH Court Coordinator, Franklin County Municipal Court

Miriam Goodman
Assistant Director of Anti-Trafficking and Trauma Initiatives, Center for Court Innovation

Danielle Malangone
Director of National Anti-Trafficking Strategies, Center for Court Innovation

National Resource Center on Justice Involved Women (NRCJIW)

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The Center's Work

Research
Demonstration Projects
Expert Assistance

What is human trafficking?

ACT
Recruitment
Transport
Transfer
Harboring
Receipt of persons

MEANS
- Threat or use of force
- Duress
- Abduction
- Fraud
- Coercion
- Abuse of a person in a vulnerable state
- Deception
- Related+
- Abuse of a person in a vulnerable state
- Deception
- Related+
- Abuse of a person in a vulnerable state
- Deception
- Related+

PURPOSE
- Exploitation
- Prostitution
- Forced labor
- Domestic work
- Other/exploitation
- Other

ARTICLE 3, DRAFT 5
UNODC/2009/Draft-5
11/4/2016

AMEND THE ARTICLE TO PROVIDE
A DEFINITION OF TERMS
AND SPECIFIC CRITERIA FOR DETERMINING
THE EXISTENCE OF HUMAN TRAFFICKING.

THE CENTER FOR COURT INNOVATION

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THE EXISTENCE OF HUMAN TRAFFICKING.
Human Trafficking Defined
Federal Trafficking Victims Protection Act (TVPA) 2000
“3P Paradigm”
- Prosecute
  - Criminalized attempts to engage in these activities and clearly defined trafficking in persons as:
    - Sex Trafficking: “sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age.”
    - Labor Trafficking: “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting or involuntary servitude, peonage, debt bondage, or slavery.
- Protect
- Prevent

Defining the Problem:
What Do We Know about justice-involved Victims and what are their Needs?
Miriam Goodman, Assistant Director of Anti-Trafficking and Trauma Initiatives, Center for Court Innovation

Trauma: What is it and why does it matter?
- Results from an event, series of events, or set of circumstance that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual’s functioning and the individual’s psychological, social, emotional or spiritual well-being
- Micro (interpersonal trauma) and Macro (systemic trauma and oppression) experiences

Examples of Interpersonal and Systemic Trauma and Oppression

Interpersonal
- Childhood sexual abuse
- Childhood physical abuse
- Verbal/emotional abuse
- Domestic/sexual violence
- Rape
- Neglect

Systemic
- Court
- Foster care
- Education
- Incarceration
- Police/low enforcement
- Health care

Structural
- Racism
- Poverty
- Sexism
- Homophobia
- All other -isms

Why talk about trauma?
- 90% of women in substance abuse treatment have experienced domestic violence.
- 74% of women in drug treatment are victims of childhood sexual abuse.
- 92% of homeless women reported severe physical or sexual abuse.
- 90% of individuals diagnosed with a severe psychiatric disorder are victims of at least one trauma.
- 66% of victims of sex trafficking disclosed being victims of childhood sexual abuse.

Interpersonal Trauma: Trauma Reactions
- Best understood as adaptations to survive and are logical in the context of trauma
- People will do whatever it takes to survive their experience and pain – RESILIENCY!
- Trauma reactions often misdiagnosed or overlooked as symptoms of other mental illness
Effects of Trauma

Trauma Reactions

Examples of trauma:
- Childhood Sexual Abuse
- Childhood Physical abuse
- Verbal / Emotional Abuse
- Domestic / Sexual Violence
- Poverty
- Rape
- Neglect

Context of Trauma Histories / Complexity of Choice

General:
- Abuse and neglect
- Poverty
- Unemployment and lack of work opportunities
- Lack of education
- Mental health issues
- Substance use
- High crime neighborhood and environment
- LGBTQ – rejection from home
- Lack of social support

Additional CSEC Indicators:
- Foster care / child welfare system involvement (50-80%)
- Runaway, thrown away, homeless
- Truancy

Common Themes / Risk Factors

Recruitment Pathways

- Family
- Kidnap
- Peer recruitment
- Violence
- Internet
- Pimp
- Lack of options
Pimp Controlled Prostitution/
Domestic Sex Trafficking

“Traumatic Bonding” and “Love”
- Turned out at a young age
- Pimp provides
  - Shelter, food, clothes, basic needs
  - Sense of safety from unsafe family/community/living situation
  - Promise of future
  - Love
  - Companionship
- Psychological Abuse

Isolation
- Kept in insular community
- Stable of folks
- Recreation of family
- Using other woman

Money/Sense of worth
- Power
- Self-worth/worth of attention direct result of financial worth

Why Don’t Women Leave?

The Intersection of Domestic Violence,
Sexual Assault, and Human Trafficking

The Overlap: Intimate Partner
Violence
- Intimate partner violence: Pimp = Intimate partner
- Power and Control > Coercive Control
  - Sexual, physical, emotional abuse
  - Control over actions
  - Control over money
  - Isolation
- Stigma:
  - Being a victim
  - Staying with perpetrator
- Contact with criminal justice system
- Orders of protection
- Survivors of human trafficking are frequently DV and SA survivors too!

Differences
- Stigma: “prostitute”, “criminal”, “choice”
- Victim/Defendant
- Traditional DV/SA providers do not ask questions
- Don’t exactly fit into traditional programming and services – judgment from other survivors/staff
- Response from law enforcement/judicial system
- Response from staff: judges, attorneys, probation, service providers

How are victims identified?
Screening and Identification

What are the barriers to identification?

For victims:
- Unable to self-identify
- Lack of knowledge of services
- Fear of retaliation
- Lack of trust
- Shame/stigma
- Trauma
- Cultural/language barriers

For providers:
- Hidden crime – difficult to identify/reach victims
- Victim/Defendant duality
- Lack of awareness/training
- Lack of adequate resources/services/housing
- Cultural/language barriers
- Uncomfortable asking questions

What are the barriers to identification?

For providers:
- Hidden crime – difficult to identify/reach victims
- Victim/Defendant duality
- Lack of awareness/training
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- Cultural/language barriers
- Uncomfortable asking questions

Three Key Elements

Force
- Physical / Sexual / Emotional Abuse
- Domestic Violence
- Emotional Stress / Trauma
- Loyalty to Abuser / Trauma Bond
- Damage to property
- Branding

Fraud
- Pretending to be a boyfriend
- Promise of making money for a future business that never happens
- Promise of money or earnings that never materialize
- Required to do things that were not originally planned

Coercion
- Exposing a secret
- Threats of violence to victim, family or friends
- Isolation
- Control of children, contacts, money, or documents
- Threatening to take custody
- Threatening to call authorities

Screening and Identification

What are some red flags?
- Frequent running away
- System involved (family/juvenile court, child welfare, criminal)
- Homelessness
- Night Existence
- Having access to a lot of money
- Neck tattoos of names
- Use of language
- Inconsistent recitation of identity
- History of prostitution arrests as indicated in RAP sheet
- History of verbal, psychological, sexual, and/or physical abuse
- Exhibiting extreme trauma reactions
- Dependent on someone else to answer questions

How do all of these elements impact an individual’s current functioning and presentation?
- In Court
- With Compliance
- Engaging in Services
- Recidivism

National trends:
What can justice system stakeholders do?

Danielle Malangone, Director of National Anti-Trafficking Strategies, Center for Court Innovation

Adapting the Model
Key Components of a Specialized Justice System Response
Procedural Justice
How Can Stakeholders Incorporate Trauma-Informed Approaches?

Trauma-Informed

Procedural Justice

Five Dimensions of Procedural Justice:
1. Voice
2. Respect
3. Neutrality
4. Understanding
5. Helpfulness

Procedural Justice
Why does it matter?
- Procedural justice can increase compliance with court orders, improve public trust, and reduce recidivism
- All justice system actors influence perceptions of fairness
- Safety
- Trauma

Procedural Justice
What can I do?
- Improve interactions
  - Introduce yourself, make eye contact, and avoid multitasking
  - Conduct security measures with respect
- Ensure understanding
  - Explain the process and what to expect
  - Use plain English and avoid legal jargon
  - Promote helpfulness by partnering with victim service providers

Procedural Justice
Screening and Identification
How Can Justice System Stakeholders Identify and Divert Victims?
- Understand the victim-defendant paradigm
- Build capacity to enhance screening
- Forge partnerships and ensure that partner agencies utilize trauma-informed tools
- Reduce collateral consequences
- Create a sense of safety
Linking Victim-Defendants to Services
What Works?

- Map community resources to address victim-defendant needs
- Consider proportionality when determining the length of engagement
- Broker partnerships with trauma-informed and evidence-based programs
- See: SAMSHA’s National Registry of Evidence-Based Programs and Practices

Multidisciplinary Collaboration
What Role Do I Play?

Resources

www.courtinnovation.org
www.htcourts.org

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CATCH COURT
[Changing Actions to Change Habits]:
A Specialized Docket for Victims of Human Trafficking & Prostitution

Hannah Estabrook, CATCH Court Coordinator,
Franklin County Municipal Court

Sex Trafficking vs. Prostitution

<table>
<thead>
<tr>
<th>Victim</th>
<th>Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dehumanizing Victim (Philanthropy)</td>
<td>Undeveloping Criminal (Condemnation)</td>
</tr>
<tr>
<td>Sex work as a trap (Victim)</td>
<td>Sex work as a means to get ahead and have a better future (Agent)</td>
</tr>
<tr>
<td>Victimization Dehumanization of ability to be mother</td>
<td>Empowerment: A “necessity” for remaining mothers</td>
</tr>
<tr>
<td>Exiting = Rescue</td>
<td>Exiting = Transition</td>
</tr>
</tbody>
</table>

Neither captures the complexity of sex work.

How does one enter CATCH Court?

- Referral from any judge of the Franklin County Municipal Court, the prosecutor, or a defense attorney with a new criminal charge or on a revocation.
- Pre-Screening (Community Support Coordinator)
- Clinical Assessment (Coordinator)
- Staffed at Treatment Team Meeting
- CATCH Judge Herbert, CATCH staff/PO, prosecutor, treatment providers, and defense counsel.
- Plea Guilty into the program
CATCH: A blessing in disguise

Benefits
- Community!
- Weekly lunch
- Monthly outings
- 100% Club weekly drawings
- Phase-up incentives
- Mentor through Freedom a la Cart
- Dismissing & sealing (or expungement) of charges

Rules/Expectations
- 2 years intensive probation
- Status Review Hearings every Thursday
- Monthly PO Meetings
- Random meetings with CATCH staff
- Frequent drug-screening
- Treatment referrals (almost always residential)
- Stay-away zones
- Stay-away people (no boyfriends for a year)
- 12-step meetings

A Trauma-Competent Courtroom

<table>
<thead>
<tr>
<th>Traditional Justice</th>
<th>Trauma-Informed</th>
</tr>
</thead>
<tbody>
<tr>
<td>What's wrong with you?</td>
<td>What's happened in your life? What's happened to you?</td>
</tr>
<tr>
<td>Punitive Justice</td>
<td>Understand impact of trauma on individual</td>
</tr>
<tr>
<td>Who is the criminal/victim?</td>
<td>Understand trauma reactions and ways reactions can be expressed</td>
</tr>
<tr>
<td>Power &amp; Control</td>
<td>Understand reactions are normal in context of experience</td>
</tr>
<tr>
<td>Defendants mandated to service</td>
<td>Removing pathology</td>
</tr>
<tr>
<td>Safety as priority</td>
<td>Safety as priority</td>
</tr>
</tbody>
</table>

Program Updates

Established 2009
30 Total Graduates

- 3 Full-time staff
- Franklin University Study (Miner-Romanoff, 2015)
- 44 Current in Program
- CATCH 101 est. July 2015
- Felonies: F3, F4 & F5 acceptance as of June 2016

CATCH Court Outcomes

- Began in 2009
- 14.8% graduation rate
- Of those who enrolled, 72% haven’t recidivated
- Of those who graduated, 83% haven’t recidivated

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrolled</th>
<th>Graduated (two years later)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>17</td>
<td>6</td>
</tr>
<tr>
<td>2010</td>
<td>35</td>
<td>6</td>
</tr>
<tr>
<td>2011</td>
<td>19</td>
<td>2</td>
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<tr>
<td>2012</td>
<td>15</td>
<td>5</td>
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<td>2013</td>
<td>19</td>
<td>5</td>
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<tr>
<td>2014</td>
<td>28</td>
<td>6</td>
</tr>
<tr>
<td>2015</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>2016 (so far)</td>
<td>45</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>202</td>
<td>30</td>
</tr>
</tbody>
</table>

Success

- 11 soliciting charges
- Possession of drugs
- Blasphemy arrest charge
- Disorderly conduct charges
- Drug paraphernalia charges