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CHILD TRAFFICKING VICTIMS:
Approaches for Prosecutors and their
Multidisciplinary Team Members

CHILD TRAFFICKING VICTIMS: **Approaches for Prosecutors and their Multidisciplinary Team Members**

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INTRODUCTION

The commercial sexual exploitation of children (CSEC) is a horrifying yet widespread crime affecting a most vulnerable and tender population. At the mercy of traffickers and buyers, children, predominately adolescents, are sexually and emotionally abused, manipulated, coerced, beaten and ravaged. They may be members of households, attending local schools, or runaways living on the street. Nevertheless, these adolescents are undetected in our communities. The investigation and prosecution of CSEC crimes can be particularly challenging due to the dynamics of the relationship between adolescents and their exploiters, and the victims' reticence to disclose details of the crime to juvenile justice agencies, law enforcement, school personnel or child services providers. These cases call for a comprehensive team approach to hold commercial sexual exploiters accountable for their abhorrent crimes and to address the distinct needs of these preyed-upon victims.

The purpose of this Monograph is to share information with multidisciplinary teams regarding evidence-based practices, policies and guidelines developed by experts in the field to address the investigation, prosecution and tailored resources for child victims of trafficking. These materials include: a comprehensive, victim-centered practice for investigating and prosecuting cases of child sexual exploitation; a highly developed framework for multidisciplinary team members to establish both a team and procedure devoted exclusively to trafficked youth; and National Children's Alliance Protocols Adapted for Child Victims of Trafficking developed for Maryland's Child Advocacy Centers.

APA gratefully acknowledges the authors of these articles for their dedication, time and efforts in sharing their experiences, practices and guidelines with the field to improve outcomes and to protect child victims of human trafficking.

MULTNOMAH COUNTY

A Victim-centered Method for Supporting Child Victims of Human Trafficking and Prosecuting CSE Cases

By: Glen (JR) Ujifusa, Senior Deputy District Attorney, Human Trafficking Team, Multnomah County District Attorney's Office

¹ In Oregon, ORS 167.007 Prostitution or Attempted Prostitution. Of course, this is not how prosecutors or law enforcement should view victims, but it is worth pointing out as this is a common tactic used by traffickers to scare victims so they do not cooperate with law enforcement.

Introduction

Technology, demand and other factors have allowed sex trafficking to reach communities once thought to be exempt. Prosecutors, if your jurisdiction has the internet, individuals with disposable income and people who want sex, you already have a sex trafficking problem. This is what I often tell small, rural communities that think human trafficking is a “big city” problem. From sleepy towns on the Oregon coast to eastern Oregon’s rural landscape, investigations and law enforcement missions have proven that trafficking happens everywhere. Sadly, whenever trafficking occurs, children are often caught in this vicious cycle.

Trafficking crimes are unique and come with some very difficult hurdles. Under most state’s statutory schemes, the trafficked victim has either committed or attempted to commit a prostitution act, a crime¹ under certain circumstances. Because of this dynamic and many other nuances, trafficking cases can be some of the most challenging, yet rewarding, prosecutions. Due to the unique nature of these cases, traditional prosecution models fail. It takes strategic, creative and innovative prosecutorial approaches to succeed. To work these cases you have to be patient. One must also act quickly, often at a moment’s notice to meet with a victim, draft and execute a search warrant, schedule a Grand Jury, or any other number of investigatory tasks.

It is important to remember that traffickers and trafficking victims can be any gender or race and span all socioeconomic classes. That said, the majority of cases our office receives involves male traffickers, female victims and male buyers.

Multnomah County's Evolution in Human Trafficking Prosecution

In 2008, based on the Prostitution Free Zone (PFZ)² city ordinance expiring,³ street prostitution was at an all-time high, especially on 82nd Avenue, Portland's biggest "track."⁴ Neighborhoods were held captive by violence, both by rival traffickers and "pimps" berating their victims. Also affecting neighborhoods was the "buyer's" aggressive stance as they propositioned residents and littered streets with rampant crime and resulting paraphernalia. Trafficking victims and buyers flooded the area. At the time, I was assigned as a neighborhood prosecutor for the affected area. Working with some very proactive police officers, a plan was developed to interview and thereby understand the needs of sex trafficking victims on the street. Surprisingly, because they were not being arrested, they were extremely candid with their answers. Using the momentum generated from the community's outrage and the information learned by studying the dynamics of street level sex trafficking, a "Multidisciplinary Core Team" began to form. This team originally consisted of two police officers from Portland Police Bureau (PPB) and myself, a prosecutor from the Multnomah County District Attorney's Office (MCDA). We quickly realized that the traditional way of arresting women, charging them and taking them to jail was not the answer, nor was it getting to the heart of the issue. Juveniles were being arrested and charged while traffickers and buyers were rarely contacted, let alone charged. Among other things, it was clear that charging juveniles was increasing harm and driving them further underground. We were determined to change things and hold those truly responsible for these crimes accountable.

Evaluating the internal policies and organizational structure of PPB and MCDA was the first step in moving forward. We realized that in both agencies these cases were given very little attention or resources. At PPB, sex trafficking cases were handled by the Drugs and Vice Division (DVD). Although a small team had been working these cases, drug investigations took precedence. Investigators were often "borrowed" to satisfy the resources needed for larger drug trafficking investigations. In addition, district officers assigned to high vice neighborhoods rarely communicated with DVD. They engaged in a quick street level investigation and arrested people with whom they came

²Similar ordinances exist in Seattle, Stay Out of Areas of Prostitution Zones (SOAP) and other cities. Available at: [https://www.seattle.gov/police-manual/title-15---primary-investigation/15290---stay-out-of-areas-of-prostitution-\(SOAP\)](https://www.seattle.gov/police-manual/title-15---primary-investigation/15290---stay-out-of-areas-of-prostitution-(SOAP)). To oversimplify the idea, these ordinances allow officers to geographically restrict individuals who had been previously given notice of trespass in high vice areas based on prostitution activity. The effect of these ordinances allows law enforcement to establish reasonable suspicion or probable cause for trespass as opposed to prostitution, which can require significantly more resources...

³ See <https://www.oregonlive.com/opinion/2008/08/look-again-at-prostitutionfree.html>, <https://www.portlandmercury.com/news/life-after-dfzs/Content?oid=435388>

⁴A roughly 10-mile stretch of road linking at least 11 separate Portland neighborhoods. Unlike many "tracks" or "blades", this area was made up of residences, schools, and businesses.

in contact, moving on to the next call. After some work and education, PPB agreed to move sex trafficking cases to the Sex Crimes Unit. Ultimately, in 2009, PPB established a stand-alone Human Trafficking Unit that adopted a major crimes model for its investigations. Housing these cases in a specialized unit, and using a major crimes approach, led to robust investigations. This newly formed team displayed greater sensitivities to the unique challenges and dynamics of sex trafficking. In addition, a street team of officers would stay assigned to work high vice areas. Officers were selected because of their ambition and compassion towards victims. There was a unified goal to thoroughly investigate cases and hold traffickers as well as buyers accountable. Long term success in these cases was achieved through a consistent and pain-staking process. The traditional understanding of prostitution had to be reframed. It would start by referring to “prostitutes” as “victims,” “child victims” or “minor victims” and ensuring that they had an officer’s trust and compassion. Much of this was due to officers’ steady presence on the street and a rise in both investigations and referrals to detectives. The focus was on minor victim cases as we learned that most victims were exploited starting in their early teens.

Similarly, I began to evaluate how MCDA handled sex trafficking cases. I realized promoting prostitution⁵ cases were handled by a different unit than compelling prostitution⁶ cases; the former charges housed in our Felony Drug Unit, the later in our Sexual Assault Unit. Misdemeanor prostitution cases were handled by our Misdemeanor Trial Unit. Initially, I requested all cases, including the misdemeanors, be handled by a single Deputy District Attorney (DDA). I paid close attention to the “key players” by noting those charged with buying and selling. Later, our office would create a Human Trafficking Team under the same model consisting of two full time DDAs and one full time victim advocate. Having all charges and cases under one DDA helped us to understand the scope of the problem. Consolidation also significantly helped us to understand the dynamics and nature of trafficking in our area. Although many individual victims were adults by the time they were identified, many of those had been trafficked as minors. Due to the lengthy statute of limitations in Oregon,⁷ we were able to look back and hold traffickers accountable. In addition, we knew that many traffickers did not differentiate between minors and

⁵ORS 167.012- In sum: aiding, facilitating, receiving money from prostitution or managing a place of prostitution.

⁶ORS 167.015- In sum: aiding or facilitating a minor, or using force or intimidation to compel an individual to engage in prostitution.

⁷ORS 131.125(3)- A prosecution for any of the following felonies may be commenced within six years after the commission of the crime or, if the victim at the time of the crime was under 18 years of age, any time before the victim attains 30 years of age or within 12 years after the offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.

adult victims. Therefore, aggressively prosecuting traffickers, whether or not we could prove minor sex trafficking, affected minor victims beyond those listed on the indictment as a victim.

Along with the implementation of these internal organizational structure changes, both agencies began the heavy task of changing common philosophies. For example, traditional terminology commonly referred to trafficked children as “child prostitutes.”⁸ Agencies needed to be educated and understand that children who are trafficked are victims. With management’s support and identifying appropriate language usage, we could move forward. Educating both internal staff and the community about the dynamics of trafficking shifted the focus to the trafficker and buyer. Eventually, this philosophy toward victims would extend to all trafficking victims, adults and children.⁹ This basic principle formed the basis for many changes within PPB and MCDA. Some of these changes included taking a victim-centered approach. The traditional model of arresting, forcing victims to testify against traffickers, treating them like criminals and even threatening them with charges, yielded only short- term success. We learned very quickly that this model had disastrous long-term consequences.¹⁰ By taking time to meet with and understand victims, a relationship began to form between those being trafficked and law enforcement and prosecutors. I made it a priority to meet with victims as soon as they were identified. We met on their terms and at their preferred location. Much of the time this meant I was on call 24/7 and would travel to hotels, juvenile facilities and police precincts at all hours to introduce myself to victims and build a rapport. I tried to attend every police mission and residential search warrant in order to build trust with the victims and service providers. Sometimes this meant I was told to “f&\$% off”. Sometimes I discussed what it may look like for a victim to be involved in a criminal prosecution, other times it meant planning a grand jury the next morning or as soon as possible to start a case. Many times, it was a process of multiple meetings starting with the former response and eventually ending with the latter. Trauma bonding¹¹ and loyalty to one’s trafficker can be a significant hurdle to overcome. I did what I could ethically do to gain credibility and understanding while balancing the need to hold their trafficker accountable. This included working closely with local treatment providers and confidential advocates. Building trust between law enforcement

⁸Language is essential to educating the public, law enforcement, judges and jurors. The word prostitute, for example, insinuates that the victim is worth less or that they have chosen their victimization. “Victim” changes the initial meaning, has legal significance and illustrates an understanding of trafficking dynamics. At the very least, an “individual who is engaging in prostitution” is a much more victim-centered term than “prostitute.” Being open and working closely with survivors and victims is fundamental to continued sensitivity and appropriate language use.

⁹Ohlsen, Sarah, *Commercial Sexual Exploitation of Children*, January 2015, A Status Report of Our Jurisdiction, Multnomah County, p. 7.

¹⁰We were fulfilling traffickers’ threats to victims. To list a few: victims would be treated like criminals and therefore would not be trusted or believed; police and prosecutors could not be trusted and would do whatever they could to “make a case”. Further, the same vulnerabilities that were used by traffickers to exploit victims were used and sometimes enhanced by police and prosecutors. The trauma bond between victims and traffickers would intensify, thereby fulfilling the trafficker’s goal of brainwashing and controlling the victim.

¹¹Dr. Sharon Cooper, in her book titled *Medical, Legal, & Social Science Aspects of Child Sexual Exploitation, Vol. 1*, p. 426 cites a Dutton & Painter (1981, 1993) study and describes traumatic bonding as “a barrier to abused women leaving abusive relationships. Traumatic bonding is characterized by intermittent, unpredictable abuse and power imbalances that can result in powerful emotional attachments, even within new relationships. Isolated from the reality of caring family or friends, the woman is intermittently abused followed by a period of improved relationships with the abuser that feeds her fantasy of being loved. Though abusive men in intimate partner relationships can feign contrition as a tactic to keep women traumatically bonded, the social norms of being a pimp would never allow the pimp to show weakness by apologizing for violent behaviors.”

and prosecutors within these organizations led to many positive unintended consequences including an increase in initial victim reporting and cooperation. It also led to a significant increase in victims being cooperative and available for trial months, and sometimes even more than a year later. All this was possible while working in conjunction with advocates. The mutual trust developed between investigators, prosecutors and advocates led to the formation of a solid team that wrapped around the victim to provide support. To give one example, after a traumatic day of victim interviews and grand jury testimony, I needed to work with investigators and staff to prepare discovery, indictments, etc. I knew that I could count on advocates to continue to support the victim when I could not. I also knew that because of our relationship, advocate support provided to victims would continue to assist law enforcement efforts rather than erode the important work that had been done. This was not accomplished overnight. The trust that was built took effort on all sides and required experiences where advocates could see how prosecution was beneficial to the victims healing. Similarly, investigators and prosecutors needed to experience the benefits of advocate involvement, specifically confidential advocates supporting the efforts of law enforcement and filling in gaps that could not be addressed in other ways. For many prosecutors and investigators, without this critical relationship, depending on long term victim cooperation is nearly impossible.

Multnomah County District Attorney's Human Trafficking Team

The vision of the Human Trafficking Team is to protect victims utilizing a three-prong approach: (1) aggressively prosecuting those who traffic victims; (2) reducing demand for exploitation in all forms to include a dedicated focus on a reduction of sex buyers; and (3) ensuring adequate protection and support for victims of human trafficking.

As the Senior Deputy District Attorney assigned to the Multnomah County District Attorney's Human Trafficking Team, it is my responsibility to collaborate, coordinate and communicate with law enforcement on all investigations with a human trafficking nexus. The human trafficking team meets regularly to discuss cases and to ensure as many community-

based resources needed are being provided to minor and adult survivors of human trafficking. Recognizing that human trafficking is often an interstate crime and that offenders are typically engaged in other criminal activities such as drugs and/or weapons trafficking, the human trafficking team works closely with the United States Attorney's Office in the District of Oregon. Together, our agencies discuss what cases should be litigated in state court or U.S. District Court. If it's best to prosecute a case in federal court, I am cross-designated as a Special Assistant United States Attorney in the District of Oregon and can prosecute those cases with the assistance of the U.S. Department of Justice.

The greatest success found in the human trafficking arena is based on working with law enforcement and community partners. I have always believed that we cannot simply arrest our way out of this situation. Prosecution is part of the solution, but there is so much more. For each jurisdiction it may look different, but there should be a concerted effort to design a holistic model that acknowledges a victim's need for care before, during and after prosecution. A healthier witness or victim makes for a better prosecution, a better outlook and prevents future exploitation. This is especially true with minors. As many prosecutors have experienced, minors who have been trafficked at a young age are often trafficked multiple times by multiple suspects before even reaching adulthood. In my experience, there have been dozens of minor victims who were named victims in three or more sex trafficking prosecutions, in addition to countless other investigations. Being able to intercede in this pattern and change this trajectory creates significant change to individual victims and communities.

Recognizing how victims in trafficking cases have historically been treated and building upon experience with criminal cases in other units, our approach needed to be victim-centered. It just made sense to make cases stronger with victim participation for the long term. With a unified motivation, we desired to get dangerous and violent offenders off the streets. Being victim-centered did just that, but in a better way. I would watch other jurisdictions arrest, detain and treat victims as criminals. In these cases, victims would do as little as possible until the threats of jail or arrest were eliminated, and they would never trust the criminal justice system nor report future

crimes. Police, prosecutors and even judges often exemplified a trafficker's highly abusive conduct. The trafficker, as a way to insulate themselves, had always warned their victim that law enforcement would threaten, manipulate and only seek a conviction. The victim, isolated and manipulated, learned to place trust with their trafficker. In contrast, the victim-centered approach focuses on being thoughtful about the victim's needs and health before, during, and after an investigation and prosecution. This includes understanding that law enforcement will need the help of both system-based and confidential advocates, as well as community resources to attend to the needs and embrace the holistic health of the victim. A healthier victim always makes for a healthier witness. Ultimately, this prevents future exploitation. Commonly known, many victims are trafficked multiple times by multiple perpetrators. By instituting a victim-centered approach to prosecution, Multnomah County has found success in breaking this cycle and providing the ability to prosecute multiple traffickers who have preyed upon a particular victim.

Resources for victims should include a variety of services. Housing was, and is, a large factor. But housing without other support services in place is a band-aid fix. Other support services included mental health, medical, drug and alcohol treatment, childcare, parenting services and other support. What made the most difference was a survivor/mentor who worked with victims to navigate systems and services. Those services ranged from applying for benefits, to getting a government issued identification, obtaining a birth certificate, dental care and everything in between. We have found that specific sex trafficking treatment services have had the most compelling positive effects for minor victims.¹² These services focus on addiction, mental health, life skills, education¹³ and relationship counselling all with a specific focus on sex trafficking. Treatment for these victims should be tailored for their specific needs. A range of services from residential to outpatient treatment, from counselling to safe homes, are needed to address minor victims' complex needs.

In addition, prosecutors and law enforcement have struggled with the fact that minor victims and youth have expressed an addiction to "the life." This includes factors such as; lack of rules, fast living, motel-hopping, drug and alcohol use, money, parties,

¹² SAGE run by Morrison Family and Child Services, <https://morrisonkids.org/programs/residential/sage-youth-residential-program>

¹³ Setting these individuals up for educational support is key. Being able to pass their GED and move onto college can eliminate many barriers for this population.

etc. These views and ways to move forward are likely to be addressed in treatment settings specific to sex trafficking. Many juveniles have attended generic addiction services and mental health treatment, but continue to be enticed by the “the life.” In a recent case, I spoke openly to a fifteen-year-old victim who had been trafficked for years. It was clear she did not have an addiction problem; she was a smart and talented young woman. She expressed to me the addictive nature of “the life” and how drinking and smoking all day, having no rules or curfew was hard to leave. She then said something that I believe is even more indicative of why minors continue to be exploited, “the money.” We chatted about how the money was not kept by her and at the end of the day she was left with nothing, but that did not matter. She continued to explain that just the thought of how much she could make, whether or not she kept it, was important and was tied to her self-worth. She explained how a “square” job or school meant very little and felt degrading when she knew how much she could make or was “worth” in “the life.” This reasoning is prolific among victims/survivors and is the type of thinking that can be more thoroughly addressed with sex trafficking specific resources and treatment.

What we experienced from laying the groundwork for trust with service providers and others is that law enforcement and other community organizations understood the importance of their collaborative work. We had police officers delivering medical supplies and providing rides to victims so that they could make appointments. We had service providers calling police for help with navigating bureaucracies and providing safe options for victims. In a system, especially the juvenile system, where victims feel they have no control and no voice, this has helped all parties build trust and foster healthier, safer victims.

Prosecuting Commercial Sexual Exploitation Of Children Cases (CSEC) or Domestic Minor Sex Trafficking Cases (DMST)

Prosecution of CSEC/DMST cases in Oregon has evolved substantially over the last twelve years. Part of this evolution was the lobbying and changing of many state statutes to close loopholes, provide protection to victims and hold buyers accountable for purchasing minors. Initially, the state was required

to prove that a trafficker knew the age of their victim,¹⁴ that a prostitution act was completed and that a trafficker induced or caused a minor to engage in prostitution.¹⁵ Substantial and successful efforts were made to require strict liability when a minor was trafficked, whether or not the defendant knew their age.¹⁶ The phrase “aid or facilitate” was included in the statute to counter the defense that this was not the first time the victim engaged in prostitution. Among other laws amended or added since 2010, the purchasing of a minor became a felony, imposing strict liability regarding the age of the minor. In addition, it allows judges to require sex offender registration upon conviction.¹⁷ Moreover, our unit has evolved and continues to evolve using the feedback from victims, survivors and victim advocates. We strive to be more thoughtful regarding victims and more aggressive and successful in the prosecution of traffickers and buyers.

Offender Specific Prosecution

Our unit aims to be victim-centered and offender specific. Offender specific, as we define it, means that any suspected trafficker that is known to us or our law enforcement or community partners, can be prosecuted by our unit regardless of the charges. Simply, if an identified trafficker engages in a burglary, sex crime, domestic violence assault, or any other non-trafficking crime, the HTT may take that case. We know that many victims may never feel comfortable going forward with their cases, but by aggressively prosecuting their trafficker on other related or unrelated charges, we may reduce the harm or the trauma the trafficking victim has endured. Additionally, in some cases it may prevent future victims, or future harm and trauma to victims. In addition to traffickers, offender specific prosecution also focusses on buyers, especially buyers of minors and high frequency buyers. Simple economics tells us that without demand there is no need for supply. Supporting a change of laws to increase buyer accountability and working with groups who focus on reducing demand,¹⁸ significantly impacts sex trafficking in your community. Furthermore, making tougher sentences for those who purchase a minor is a best practice. Studies suggest that 25% of “high frequency” buyers drive 75% of the market.¹⁹ With this in mind, our jurisdiction prioritized “high frequency” buyers (HFBs). In my experience most buyers are opportunistic, meaning that they do not care whether a victim is a minor or an adult. Because of this, reducing overall demand, should reduce demand for children and youth. An

¹⁴ We know that traffickers coach minors to state that they are adults. The burden placed on the prosecutor to prove the defendant knew the age of the minor was difficult based upon the dynamics of hiding the victim's age from buyers, websites and others.

¹⁵ At trial, the defense would argue that if a victim had been trafficked before or had previously engaged in prostitution then the defendant could not have induced or caused the victim to engage in prostitution as it was not their first time.

¹⁶ Strict liability is important to make sure buyers cannot hide behind a mistaken age defense.

¹⁷ Until this change, purchasing a minor or an adult was a misdemeanor and the only change we were able to persuade the Oregon Legislation to make was to increase the fine for buyers of minors.

¹⁸ <https://www.ceasetwork.org/>, <http://epikproject.org/>, <https://www.demandabolition.org/>

¹⁹ <https://www.demandabolition.org/who-buys-sex/>

example of how to focus on HFBs was demonstrated in the early 2010's by Portland Police Bureau. Understanding that there is a limited amount of resources and time, local law enforcement received information regarding local HFBs to help identify and reduce local demand. During missions and other sex trafficking investigations, they were able to identify those individuals who created a majority of the market and built cases to hold them accountable. We not only indicted individuals on sex trafficking charges such as purchasing a minor or promoting prostitution when applicable, but we also charged sexual assault and child pornography crimes.²⁰ Missions are extremely successful where undercover law enforcement acts as a victim for buyers to purchase for sex. The statements and text messages collected as evidence make for a very strong prosecution and prevent an actual victim from being exploited.

Prosecutors and law enforcement will find that once they have identified these HFBs, they recognize them throughout pending sex trafficking investigations and in the social media and phones of many minor and adult victims. In addition, investigators will find that victims describe some buyers as being violent, "creepy", a "bad date" or other negative terms. Investigators should follow-up and work to identify and investigate these individuals. In my experience, those buyers who are described in negative terms by victims are notable for a reason and stick out in their minds because they have done some very bad things. One example was an individual who was originally a victim/buyer in a sex trafficking investigation.²¹ The trafficked victim was barely eighteen years old, and the buyer had an elaborate ruse to avoid paying for prostitution acts. After engaging in prostitution with the victim on a particular night, the trafficker stormed into the room and realized that the buyer was trying to avoid payment. The buyer was assaulted and robbed, leaving him with permanent loss of vision and excessive wounds. The victim was adamant throughout the investigation and trial that the buyer should be held accountable. Years later, a sexual assault report was made naming this same buyer as the suspect. After much digging, contacting neighbors, ex-girlfriends and others, it was determined that this buyer was a serial rapist. He had sexually assaulted at least a dozen women and children, some of which he found through prostitution websites such as backpage.com.²² During the investigation into this violent buyer, we found many trafficking victims in other cases who had fallen for his ruse

²⁰ Prosecutors will find that many states have much tougher sentencing laws for child sex abuse and child pornography laws. We used a myriad of charges in our HFB prosecutions including Attempted Rape, Attempted Sodomy charges if the sex acts had not been completed. We also charged Luring and Child Pornography charges if they requested pictures, sent pictures, requested videos, sent videos, etc.

²¹ https://www.oregonlive.com/portland/2013/07/portland_pimp_who_beat_teen_un.html

²² https://www.oregonlive.com/portland/2018/09/former_grimm_camerman_gets_30.html

of not paying and others who were sexually assaulted. There is a reason that the victim of choice for most serial killers are individuals engaged in prostitution. They count on crimes not being reported and victims being perceived as less valuable in society and not worth the effort of investigation. That should not be the case.

Identifying Child Trafficking Victims

Victims are identified through a variety of means, and we work to meet with them as soon as they are identified, regardless whether there is a prosecutable case. Again, in many cases our first meeting consists of introducing ourselves and answering general questions and hypotheticals about the justice system and what would happen if the victim chooses to make a report. Identifications are made by child welfare, law enforcement, jail intelligence, juvenile justice, medical referrals, school referrals and community outreach, etc. Internally, DDAs assigned to other units are regularly trained on how to spot signs of trafficking. Cases initially referred to our office as domestic violence cases, drug cases, shoplifting cases, robbery cases and gang- related cases are the majority of sex trafficking referrals from within the DA's office.²³

Some of our most productive and proactive outreach has been visiting juvenile treatment and detention centers and introducing ourselves to children who have been identified as human trafficking victims or high risk. We are usually able to explain who we are, what our job entails and open it up to questions the staff or children may have regarding laws, the criminal justice process and anything else they wish to talk about. We have found that many of our new cases and reports come from individuals who have met us, had an opportunity to ask questions and learn about the process of investigating and prosecuting trafficking cases. When those children are ready, they will reach out to those they have previously met to make a report. In some scenarios, prosecuting a buyer for felony charges such as purchasing sex with a minor or other child sexual assault charges may be the thing needed to build trust with a minor victim. This may make them comfortable enough with the process, the investigator, and the prosecutor to talk about their trafficker.²⁴

²³ For a pilot project, I spent over a year in our Domestic Violence (DV) Unit screening cases for trafficking. To oversimplify, in many cases where money was a significant element of the charge, those cases were actually trafficking cases. For example, a domestic assault where the "boyfriend" assaulted the victim and rummaged through her purse, taking money and demanding more, oftentimes turned out to be a trafficking case. As I have described to deputies in my office, when there is an additional element of money, especially in DV cases, you should pay particular attention.

²⁴ A prosecutor must take into account the fact that under this scenario the victim will testify more than once which may increase trauma. At the same time, victims are much less loyal to their buyers. Buyers can be more violent, or perceived by the victim to be more violent or "worse" than the victim's trafficker.

Once a victim has been identified and is ready to report, working closely with detectives and advocates is key. Not only should meetings take place as soon as possible, but also as often as the child would like to get together. Conferences with the child should describe the grand jury process, the trial process and allow the child to see the Grand Jury room. In addition, encourage the child to ask questions about the process and discuss the questions they will be asked in grand jury and at trial. This practice can reduce additional trauma to the child. In addition, safety planning and discussing the safeguards detectives and prosecutors will take to support the victim can limit their amount of anxiety. My conversations usually include describing the protective orders and sealing orders I will seek, timing of arrests, the amount of bail the defendant(s) will have to post, and that if a case pleads, grand jury may be the last time the victim will have to testify about these events. I explain that whether a case goes to trial or pleads, is ultimately up to the defendant but that victims are a piece of the investigation and the case does not live or die on their “shoulders.”²⁵ We have found that by working closely with detectives and corroborating as much as possible, we are able to reduce the anxiety of the victim and prevent witness tampering. By doing a comprehensive investigation, victims are just one piece of a larger and more thorough investigation. In fact, my advice to investigators is to investigate as if the victim is not cooperative or is unavailable for trial. This leads to a very thorough investigation, potentially allowing a prosecution to go forward without the victim’s testimony, preventing witness tampering and resolving the case short of trial.

We have found that once a victim is ready to report, the entire team (prosecutor, detectives, advocates, etc.) should mobilize to get the victim into grand jury as soon as practicable. As we have seen, the window of opportunity may be just hours before things change or the suspect and/or their associates are able to tamper with the victim. Along these same lines, prepare to explore the entirety of the case with your victim regardless of whether other co-defendants are ready to be charged. You can always extend the grand jury as you may never be able to get the victim back in front of the grand jury for additional charges or defendants. That being said, ask questions about other victims, “bottoms”²⁶ or buyers. In many cases, those individuals may not be identified for months or may not be cooperative until much later.

²⁵ I found in the early years of prosecuting these cases that when a case rested squarely on the shoulders of a victim, they felt that stress. The trafficker knew what to do. By conducting a more thorough investigation that does not rely solely on the testimony of the victim, cases are stronger, witness tampering is less effective and victims’ cooperation increases while their anxiety decreases.

²⁶ “Bottoms,” or “bottom bitch,” sometimes “wifey” or other titles are usually the most trusted victims of the defendant. They may be the ones recruiting, paying for motels, renting cars, holding money and even enforcing consequences. Many are also engaging in prostitution, and a prosecutor and investigator should thoughtfully consider their role. In most cases they are both a victim and a defendant.

Charging Decisions

Charging decisions, as many know, can potentially haunt you months later while in trial. More so with trafficking cases than many other prosecutions, you have one chance to get it right and to issue appropriate charges. My philosophy is to charge aggressively and use multiple charges when the facts permit proving separate incidents. In my experience, the amount of prose or litigious defendants is the highest when it comes to minor sex trafficking cases. Charging decisions need to be thoughtfully made and are extremely challenging with facts and witnesses who are vulnerable and traumatized. Know your sentencing guidelines and laws inside and out. Don't shy away from using sex crimes, child pornography, and assault/domestic violence related statutes to round out your indictment. Word your indictment in a way that jurors, by their guilty finding, may allow consecutive sentences and mandatory minimums²⁷ without an additional hearing or finding from the jury. For example, in Oregon a defendant is eligible for consecutive sentences when it is a separate criminal episode or a separate harm, among other things.²⁸ The way in which you word your dates and charges may make it easier at sentencing to argue separate episodes and harms, if your indictment dates do not overlap. You may also need to delineate each separate sex act or prostitution act. Charging considerations should also be carefully thought out for "bottoms," as well as buyers.²⁹

Indictment

Once indicted, it is important to remember and relay to the prosecution team that the investigation, victim interaction and working with partners continues and may be more involved than before indictment. In our jurisdiction, a jail intelligence sergeant is assigned to human trafficking cases. They are essential in identifying traffickers, victims and associates. In addition, they continue to monitor defendants to gather information on other offenders, victims and to prevent witness tampering. Tattoos, jail mail, phone calls, in person visits, video visits, inmate memos, deposits and other forms of communication between inmates and the outside are monitored, documented and forwarded on to the detective and prosecutor in almost real time. Additional charges, witnesses and strategies are only some of the benefits associated with this position and their relationship with the prosecution team. We have found that instances of witness tampering have decreased and have been easier to identify. This has led to more victim involvement during later stages of prosecution.

²⁷ ORS 137.690- Major Felony Sex Crime; allowing certain sex crimes, even in the same indictment to be a mandatory minimum 25 years prison sentence, ORS 137.719- Presumptive life sentence for certain sex offenders upon third conviction, ORS 137.725- Presumptive life sentence for certain sex offenders upon second conviction.

²⁸ ORS 137.123

²⁹ Being able to determine charges is one of the most complicated decisions prosecutors have to make in these types of cases. I describe my thoughts on charging "bottoms" as a spectrum. There are some that are no different than your victim: they are forced to engage in prostitution acts and if they don't act appropriately, they are assaulted by the trafficker all the same. To me, even if they recruit, it is usually under duress and therefore I am very cautious to charge these individuals. They are victims. There are other "bottoms" that do not engage in prostitution acts, but recruit and assault victims, keep money and ultimately are on a different power level from victims. Having a duty to the public and the victims, I may charge these individuals and I may also include on the same indictment charges against the trafficker, where they are the victim. This is a very complicated issue and I am happy to discuss my experience and opinion with those who wish to contact me.

Because a higher number of traffickers take their case to trial and many score extremely high in psychopathy, personality disorders, aggressive narcissism and manipulation, negotiation tactics are unique. In my experience, multiple settlement conferences with defendants and their attorneys have been the most productive. I have found that many defendants need to realize they are not going to talk or manipulate their way out of the case before they are willing to be reasonable and negotiate. In addition, many defendants seem to be hyper-focused on specific charges or parts of a report that make it hard for them to move past and see their case as a whole. Settlement conferences can help focus the negotiations and move past specific concerns to more productive discussions. This can be the most challenging part of negotiations.

Preparation and Trial

Trial prep should start early with the victim. Notifying advocates and partners will help address the victim's stress and focus on their concerns. Safety to and from the courthouse, familiarity with the courtroom and supportive individuals present when they testify are all areas that need to be discussed and planned. Informing victims of the questions or topics you will go over may also ease their anxiety associated with testifying. This is especially critical for minor victims. For others they may not want to discuss their testimony until it is necessary, or not at all until they are on the witness stand. Ultimately, leaning on your community partners and advocates will help inform you as to what is needed and the concerns of your victim. When videos and photographs will be used in trial, I try to discuss and problem solve how they will be shown, who will be allowed to see them and if I can position the courtroom monitor in a way to give the victim as much privacy as possible. On many occasions this has been the most traumatic part of trial for victims. For other victims, seeing and being in the same room as their trafficker is daunting. Working with courthouse security, the court clerk and others as to where the victim will be seated, how they will approach the witness box and where they will look, are important details. Thoughtfully pick a location away from the defendant when questioning the victim so that during their direct examination the defendant is not in the background of their field of vision. Be aware that family and associates of the defendant are often in the gallery or in the courthouse, in some instances to intimidate victims. In one example of collaboration,

advocates, working with the prosecution team, flooded the courtroom sitting around the victim to create a barrier from the defendant's associates who were there to intimidate the minor victim.

Negotiations with trafficking cases can be discouraging. In most instances, realistic offers or counter offers from the defense will only be acknowledged on the heels of trial. This is because defendants believe that their victim, at the time of trial, will be unable or unwilling to testify against them. In addition, many believe, similar to their experiences on the street, their manipulation and charm will allow them to avoid responsibility and the consequences of their actions. This usually manifests itself in attorney/client breakdowns, including substitution of the attorney at hearings. Here, defendants may complain their defense attorney is not working hard enough or willing to pursue their strategy. In my experience, this is because the attorney is advising the defendant to take a plea or disagreeing with the strength of their case. This may also be a delay tactic to avoid trial. On average, in Multnomah County, trafficking defendants have a very high rate of substitution of attorney hearings resulting in delays before trial.³⁰ Prosecutors should anticipate these strategies, be willing to be flexible with negotiations,³¹ but aggressively hold offenders accountable. For many cases, the proof that a victim will be or is present for trial has ultimately resolved a case by plea. Be prepared for the fact that traffickers in your jurisdiction know each other, victims know each other, and they talk. They discuss tactics law enforcement and prosecutors use to investigate cases, negotiate cases, make plea offers and develop trial strategies. One of the fundamental defenses used by defense counsel in sex trafficking cases, especially involving minors, is to go after the victim and show they are not credible, they have motivations to lie and to distance their client from the victim. For this reason, I advise investigators to gather as much corroborating evidence as possible. Traditional prosecutions focus on the corroboration of elements within a crime. For sex trafficking cases, I advise to look much broader. The first, and most important reason, is to build credibility, take the weight off the victim's shoulders, and show the jury that they should believe the victim's account. The second reason is to prepare a prosecution for an uncooperative victim or inconsistent victim testimony. When prepping for trial, prosecutors should weave in these corroborating pieces of

³⁰In many cases the number of individual defense attorneys reaches between 7-10 attorneys causing significant delay before a sex trafficking case goes to trial.

³¹The goal is to hold the offender accountable and at the same time prevent additional trauma to the victim. Many prosecutors' offices have policies when it comes to how and when a case can be resolved by plea. These policies may need to be more flexible, or at least examined in order to not retraumatize a victim unnecessarily.

evidence into the presentation of the victim's testimony. I prefer to do this using PowerPoint or some other visual media. It is powerful to use the victim's statements about being required to do ten prostitution acts a day and not being able to leave or sleep while showing the motel surveillance video of men entering and leaving the room throughout the day and night. I have used corroborative evidence that may not look like much, and investigators may be reluctant to collect or seek out, but has made a huge impact in court. This can be traffic stop reports where the trafficker and victim are in the same vehicle, restraining order documents, medical records, traffic accident reports, social media images and videos, etc.

One example of important corroborating evidence involved a tattoo on the neck of the defendant. In the early stages of rapport building with the minor victim, she emphasized her intimate relationship with the defendant by stating that her lips were tattooed on his neck. Investigators were able to identify the tattoo shop and the tattoo artist who had applied the lips. He stated that he remembered the victim and the defendant coming into his shop and that he traced the victim's lips onto wax paper to copy onto the defendant's neck. Using this corroborating detail, we set out with a plan to use this information when the defendant was interviewed. We were confident that the defendant would lie about his relationship with the victim. We also knew that our case would rely almost exclusively on the victim's testimony and we needed to show that the defendant was not credible. We decided that if the defendant was not truthful at the beginning of the interview about the lip tattoo, investigators would repeat the question during the middle and at the end of the interview. He was deceitful each time, stalling and then stating they were his mother's lips. During his trial, the tattoo artist, the victim and the defendant's recorded interview were presented to the jury. The defendant was convicted. It was clear to the jury that the defendant was not credible. All defense challenges to the victim's credibility, even those not related to the tattoo, were ineffective. The victim's testimony was corroborated by a tattoo and the artist who drew it.

Trial prep and trial strategy is a personal preference and very fact specific. Included are some things to consider when prepping for trial.

Organizing Electronic Evidence

Minor Sex Trafficking cases can be extremely electronic evidence heavy. Similar to a white-collar crime case, this evidence needs to be organized. Electronic evidence can be presented effectively for jurors and judges to understand the relationship, the meaning of conversations, the motive and the dynamics of the game. In addition, it can explain the control and exploitation of the victims. I usually take the approach of looking at my evidence through the lens of a trafficker whose sole focus is making money. Being able to do the same for the judge and jury will help them understand the moves made by the defendant and the way in which they were able to control the victim.

Anticipating Defense Tactics

There are a handful of defense tactics used in minor sex trafficking cases; going after the victim and their credibility,³² minimizing the defendant's role and knowledge of prostitution activity. In addition, tactics may include placing blame on another trafficker or simply arguing that the state does not have enough evidence of the actual prostitution acts to prove the case beyond a reasonable doubt. Address these defenses early, start with evidence you fight for in pretrial motions³³ and questions you use in jury selection. Determine how your opening and closing will look. This will take not only the "wind out of the sails" of the defense arguments, it will also minimize the effectiveness of the arguments of defense counsel when it is their turn to present a case.

Voir Dire

Voir Dire in trafficking cases hinges on some very specific themes: the legalization of prostitution, the credibility of your victim,³⁴ proving agreements and sexual acts behind closed doors, the "willingness" of the victim or the fact that the victim did not report or leave, etc. These discussions become much easier when your victim is a minor. Being able to allow your jurors to discuss these issues during your voir dire and listening to their concerns is key. I always shift the view to that of the defendant. Try to have them think about who a trafficker would pick as a victim, what a trafficker would do to avoid detection and how a trafficker would control their victim. In my experience most of these altruistic or ideal theories of legalizing prostitution or notions that prostitution is victimless seem to dissipate when you begin to talk about minors or the use of force, coercion or control.

³²These tactics may include a victim's drug usage, making the victim appear jealous or benefiting from the prosecution of the case.

³³Examples include- 404 B Prior Bad Acts motions, Joinder motions, motions to limit evidence and motions to admit evidence. These can be extremely strategic and will put you on the offensive in trial.

³⁴Taking into account multiple versions of their story, controlled substances, prior criminal history, prior credibility problems and motivation to lie to avoid prosecution, etc.

The Pro Se Trafficking Defendant

In my experience traffickers are more likely to go to trial than other felony defendants. This tends to make sense based on the characteristics common in traffickers such as their need to control and manipulate, their narcissistic tendencies and their anti-personality traits. In addition, traffickers seem to be, on average, more intelligent or perceive themselves to be more intelligent than other felony defendants. Due to this and the traits explained above, it is common for them to write their own motions, try to control the trial through manipulative means and try to create appellate issues during trial. Prosecutors must be extra cautious and mindful of how they are portraying their case and protect the record for appellate reasons. As a result of all the factors listed above, traffickers tend to be the most likely defendants to proceed pro se and represent themselves. When this happens, prosecutors need to be extremely thoughtful about trial and protecting the record. Trial strategy, the power of subpoenas, arguing motions and examining witnesses falls into the hands of a pro se defendant. In many instances, this can be challenging for the prosecutor, the judge and the jury. A prosecutor, as an officer of the court, must make sure to uphold the laws and rules of the courtroom and be conservative with trial strategies. In reality, prosecutors become part prosecutor part defense attorney, making sure the trial is fair and the defendant receives every opportunity to have a fair trial.

Cross-designating a Prosecutor for Federal and State Cases

Having a prosecutor cross-designated to work both state and federal cases is extremely beneficial. Local prosecutors and law enforcement will find that almost all cases can be prosecuted federally. The question is whether they should be. About ten years ago I was cross-designated as a federal prosecutor otherwise known as a SAUSA. This has enabled me, my office and the U.S. Attorney's Office for the District of Oregon to work closely and strategically on sex trafficking cases, including minor sex trafficking cases. Under federal statutes such as 18 USC 1591,³⁵ sex trafficking crimes do not require acts or crimes to cross state or international borders, rather they just need to affect interstate commerce for federal jurisdiction. This is a very broad requirement and applies to almost all state sex trafficking investigations. Examples the court has found for federal jurisdiction are; using condoms manufactured or

³⁵(a)Whoever knowingly--

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1).

knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b)The punishment for an offense under subsection (a) is--
(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)

(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited, the Government need not prove that the defendant knew, or recklessly disregarded the fact, that the person had not attained the age of 18 years.

transported from another state or nation, using websites where servers or information travels interstate, using motels/hotels that cater to out of state guests, using products or services that rely on interstate commerce, etc. In sum, this means that state and federal prosecutors' jurisdictions overlap tremendously. Rather than silo jurisdictions, law enforcement and prosecutors should work together to determine what investigations, charges and cases are best for each jurisdiction. For example, in our jurisdiction, state investigations, grand jury, and trial dates are much more expedient than their federal counterparts. This may be the leading factor when a prosecutor is determining whether to prosecute in state or federal court. Other factors may include; resources, elements of the differing statutes, sentencing guidelines, etc. The analysis as to whether a case is prosecuted at the state or federal level should be a routine evaluation and conversation between state and federal prosecutors. What should drive this decision should be the needs of the victim and the best opportunity to hold the offender accountable.

A case that illustrates this point took place near the airport in Portland, Oregon. A manager of a local hotel called local police to complain that occupants of a specific room had stayed past their check-out time and he wanted them removed. He mentioned that he believed there was prostitution activity going on in the hotel room and provided a google search of the occupant's name. The search showed she had been arrested for prostitution in another state. Local police responded and ultimately identified two females and a male occupying two rooms. The younger female, who was eighteen years old, disclosed to police that the other two individuals were trying to traffick her. In addition, the teenage victim indicated she was originally from Idaho. Follow-up investigations uncovered dozens of victims from multiple states with the defendants' home base in Hollywood, California. It was quickly converted from a local investigation into a federal investigation due to the resources needed to identify and contact victims, collect evidence and apprehend the suspects. As the case continued to unfold, it was determined that the defendants were in Europe. For this reason, law enforcement sought international assistance. This type of case would not have been possible as a state prosecution nor would it have served the needs of the victims to engage in separate prosecutions for each of the dozens of jurisdictions affected. Instead, working with federal

investigators and charging the case federally, resulted in a successful prosecution.³⁶

³⁶ https://www.oregonlive.com/portland/2016/12/man_who_told_women_he_was_a_ho.html

In sum, sex trafficking, specifically child/minor sex trafficking is happening in your community. It is extremely harmful to the victims involved and is a unique dynamic of trauma, control and abuse. Prosecutors and investigators who are willing to be aggressive, creative and thoughtful in investigating and prosecuting traffickers and buyers will see results. The results will benefit their community and will serve the victims, who in many cases are the most vulnerable. These cases are not easy, nor able to be investigated or prosecuted through traditional means, but they are righteous and rewarding cases that target some of the most dangerous individuals in our communities.

³⁷ <https://www.acf.hhs.gov/otip/resource/2019naccharter>

JR Ujifusa is an appointed member of the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (NAC). The committee advises the Attorney General and Secretary of Health and Human Services on best and promising practices for human trafficking. During the past two years, the Committee has been working to identify best practices and will be releasing their findings shortly on the US Department of Health and Human Services website. Following this, the NAC will evaluate states based upon their published practices. The Committee welcomes prosecutors and other allied professionals to review the document when it becomes available and respond by highlighting your state's important human trafficking practices. The NAC will compile their findings and release a document detailing their findings of each state's practices.³⁷



SUPPORT TO END EXPLOITATION NOW (SEEN) PROGRAM

Children's Advocacy Center, Suffolk County, MA

By: Susan Goldfarb, Executive Director

Elizabeth Bouchard, Associate Director

Changing a Fractured System

When the Support to End Exploitation Now (SEEN) program was first established in 2004, it represented a pioneering intervention in Suffolk County, MA and, ultimately, a groundbreaking change in local thinking. SEEN and its stakeholders rallied around the paradigm-shifting assertion that commercial sexual exploitation of children (CSEC) is child abuse - not delinquency - that its victims deserve support and healing, not misplaced censure and arrest.

Before SEEN, CSEC was practically unrecognized in Massachusetts; concealed by exploiters, mislabeled as juvenile criminal behavior by society at large, and undetected by youth-serving agencies and providers.

The absence of a structural response, universal screening and reporting, and data collection kept commercial sexual exploitation of children off the community radar.¹ The most vulnerable youth remained hidden. Underscoring the invisible nature of CSEC and the collective misconceptions of the time, less than a dozen juveniles were arrested for prostitution in Massachusetts during 2001, let alone identified as victims needing and deserving of support.

That same year, the unsolved murder of a 17-year-old girl catalyzed the Children's Advocacy Center (CAC) of Suffolk County, the Suffolk County District Attorney's Office and its partners to change the system. Utilizing a cross-disciplinary framework, the CAC and its diverse partners united around

the shared belief that authentic collaboration could yield better outcomes for child victims.² Together, the partners devised a trailblazing CSEC multidisciplinary team (MDT) response model to identify youth experiencing exploitation and to intervene on their behalf. Since its inception fifteen years ago, SEEN has provided a coordinated, multidisciplinary response for more than 2000 exploited and at-risk youth.

Establishing a Purpose-Driven Local Multidisciplinary Anti-Trafficking Team

Child abuse “best practice” is premised upon the philosophy that “no one agency can do it alone.” The majority of youth referred to SEEN typically have experienced complex trauma (i.e., youth may suffer abuse in the home and run away, only to be targeted by an exploiter who repeatedly victimizes them). They also engage with multiple intersecting agencies (including child welfare and juvenile justice), often times involving multiple jurisdictions.³ From the beginning, the CAC and its partners agreed that a collaborative CSEC response would be more effective than any one discipline’s singular effort. They further agreed that any collective effort addressing abuse should be informed by a comprehensive understanding of trauma and its impact. In addition, the response model should be grounded in positive youth development, youth engagement and long-term “recovery” (vs. a model which focuses on “rescue” or “harm reduction” alone). The mantra “these are our kids” provided a framework for SEEN and its stakeholders. The principles that laid the foundation for collaboration included the following; partners have a shared responsibility to keep children in the Suffolk County community safe, sexual exploitation of youth is, by definition, child abuse, and exploited youth should be treated as victims with diverse needs, not charged as offenders.⁴ As such, SEEN’s partners are committed to a coordinated multidisciplinary response that ensures exploited youth have access to resources and services, physical and psychological safety, and opportunities to engage in their own healing. They also believe that the true offenders - those buying, selling, and facilitating exploitation - should be held accountable and prosecuted.

Multidisciplinary Team Guidelines & Memorandum of Understanding

To shape the SEEN response, the Children's Advocacy Center of Suffolk County initially utilized grant funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Massachusetts Department of Children and Families (DCF) to support a full-time project manager. This position facilitated the development of a CSEC Multidisciplinary Response Protocol and forged strong relationships with diverse partner agencies spanning law enforcement, the courts, child welfare, juvenile justice, legal advocacy (delinquency and civil), schools, medical and mental health providers, and community-based service providers. These representative partners established working subcommittees to address service provision, confidentiality and offender accountability. Together, they crafted Guidelines for a Multidisciplinary Intervention and the SEEN Multidisciplinary Response Protocol.

The original SEEN MDT Guidelines detail SEEN's statement of purpose, goals and objectives, and the rationale for an MDT intervention. Built upon the foundation of SEEN's core principles, they provide guidance around universal screening to bolster victim identification, outline the role of mandated reporting through the child welfare system and describe case screening and assessment to address the protective, evidentiary and service needs of youth. The guidelines further articulate expectations encompassing interagency communication, information-sharing and the duties of individual team members. Finally, the guidelines outline relevant Massachusetts statutes, recommendations for cross-discipline training to precede and sustain MDT involvement and a framework for resolving conflicts.

To fully outline the roles and responsibilities of MDT members, and to further solidify the multidisciplinary collaboration, SEEN drafted a Memorandum of Understanding (MOU) that was signed by more than 35 partner (local, state and federal) agencies in 2007. The MOU included two sections: the first section was signed by all partners and articulated SEEN's shared belief that the best practice for approaching CSEC is through collaboration and communication. It also included a statement of intention; a commitment to supporting at-risk and exploited youth and adhering to the SEEN Multidisciplinary Protocol. The

document recognized exploited youth as victims of child abuse and concretized the MDT response as an intervention triggered by the filing of a report of suspected abuse with DCF. It affirmed that, for youth experiencing CSEC, recovery is a process. The second section of the MOU was signed by a subset of partners central to investigating exploitation concerns and defined additional detailed agency-specific commitments for the core team.

A central element of the SEEN response protocol is its designated CSEC Case Coordinator. The coordinator serves as the lynchpin of the SEEN multidisciplinary team, receiving all referrals and facilitating the collaborative team response. Each SEEN MDT is youth-specific and tailored to the individual circumstances of the referred child, their family, and the presenting concerns of their case.

By 2019, SEEN's MDT response was well-established and had evolved into a substantial, sophisticated and comprehensive model. Since more than ten years had passed since its first signing, the partners updated the Memorandum of Understanding (MOU) to re-affirm SEEN's founding principles and to expand upon all partner responsibilities. The updated and comprehensive 10-page MOU sets the stage for a collaborative response that maximizes and leverages partnerships to keep youth at the center of all CSEC interventions. It is a testament to the authentic and genuine professional relationships shared among SEEN's partners.

Nuts and Bolts: The SEEN Multidisciplinary Response Protocol

SEEN Program Staff

The SEEN program includes a Program Manager, two full-time Case Coordinators and a full-time intern to manage data collection. SEEN Coordinators respond to case referrals and implement the SEEN protocol. They are instrumental to the SEEN intervention as they facilitate interagency communication and case planning for each youth referred to the program.

Protocol:

The SEEN MDT Response Protocol articulates the MDT response and purposefully aligns with MA child abuse reporting laws to facilitate information-sharing and MDT team planning. First, it defines CSEC as child abuse, necessitating that mandated reporters report suspected concerns of CSEC to DCF. Second, it describes how DCF must immediately refer CSEC cases to the Suffolk County District Attorney's Office, local law enforcement, and the Children's Advocacy Center of Suffolk County. Third, it outlines the resulting multidisciplinary team response.

SEEN Program Components (listed below)

Screening and Identification

SEEN employs a "universal screening" approach to identify at-risk and exploited youth. To increase screening capacity throughout the community, SEEN and its partners conduct widespread training among diverse groups of professionals to increase awareness and understanding of child trafficking and to enhance providers' capacity to recognize CSEC indicators and red flags. The goal is to help all professionals who interface with youth to recognize and report suspected CSEC.⁵

Reporting

Per SEEN's original protocol and, as of 2012 per MA law, mandated reporters in Massachusetts must file a report of suspected child abuse with DCF whenever they have reasonable cause to believe that CSEC may be occurring.

Mandated Reporters can reach out to the SEEN MDT Coordinators for guidance on when to file a report and the type of information to include in a report, or to provide direct notification to the SEEN MDT Coordinator once a report has been filed. SEEN Coordinators typically advise those submitting reports to include the following:

- Reason(s) why the reporter suspects sexual exploitation of the youth, including:
 - If the youth is found in a location or on a website known for advertising commercial sexual activity
 - If a youth is affiliated with a known pimp, exploiter, or other people who are being commercially sexually exploited

- CSEC indicators and red flags
- Any known information about the exploiter/perpetrator including name, nickname, known addresses, vehicle information, or social media information

¹ Information sharing among MDT members is facilitated by M.G.L. 119 51D which establishes multi-disciplinary teams to review provision of services to children who are determined to have been sexually exploited or trafficked.

Once the SEEN MDT Coordinator learns that a report has been filed, the Coordinator will proactively initiate case coordination.⁶

Centralized Referral

The SEEN MDT Coordinator serves as the central clearinghouse for CSEC cases in Suffolk County. Mandated reporters in Massachusetts are required to file a “51A” report of suspected child abuse with DCF when concerns of child abuse or neglect are present. When a report of suspected child abuse is filed, DCF immediately refers the new case to the Suffolk County District Attorney’s Office and to SEEN, igniting the rapid MDT intervention.⁷ The SEEN Coordinator leads the MDT response, gathering and organizing information and acting as a central liaison for collateral partners.

Information Sharing, Assessment, and Investigation

By communicating with DCF, digesting the contents of a 51A report, and reaching out to local partners, the SEEN MDT Coordinator identifies what agencies, providers, and investigators are already working with an individual youth and what agencies may need to become involved. Some of these professional partners will have a long history of involvement with the youth while others will be assigned due to the new referral. The 51A report enables the SEEN Coordinator to convene the MDT and to facilitate information-sharing about the concern of CSEC and support planning among MDT members.¹

The SEEN MDT Coordinator contacts and introduces partner agencies to the MDT response protocol and invites their participation. When needed, they also obtain consent and releases of information, as some team participants must adhere to their own respective agency confidentiality policies.

CSEC MDT Case Conference

Within 24-48 hours, the SEEN MDT Coordinator contacts all relevant agencies and convenes a collaborative MDT meeting (by phone or in-person) to share information and begin developing a multi-pronged response. The MDT reviews information-sharing

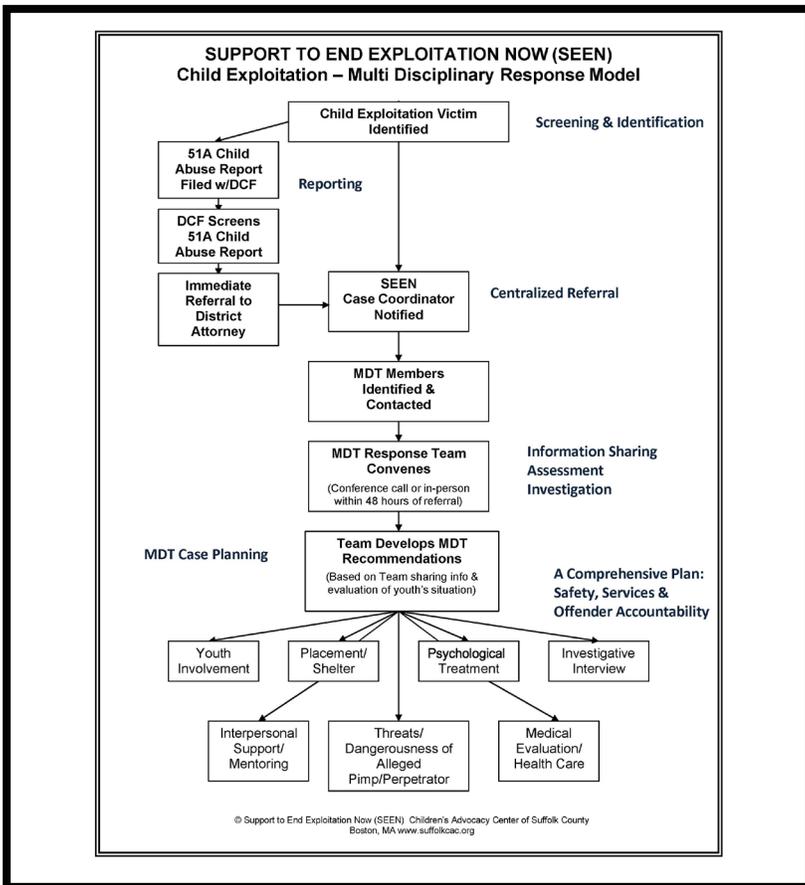
and confidentiality policies and then dives into a discussion about what is known regarding a youth's exploitation experience. Most often, this includes a youth's level of involvement with an exploiter, the nature of their recruitment, their relationship with the perpetrator, and where the child may be in their healing process.⁸ Together, the MDT devises a comprehensive plan to address safety and support service needs. Typically, case planning addresses youth and family engagement in the MDT process and the possibility of and approach to investigative interviews. Additionally, case planning identifies nurturing interpersonal supports for youth, assesses known risks and dangers and ensures medical and mental health evaluation, psychological treatment, safe placement and shelter. Further, during this process, plans for youth aging or transitioning out of child-serving systems and the creation of recovery and risk reduction plans for youth with known histories of missing from care are addressed. SEEN MDT Coordinators punctuate team meetings with a written summary that outlines the MDT action plan and the specific partner responsible for each resulting action step. The SEEN MDT Coordinator tracks team activity and facilitates ongoing communication about the plan's implementation. Team members may request subsequent case conferences, as needed.

Youth Involvement

Youth and their families are central to the SEEN MDT. It's important that each youth understands that the MDT exists to coordinate the activities of the many agencies that become involved when concerns of CSEC are present.⁹

It's critical that youth and their supportive caregivers understand that the CSEC MDT is a resource for them and that they can engage with it, if they choose. The youth may want to participate in team planning, team conferences, or team phone calls. They may decline to participate directly but prefer that a particular provider act as their liaison, or point-of-contact to communicate information and options with the MDT on their behalf. Youth may feel comfortable having their ongoing social worker, their mentor, their victim witness advocate, or their juvenile attorney act as their MDT liaison. For caregivers, DCF or a Family Partner may fulfill that role. Whoever it may be, it's important that each team identify a liaison for the youth and their families. Youth and family involvement is a priority and thus part of a focus of conversation for each SEEN MDT.¹⁰

What does the SEEN MDT Response Look Like?



The following case example is emblematic of a typical SEEN referral. It involves a mandated reporter flagging the concern of CSEC and making a report of suspected abuse to DCF (child protective services). This report triggers the SEEN MDT intervention.

Case Scenario: A 13-year-old student with a “Runaway” status offense attends a meeting with their probation officer (PO). The youth had been missing from care for 2.5 weeks, missed a recent court date, and while absent, violated their conditions of probation. When speaking with the PO, the youth begins to open up about where they’ve been.

Screening & Identification: While meeting with the youth, the PO notices that they appear exhausted and have a flat affect. They listen as the youth describes they’re not feeling well and they’re worried they might be sick. The youth shares that

they've been spending time with an older boyfriend, travelling out of state to private parties, and stripping in clubs for money. They admit that their "boyfriend" beat them up a couple weeks ago and they're afraid it might happen again. The PO recognizes these details as possible indicators of commercial sexual exploitation of children.

Report: The PO explains to the youth that they are worried about their safety. The PO lets the youth know that because they care about their wellbeing and because of the PO's role as a mandated reporter, the PO must report their concerns. The PO calls the DCF hotline and files a 51A report of suspected abuse or exploitation.

Centralized Referral: DCF accepts and screens the report from the PO and, given the allegation of commercial sexual exploitation of children, immediately makes a referral to the SEEN Program. DCF contacts SEEN by phone and sends an electronic report via email to the Children's Advocacy Center of Suffolk County and to the Suffolk County District Attorney's Office. The SEEN Program Manager speaks with DCF regarding immediate safety concerns, reviews the report and assigns the case to a SEEN Coordinator.

Information Sharing, Assessment, Investigation:

- The assigned SEEN Coordinator speaks with DCF about the youth's history of involvement with child welfare and their custody status. They learn that the child has been living with a respite foster parent, although their biological mother is still actively involved. DCF and the SEEN Coordinator make a plan to reach out to the foster mother and biological mother, share the current concerns and try to gather any additional information that might be known about possible CSEC.
- The SEEN Coordinator confers with the Suffolk County District Attorney's Office and the Boston Police Human Trafficking Unit about whether a prosecutor, advocate and/or detective will be assigned to investigate the possible crime of child trafficking.
- The SEEN Coordinator then calls the probation officer. They ask questions about presenting CSEC indicators and learn more about the youth's background, history with the courts, current involvement in the system and any experiences of prior trauma. They learn that the youth is supported by an individual clinician and that there is also a juvenile attorney assigned to represent the youth regarding their status offense.

- The SEEN Coordinator reaches out to the juvenile attorney to explain the current concerns, the SEEN MDT Response, and to invite their participation in the MDT. While the juvenile attorney may not be able to share information with the MDT (given attorney-client privilege) they can still participate, represent their client's wishes, and bring information and options back to the youth.
- The SEEN Coordinator reaches out to the youth's clinician to provide notification of the CSEC concerns, explain the MDT response and ensure appropriate and signed release of information.
- The SEEN Coordinator invites all assigned professional collaterals to participate in a SEEN Multidisciplinary Team Case Conference. Ultimately, this Multidisciplinary Team includes the DCF Response and ongoing social workers, detective, prosecutor, victim witness advocate, probation officer, juvenile attorney, clinician and SEEN Coordinator.

MDT Case Planning: A virtual Multidisciplinary Team Case Conference meeting is convened within 48 hours of receiving the referral from DCF. Over the phone, the SEEN Coordinator reviews the case concerns and prompts MDT partners to share information about possible CSEC, any known information about the youth's "boyfriend" (aka the alleged offender), his identify, social media information, home address, etc.) and the needs of the youth and family. Together, they assess any known information including safety concerns and begin to chart out the MDT plan.

A Comprehensive Plan:

- **Youth & Caregiver Involvement:** The MDT identifies DCF as the primary MDT liaison for the youth's foster mother and biological mother to communicate with the youth's caregivers about the MDT Response, answer questions and provide timely updates. The Team identifies the youth's therapist as the primary MDT liaison for the youth. The therapist will help communicate the youth's concerns, desires and needs to the team. The therapist will be the link connecting the youth to the MDT, help explain the forensic interview process and offer to provide support from the waiting room if the youth would like to participate in an interview.
- **Placement & Shelter:** The team discusses safe placement options and creates collaborative recommendations. Ultimately, given the youth's strong relationship with their foster parent, the team works together to strengthen this option; they make a referral for an in-home therapy team and plan regular visitation with the youths' biological mom. They make a plan to support the youth, to identify and address triggers to running away or leaving care.

- **Psychological Treatment:** The youth's therapist plans to meet with the youth more frequently while the investigation unfolds.
- **Investigative Forensic Interview:** The DCF Response Worker and Clinician will meet with the youth together, to explain the forensic interview process. Given the youth's recent disclosure, the team agrees to invite the youth to meet the MDT and to visit the CAC as soon as possible.
- **Medical Evaluation:** The MDT makes an appointment with the CAC's Pediatric Sexual Assault Nurse Examiner. When a youth visits the CAC, they can meet privately with the nurse to discuss their questions and concerns, and the possibility of forensic evidence collection.
- **Threats & Dangerousness:** The detective asks questions related to the youth's "boyfriend" and once identified, gathers information about the alleged offender's criminal history and potential involvement with CSEC. The detective makes a plan to conduct surveillance and to interview the alleged offender after the forensic interview.
- **Interpersonal Support:** The team makes a referral to a CSEC-specific mentor or life coach to provide psychoeducation about CSEC, develop a strong relationship over time, and encourage the youth to pursue their goals.
- **Ongoing Team Planning and Communication:** Immediately following the case conference, the SEEN Coordinator will provide Team Members with a summary detailing Team priorities and action steps. In upcoming weeks, the Team will notify the Coordinator of any changes in the youth's circumstances. The SEEN Coordinator will share new information, relay case developments and reconvene the Team for subsequent case conferences, as needed.

SEEN MDT Partners

In addition to the tailored, case-specific agency partners that participate on SEEN Multidisciplinary Teams, several stakeholder committees were created to support SEEN programming and strategic growth.

SEEN Steering Committee

The SEEN Steering Committee was formed to create sustained, cross-agency leadership for Suffolk County's response to exploited youth.¹¹ The Steering Committee meets monthly to discuss areas of programmatic and policy needs and to ensure that the SEEN response continuously improves.¹²

Steering Committee Members include:

- Boston Children's Hospital
- Boston Police Human Trafficking Unit
- Boston Public Schools
- Bridge Over Troubled Waters
- The City of Boston
- Committee for Public Counsel Services
- Executive Office of Health and Human Services
- GIFT and BUILD Programs of Roxbury YouthWorks
- Massachusetts Department of Children and Families
- Massachusetts Department of Mental Health
- Massachusetts Department of Probation/Boston Juvenile Probation
- Massachusetts Department of Youth Services
- My Life of My Choice @ Justice Resource Institute
- Suffolk County District Attorney's Office

SEEN Advisory Group

The SEEN Advisory Group is a larger entity comprised of partner agencies, community-based programs and anti-trafficking advocates. Meeting quarterly, the Advisory Group discusses relevant issues, provides ongoing trafficking education and promotes networking in Suffolk County. Membership is open.

<https://www.suffolkcac.org/what-we-do/seen/seen-mdt-partners>

SEEN Youth Advisory Group

The SEEN Youth Advisory Group is an inspiring team of teen survivor-leaders who share their voices and insights to advocate on behalf of exploited and high risk youth.

<https://www.suffolkcac.org/what-we-do/seen/seen-youth-advisory-group>

Participants include members of the My Life My Choice Leadership Corps (www.mylifemychoice.org), an initiative that aims to strengthen leadership skills among youth survivors. The youth leaders work with SEEN staff to develop discipline-specific recommendations for SEEN Multi-Disciplinary Team member agencies. SEEN incorporates the Youth Advisory Group's recommendations into its daily work as well as into trainings for professionals working with youth.¹³

Data Collection

Since 2014, SEEN has partnered with Dr. Amy Farrell and researchers at Northeastern University's School of Criminology & Criminal Justice to collect and analyze information about youth referred to SEEN and their experiences of commercial sexual exploitation. Working together, Northeastern University and SEEN have customized a database to gather information about youth demographics and background, systems involvement, presenting CSEC indicators, ongoing case management and ultimately, outcomes of MDT involvement. Thus far, SEEN has entered information on all referred youth between the years of 2015 and 2018 (n=435). The ongoing data collection includes history and referral information along with system involvement, ongoing multi-disciplinary team interventions and activities and child status changes.²

SEEN employs a full-time Northeastern University Coop Student to ensure the consistent and regular use of the MA Child Trafficking Database. This one-of-a-kind database has great potential to deepen knowledge in the field and inform the MDT response over time. To date, data collected has helped identify the most proximal risk factors for youth experiencing trafficking and elevated Suffolk County's collective understanding of the experiences and vulnerabilities of referred youth. For instance, during 2019, 76% of youth referred to SEEN had histories of abuse, violence or trafficking and 43% were in DCF custody at the time of referral. 70% of youth referred during 2019 were youth of color and 93% of referrals pertained to youth identified as female. The average age of youth across 2019 SEEN referrals was 15 years. In 2019, 47% of SEEN referrals pertained to youth involved romantically/sexually with adults over age 18 while 44% involved youth with clear mental health concerns and 37% involved youth misusing substances.

² Amy Farrell, Associate Director and Associate Professor of Criminology and Criminal Justice at Northeastern University and Co-Director of the Northeastern University Violence and Justice Research Laboratory, contributed to this section.

A Prosecutor's Take on the Impact of the SEEN Multidisciplinary Team

"The SEEN program is absolutely crucial to our work as prosecutors and advocates in the Human Trafficking and Exploitation Unit of the Suffolk County District Attorney's Office because the complex cases we handle require a coordinated, specialized, multidisciplinary response. From the moment a referral is received, our SEEN partners work to gather and synthesize all of the information available about a referred youth's circumstances (including trauma history and current needs) and then convene a prompt team call or meeting so that this information is shared with all partners. Simply put, this means better outcomes and better experiences for youth and their families. Youth who are experiencing exploitation or at high risk of exploitation are often understandably skeptical of law enforcement and child welfare agencies. By partnering with SEEN, we are able to put the focus where it should be: first, prioritizing the goal of making sure youth are safe and supported, and then looking to hold offenders accountable. Often youth become more willing to provide information about what they have experienced when they can see that the team cares about them and they begin to trust the team. Our work protecting victims of exploitation and trafficking is challenging and can be overwhelming but partnering with SEEN means we are able to ensure that no one slips through the cracks."

~ Maryrose Anthes, Chief of the Human Trafficking and Exploitation Unit of the Suffolk County District Attorney's Office

Statewide Impact

SEEN was established before human trafficking legislation was passed in Massachusetts. As legislative momentum took shape, SEEN was able to support Massachusetts' efforts to develop legislation and implement safe harbor provisions. Legislation was drafted collaboratively by SEEN, the Suffolk County District Attorney's Office, the Office of the Attorney General and SEEN MDT partners. As a result, the Massachusetts human trafficking legislation passed in 2011. It includes provisions which statutorily define sexual exploitation of children as child abuse and as a reportable condition to child welfare (effectively codifying SEEN's core principles and CSEC multidisciplinary response as the framework to be implemented statewide).¹⁴ Safe harbor provisions in the Massachusetts law not only create a centralized referral mechanism for exploited youth in

MA, but also entitle each identified child to the services of a multidisciplinary team that can develop and implement tailored safety plans to aid their recovery.¹⁵

Following the passage of the MA Human Trafficking law, the MA Office of the Attorney General convened the Massachusetts Interagency Human Trafficking Policy Task Force to advance the implementation of the new law. Task Force committees developed recommendations focused on victim identification, enhanced services, data collection, demand reduction, and training to promote understanding and public awareness.¹⁶ The committee that focused on child victims produced recommendations for full implementation of the safe harbor provisions included in the new human trafficking law.

In 2014, SEEN, the MA Department of Children and Families, the My Life My Choice Program of Justice Resource Institute, and Dr. Amy Farrell of Northeastern University were awarded a \$1.5 million grant from the Children's Bureau of the Office of the Administration for Children and Families to be executed over 5 years.¹⁷ The purpose of this 5-year grant was to build upon the work of the Task Force, to advance statewide understanding of CSEC, develop county-based CSEC MDTs statewide and to facilitate implementation of the safe harbor provisions in Massachusetts law.

Over 5 years, the MA Child Welfare Trafficking Grant initiative delivered training and technical assistance to each of Massachusetts' 11 counties and their respective multidisciplinary partners to establish children's advocacy center based CSEC MDTs in every jurisdiction. As part of this effort, SEEN partnered with each children's advocacy center to convene 40-60 cross-disciplinary stakeholders to participate in CSEC MDT protocol development sessions. As of September 2019, every county in Massachusetts has a locally developed protocol and multidisciplinary response team. In addition, with support from Victims of Crime Act (VOCA) funding facilitated through the Massachusetts Children's Alliance, each county also has a designated CSEC Coordinator to convene and lead their CSEC MDT. The result is a comprehensive, statewide network of MDT responders and a safety net that blankets the entire Commonwealth.

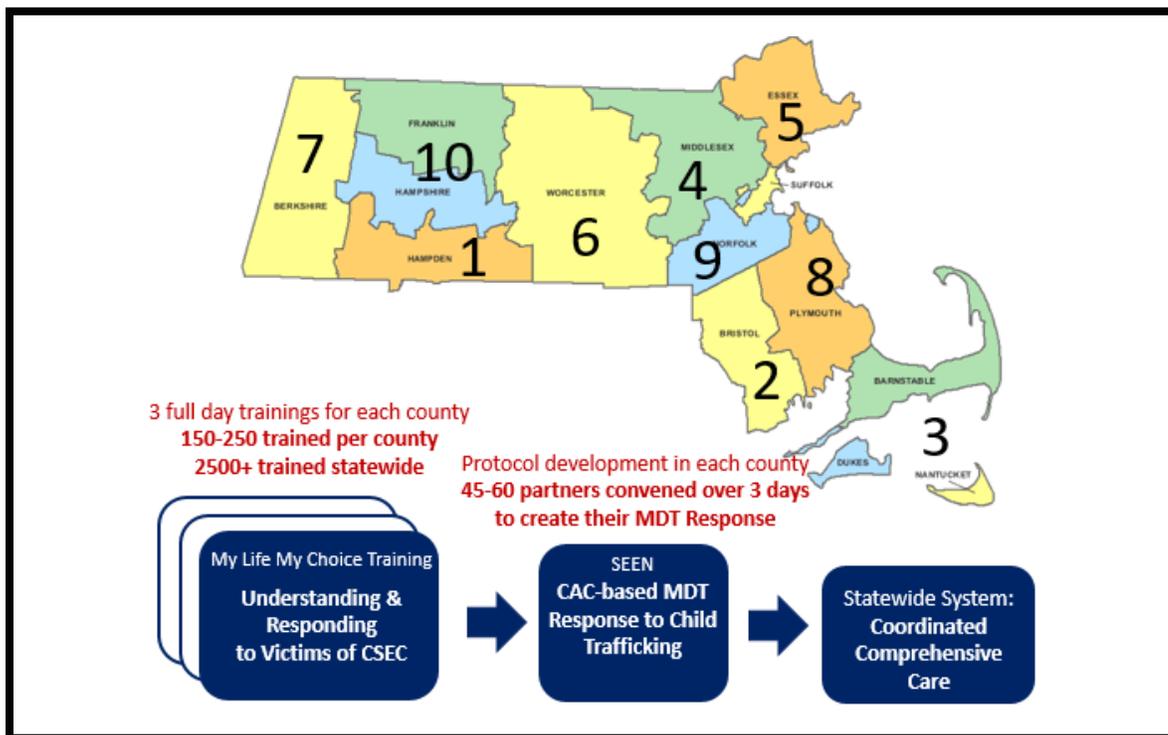


Figure 1.5: Year MA Child Welfare Trafficking Grant and CSEC MDT Development

Advice for Other Jurisdictions

Almost every jurisdiction across the United States has a well-established multidisciplinary response to child abuse. In most communities, the hub of this model is their local children’s advocacy center – uniting partners to provide a coordinated, collaborative response on behalf of children impacted by violence and abuse. As child trafficking is more widely recognized and as communities rally to respond, it is tremendously helpful to leverage and build upon existing partnerships and relationships. While existing MDTs afford many opportunities for serving trafficked and exploited youth, it is also important to recognize the unique needs of this population and to build a response that incorporates these unique needs.

SEEN has had the opportunity to work with and get to know several jurisdictions as they have developed their MDT response to CSEC. SEEN is not prescriptive in offering guidance. But the following may be helpful to jurisdictions as they come together to create their CSEC MDT:

- **Expand Your Team:** In addition to “traditional” MDT partners (law enforcement, child protective services, prosecutors, victim advocates, medical, mental health). Consider expanding partnerships to include juvenile justice, legal advocacy, runaway and homeless youth, mentoring and other providers who are working with and supporting CSEC youth.
- **Engage Your Team:** Include all partners when developing your protocol. Build a model with a foundation of shared core principles and goals. Work through your differences when building your protocol (not in the midst of responding to individual youth or cases).
- **Dive Deep:** There is a fast-growing body of child trafficking research and experience across disciplines. Share resources among team members and learn from one another continuously.
- **Be Creative & Flexible:** Youth impacted by trafficking often don’t self-identify, ask for services or are not ready to participate in a forensic interview. Devise an MDT response that is responsive to “where youth are at” – knowing that early support, stabilization and engagement are paramount and essential to participating in investigation and prosecution down the road.
- **Communication is Essential:** Communication is the glue that holds the MDT safety-net together. Devise strong and clear mechanisms for Team communication.
- **Elevate Youth Voice:** Each youth is at the center of their experience and should be at the center of their MDT. Ensure that your response model is youth-focused and affords each youth an active voice and role on their team.

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MARYLAND CHILDREN'S ALLIANCE AND CHILD ADVOCACY CENTERS

NCA Protocols Adapted for Child Victims of Trafficking: Building Capacity and Confidence

by: Susan B. Hansell, State Chapter Director
Maryland Children's Alliance

¹Human Trafficking of Children, August 2013, Michigan Department of Human Services, p. 8.

²Epstein, Rebecca and Edelman, Peter, Blueprint: A Multidisciplinary Approach in the Domestic Sex Trafficking of Girls, 2013, Center on Poverty and Inequality, Georgetown Law.

Introduction

Victims of child trafficking tell accounts of survival, sometimes of triumph over adversity, but too often their accounts have gut-wrenching endings. Whether it is called modern-day slavery or a public health menace, at the core of each experience is a child, often a pre-teen or adolescent, who is already insecure and vulnerable to dangerous influences, lured into a seemingly safe relationship or friendship. These children are controlled, manipulated, forced and threatened by traffickers to engage in commercial sex acts. They are part of “a subculture” within the child abuse and neglect environment that can include immigrants, missing and homeless youth, youth identifying as or believed to be lesbian, gay, bisexual, transgender, and questioning or children and youth otherwise disenfranchised socially from their peers.¹

The victim of child trafficking will most likely have a defensive, negative and emotionally shut-off demeanor. “Victims’ histories of trauma, their prior negative experience with public systems, and the coping strategies they have developed in response can translate into what law enforcement, judges and case workers view as recalcitrant, negative, or aggressive....”² Regardless of the child’s demeanor, she or he needs the assistance and support of the child advocacy center team with the capacity and confidence to most effectively intervene.

Maryland Children’s Alliance (MCA) and our network of local child advocacy centers (CACs) have worked with and on behalf of these young victims for over thirty years. Now is the right

time, as the number of reports of child trafficking victimization increases in Maryland, to build the capacity and confidence of CAC staff and their multidisciplinary team partners (MDT) with trauma-focused best practices. This will effectively and caringly help each victim of child trafficking survive their trauma and thrive beyond it.

MCA believes that every child who is a victim of maltreatment anywhere in Maryland deserves access to the highest standards of trauma-focused care through accredited CACs. Dedicated to ensuring a viable, healthy state agency that supports strong, confident local CACs throughout the state, MCA encourages continued learning, training and professional development by member CACs' staff, their MDTs, organizational partners and the general public. MCA meets the standards of accreditation for State Chapters as a member of National Children's Alliance and is an accredited State Chapter in good standing with National Children's Alliance.

In 2018, Maryland's CACs reported over 5,900 children were helped through MCA's twenty-three (23) member centers, from Garrett County in the west to Worcester County on the eastern shore.

In 2019, the Maryland General Assembly passed a law codifying the Standards of Accreditation for local agencies to call themselves CACs.³ This was an important step to ensure fidelity to and enhancement of the quality of care provided to child victims and their families through implementation of *National Children's Alliance (NCA) Standards for Accredited Members*. *The National Standards for Accredited Members*, "comprising ten individual standards and representing the work of more than 70 child abuse intervention professionals and experts working from the latest research, is the standard by which Accredited Members of NCA are measured."⁴ In Maryland, sixteen (16) CACs are currently accredited by National Children's Alliance; with seven (7) on the pathway toward accreditation status. The process is arduous and intense, often taking up to five (5) years to successfully complete the application process and site visit by the NCA accreditation team. Every five (5) years, each CAC must maintain fidelity to the Standards through a reaccreditation process with NCA. MCA promotes the Standards

³Md. Code, Crim. Proc. § 11-928

⁴National Children's Alliance (NCA), Standards for Accredited Members. Available at: <https://www.nationalchildrensalliance.org/ncas-standards-for-accredited-members/>.

through professional development, training and technical assistance.

The child advocacy center model is based on an MDT approach to working with victims and cases of child sexual abuse and maltreatment. When there is a suspicion of abuse or maltreatment, the MDT gathers at the CAC, bringing together law enforcement, prosecutors, child protective services, medical and mental health professionals, a specially trained forensic interviewer and CAC victim advocate to provide a circle of care around the child and family. At the CAC, the child victim describes his/her experience one time to the forensic interviewer while all MDT partners observe the “live” interview in order to provide input to the interviewer as necessary. This saves the child from the re-traumatization and revictimization of talking about the incident or incidences multiple times and ensures meeting all the needs of the various MDT partners during the interview.

⁵Office of the Governor, Larry Hogan, Press Release, August 9, 2018, accessed at: <https://governor.maryland.gov/2018/08/09/governor-larry-hogan-announces-initiatives-to-combat-human-trafficking/>.

Issue of Concern

Child trafficking is a horrific trauma for the child and their non-offending family members. On August 9, 2018, Maryland Governor Larry Hogan announced initiatives to combat human trafficking including work on behalf of child victims. He declared that, “[T]o ensure Maryland is identifying and providing services to child victims of human trafficking, the Child Advocacy Center Best Practices Workgroup, co-staffed by the Governor’s Office of Crime Control and Prevention, the Maryland Children’s Alliance, and the Department of Human Services, is researching and developing a protocol to identify and provide services to child human trafficking victims for Child Advocacy Centers. This will broaden the types of services for child victims using a trauma-informed approach.”⁵

In conjunction with the Governor’s request to MCA, he also asked the University of Maryland School of Social Work to study trafficking reports. This took the form of a survey to assess CAC work with victims of child trafficking. While at the University of Maryland School of Social Work, Child Sex Trafficking Initiative, Amelia Rubenstein, MSW, LCSW-C, conducted a comparative

survey of CACs and local Departments of Social Services' (DSS) reports of child trafficking cases. Rubenstein's report to MCA included these findings:

- (1) From 2013 to 2018, "530+ reports of child sex trafficking [referred to as CST] were screened into LDSS."
- (2) "Most CACs served significantly fewer CST victims than were reported to CPS in their jurisdiction..."
- (3) "21% of responding CACs (n=4) reported counting/reporting CST cases separately from sexual abuse cases."⁶

In an update provided in September 2019, Rubenstein reported that the total number of child sex trafficking reports within DSS was over 610 children (up from 530 reported earlier). MCA believes that this number underrepresents the true number of victims across the state and indicates that children are coming into the child welfare system not identified as victims of trafficking. As MCA uses the protocols to build the capacity and confidence of its member CACs and MDT partners, more child victims of sex trafficking can be identified as victims of child trafficking. Once identified, they can be advised and encouraged to go to their local CAC. The CAC is well equipped to intervene with the child and to provide critical services such as medical examinations, mental health resources, and the important forensic interview.

Process

To meet the Governor's request for a protocol for CACs, (an unfunded mandate), Maryland Children's Alliance led a workgroup of representatives from the Governor's Office of Crime Control and Prevention (GOCCP), the Department of Human Services (DHS), and the Baltimore Child Abuse Center. MCA recommended and moved forward with adapting the existing *NCA Standards for Accredited Members* to include protocols for victims of child trafficking and managing child trafficking cases.

MCA envisioned a working reference manual for CACs based on the National Standards (CACs were already familiar and comfortable with these Standards). In addition, these Standards would be expanded with specific information and guidance related to victims and cases of child trafficking. At the same time, MCA wanted to create a tool that while unique to CAC

⁶Amelia Rubenstein, MSW, LCSW, was previously the Clinical Research Specialist for the Child Sex Trafficking Victims Initiative (CSTVI) at the University of Maryland School of Social Work. CSTVI is a five-year partnership between University of Maryland, Baltimore (UMB) School of Social Work and the Maryland Department of Human Resources to address the issue of sex trafficking among youth involved with child welfare. Through CSTVI implementation, Ms. Rubenstein provided assistance to the state's child-serving agencies to address the issue of sex trafficking among system-involved youth. Amelia Rubenstein received the Human Trafficking Award from Maryland U.S. Attorney's Office in 2015 and citations from Governor Hogan in both 2015 and 2017 for her efforts to fight trafficking.

work, was complementary to the work done by CAC partners in the domestic violence, rape crisis and other child maltreatment disciplines. It was important to create a document that would not impinge on disciplines across Maryland serving these victims, but would enhance the capacity and confidence of CAC staff and MDT partners.

⁷NCA Standards for Accredited Members, p.14, accessed at: <http://www.nationalchildrensalliance.org/wp-content/uploads/2015/06/NCA-Standards-for-Accredited-Members-2017.pdf>

With an understanding that volumes could be written about how to apply each of the ten (10) NCA Standards to cases of child trafficking, it became apparent that the focus of these protocols would be to highlight those differences that were most important and universal between general child abuse and child trafficking cases. For example, with general child abuse cases, the MDT includes local law enforcement, forensic interviewer, child protective services, prosecutors, medical professionals, mental health providers, victim advocate and CAC staff.⁷ With a child trafficking case, the MDT may expand its membership to include federal law enforcement such as the FBI and Department of Homeland Security (DHS). Each Standard has a unique quality that is explored further within the manual.

For almost six months, the MCA State Chapter Director researched best practices developed by human trafficking task forces from across the nation, read articles and researched websites of nationally recognized organizations such as the Polaris Project (<https://polarisproject.org/>). Further, the Director researched and referenced work being done by Maryland's local human trafficking task forces. With that research in hand, the Director drafted one Standard at a time, incorporating information and adapting each Standard to address victims of child trafficking. Once a section was drafted, MCA's Director shared it with a CAC employee specializing in that discipline. For instance, after writing the section on the Victim Advocate, the Director asked a victim advocate to review the protocol and offer comments and insights for working with and supporting victims of child trafficking. Important edits and additions were made; further research and resources were recommended and incorporated. Then, as the manual progressed, a college intern was recruited to format the document, using the National Standards two-columned format as his guide. Once the drafts and formatting were completed, a volunteer review committee, including representatives of the advisory committee and two CACs, came together over two (2) days and fifteen (15) hours

to read through each page, line by line, making corrections, additions and improvements.

Formatting the Manual

Each Standard is discussed independent of the rest; so that, if need be, CAC staff and MDT partners can refer to one issue at a time without having to read the entire manual. The authors hope that CAC staff and MDT partners will frequently refer to the section pertinent to their expertise or immediate need. Therefore, there is intentional repetition of information within and between each standard. This design enables the CAC/MDT user to quickly locate the relevant section/Standard to address their immediate need and review the information without having to search through the entire manual. The two-column format of each Standard in the manual is tailored to complement the *National Standards for Accredited Members*. By adapting this format, CAC staff and MDT partners will use this manual in a similar fashion to the established Standards' Guide. Lastly, in reference to formatting, the original NCA Standard is referred to in regular font; with *italics* designating the expanded information describing the child trafficking protocols, references and practices.

Examples from the Manual

The overarching work of the child advocacy center examines the relationships and partnerships within the MDT. The MDT Standard describing partnerships needed to be expanded for child trafficking cases to include federal and State Police partners, who might not regularly be included in other cases of child maltreatment. This section discusses the NCA Memorandum of Understanding (MOU) with the FBI. The MOU is included in the manual with instructions that accredited CACs can use the current national agreement between their CAC and the FBI. While those MCA centers working toward accreditation can't sign this agreement, they can use it as a template to create one between their CAC and their local FBI office.

More important than the MOU itself, this section focuses on encouraging the CAC to create or enhance its existing relationship with their FBI, Maryland State Police and other federal partners. The next step is "to follow its regular process of creating an interagency agreement, providing orientation about the CAC model and practices for the new MDT member,

and opportunities for training.”⁸ CACs need to identify and get to know their federal and State Police partners before victims come to the CAC. It is important to ensure that these additional partners know and understand the CAC model, are familiar with the CAC venue and forensic interview rooms, and are acquainted with the other MDT partners before they have an active case. Building these relationships enhances the ease with which MDT partners work together, debate the case, provide support to the victim and ensure that each discipline’s needs are successfully addressed and met.

The forensic interview is another example of how the CAC work changes and adapts for a victim of child trafficking. The forensic interview is designed to “support accurate and fair decision making by the MDT within the criminal justice, child protection, and service delivery systems.”⁹ The neutral-toned interview “allows investigators to make an accurate decision about allegations, to prepare legal and child protection interventions... and to explore the impact of the abuse on the child.”¹⁰

In most CAC cases, the goal is to complete the forensic interview of the child in one session so the re-traumatization and revictimization of the child is kept to a minimum. Further, the entire MDT viewing the interview (behind a one-way mirror) can obtain the information it needs to continue its respective duties. This one-session approach also avoids possible changes in the child’s memory and retelling.¹¹ However, for victims of child trafficking the experience and best practice is for extended and multiple forensic interviews. “Each case must be independently analyzed to determine if multiple interviews are needed. If the victim of child trafficking is ready to talk or is a missing or homeless (runaway) youth and might run away before several interviews can be completed, one interview needs to suffice.”¹² But that interview needs to be extended long enough for the relationship to be established between the forensic interviewer and the victim and for the victim to describe their experience.

Extended and multiple interviews are discussed in the Forensic Interview section to acquaint CACs with the child trafficking victim’s unique qualities and needs. This section is written to help CACs assess their internal capacity to provide extended and multiple sessions (preferably in one or consecutive days) with confidence and experience. “The CAC needs to create or strengthen their extended FI protocols for child trafficking

⁸ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2013, Maryland Children’s Alliance, p. 14

⁹ NCA Standards for Accredited Members, 2017, p.20. Accessed at: <http://www.nationalchildrensalliance.org/wp-content/uploads/2015/06/NCA-Standards-for-Accredited-Members-2017.pdf>.

¹⁰ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, p. 47; Evaluating Children’s Advocacy Centers’ Responses to Child Sexual Abuse, 2008, Juvenile Justice Bulletin, Office of Justice Programs, p.4.

¹¹ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, p. 49.

¹² Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, p. 50.

cases with all their MDT partners engaged through an inclusive and intentional debate and discussion. For maximum success, each MDT member/discipline needs to be heard and their perspectives and timelines included in the adopted protocols....”¹³

For the Medical Standard, many of the requirements in the NCA Standards focus on specific professional training needed for child sexual abuse medical examinations. Resources concerning training issues for Child Trafficking are included in the manual. However, the focus of the adapted Child Trafficking Standard is the unique circumstances surrounding a victim of child trafficking and medical services. It has been reported that almost 88% of trafficking survivors access healthcare during their trafficking situation.¹⁴ Therefore, it is reasonable for CACs to expect child victims of trafficking to access medical care while they are being trafficked and during their CAC experience. Guiding the trafficking victim to the CAC or medical venue creates safety issues for both the child and medical staff, especially if the alleged trafficker or other members of the trafficking “family” bring the child to the CAC. It is these safety issues the manual focuses on with the intention of encouraging CACs to consider and prepare for when and where the medical examination is done, whether at the CAC, local clinic or hospital.

“When child trafficking victims come to the CAC, the medical team needs specific protocols and guidelines to best serve the child victim and to meet the needs of the MDT partners.”¹⁵ The CAC needs to consider the age and/or life experience of the victim. Even younger victims of trafficking can present with a more hardened attitude and may not respond if treated like a child. It has been found that most victims of trafficking “present in a belligerent, angry, defensive manner to all CAC and MDT partners, including those providing the medical exam.”¹⁶ Therefore, the CAC medical staff needs to be prepared for this reality and adapt their communication style accordingly.

Furthermore, “it is recommended that those medical providers working with child trafficking victims have specific strategies for interviewing the patient alone, specifically without anyone who comes in with the child, or any individual...familiar with the victim.”¹⁷ It is equally important to have protocols addressing how to separate the victim from her/his cell phone to ensure complete privacy, without anyone connected to the trafficking

¹³ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, p. 57.

¹⁴ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, p. 74; Annals of Health Law, 23 (1) 61, January 2014, Loyola University Chicago School of Law, Institute for Health Law; Recognizing and Responding to Human Trafficking in a Healthcare Context, National Human Trafficking Resource Center.

¹⁵ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, p. 76-77.

¹⁶ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, July p. 77.

¹⁷ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children’s Alliance, pp. 77-78.

world listening in. "It is recommended that the protocols include 'who is to do the separation' among the CAC, medical staff or MDT partner."¹⁸

¹⁸ Standards for Accredited Member Programs Adapted for Victims of Child Trafficking, July 2019, Maryland Children's Alliance, p. 78.

Next Steps

With the completion of this first edition of NCA Protocols Adapted for Child Victims of Trafficking, MCA is planning and providing training programs around the state covering the information contained in the manual. The purpose is to increase CAC and MDT capacity and confidence to serve these victims and to increase local community partners' confidence when bringing these victims to their CAC.

MCA is training individual CACs along with their MDT and local human trafficking partners; preparing for regional training to bring multiple CACs, MDT partners and local human trafficking task forces together; and sharing this information with partners. These partners include the Maryland Association of Assistant Directors of DSS, the Maryland State's Attorneys' Association and others. Working with a team from The University of Maryland School of Social Work, MCA will provide training evaluations and learn from those results to constantly improve training presentations. The manual will be updated annually, at a minimum.

MCA has published the manual on our "Members Only" website page for CAC members to access the Standards. MCA is also providing hard copies at trainings and presentations where appropriate.

Challenges

A challenge to develop the manual was the assignment; it was unexpected! MCA was in the midst of its strategic planning process when the Governor announced his desire to have these protocols created. The Chapter Director added the work onto the MCA work plan because it was immediately clear that this manual would be a great asset to member CACs and MDT partners in their work with victims of child trafficking.

But the biggest challenge was predicting how partner agencies would respond to the protocols. The potential was there for

agencies outside of the CAC network to feel that such a manual would try to tell them how to do their work. However, by using the National Standards as our basis, we assured our partners in the field that these enhanced protocols were for CACs. As a result, MCA avoided misunderstanding and criticism from partner agencies. It is imperative to MCA that this manual is seen as an additional tool that can bring agency partners together, rather than as a means of separating disciplines involved in this vital work.

Guidance for Jurisdictions Seeking to Use or Adapt Protocols Addressing Victims of Child Trafficking

MCA hopes that anyone reading and reviewing the manual finds helpful information and insights applicable to their work with victims of child trafficking. However, it is important that any jurisdiction or discipline seeking to use the manual takes the time to review the best practices within the context of their own agency policies and protocols. MCA hopes that as many experts in the field read and use the manual, MCA will receive suggestions for further research and improvements. This is a living document that will evolve as the work progresses, incorporating best practices that are changing as more and more CACs build their capacity and confidence to work on behalf of victims of child trafficking.

Conclusion

There is no one document that could encompass all the various situations and circumstances that a CAC confronts when working with a victim of child trafficking. This is where there is great value in focusing on the *National Standards for Accredited Members* as the basis for formulating protocols in Maryland. The goal is to build capacity in our CACs and instill confidence in their MDT partners to best support victims of child trafficking. The incidents described by victims of child trafficking are horrific but with the determination and best practices implemented by CACs and MDTs, child victims find support and encouragement to end their victimization and rebuild their lives.

For more information about the NCA Protocols Adapted for Child Victims of Trafficking contact Susan Hansell at: susan@marylandchildrensalliance.org

CONTRIBUTORS

Glen Ujifusa

Glen (JR) Ujifusa has been working on human trafficking crimes and issues for the last 12 years and is also a Special Assistant United States Attorney for the district of Oregon focusing on federal human trafficking crimes. He is the Senior deputy and supervisor of the Multnomah County District Attorney's Drug unit, Property Crime unit and Human Trafficking Team which oversees the Prostitution Coordination Team, the Sex Buyers Accountability and Diversion Program, First Offender Program, Commercial Sexual Exploitation of Children Law Enforcement group, National Sex Trafficking Law Enforcement List Serve, and is the primary prosecutor for all felony prostitution and human trafficking cases within Multnomah County. Since 2009, JR has drafted multiple bills and testified regularly in the Oregon State Legislature regarding human trafficking laws aimed at protecting victims and holding offenders accountable. JR has trained, presented and has been a guest speaker at numerous national and regional human trafficking conferences and trainings. JR co-chairs the APA Human Trafficking Subcommittee. He has been a Deputy District Attorney since 2005 and has also prosecuted capital murder crimes, violent crimes, sexual assaults, domestic violence crimes, gang related crimes, drug crimes and homicides.

Susan Goldfarb

Susan Goldfarb, M.S.W., L.I.C.S.W. is the Executive Director of the Children's Advocacy Center of Suffolk County (CAC) in Boston, MA. The CAC unites public, private and community partners to promote safety, healing and justice for child victims of sexual abuse, serious physical abuse and exploitation. Co-located with the Boston Police Department's Family Justice Division and many other partners, CAC services for children exposed to violence and their families include multidisciplinary investigations, family advocacy, evidence-based trauma services and specialized medical care. In 2006, the Suffolk CAC established the Suffolk County Support to End Exploitation Now (SEEN) Coalition, a groundbreaking, nationally-recognized program with the goals of improving services and safety for child trafficking victims and increasing accountability of the adults who exploit them. Prior to leading the Suffolk CAC, Ms. Goldfarb coordinated multidisciplinary child abuse investigations, conducted forensic

interviews with child victims and provided evaluations and ongoing treatment to children, family members and offenders. Ms. Goldfarb received a BS in psychology from Brown University, and MSW from the Boston University School of Social Work and is a licensed independent clinical social worker. She was chair of the Minor Victims of Sex Trafficking Implementation Committee of the MA Interagency Human Trafficking Task Force, currently serves on the Child Trafficking Working Group of the Governor's Council to Address Sexual and Domestic Violence and a member of the Support to End Exploitation Now (SEEN) Coalition.

Beth Bouchard

Beth Bouchard is the Associate Director of the Children's Advocacy Center of Suffolk County (CAC). As Coordinator and then Program Manager of the SEEN (Support to End Exploitation Now) Program of the CAC, Beth has coordinated a collaborative, inter-agency response for over 800 at-risk and commercially sexually exploited youth. Working daily with the Boston Police Department Human Trafficking Unit, the Office of the Suffolk County District Attorney, the MA Department of Children and Families, juvenile justice providers, and community partners, Beth navigates state and local systems, provides training and outreach, and ensures that each child referred to SEEN receives a comprehensive, coordinated response. Beth received a BA in history from Boston College with a minor in international studies, concentrating on women's issues and social movements. She received an MPH at Boston University School of Public Health. Her professional background includes advocacy, case management, and providing victims services to adult and child survivors of sexual assault, domestic abuse, and human trafficking, as well as undocumented and refugee populations.

Susan B. Hansell

Susan B. Hansell is the State Chapter Director for Maryland Children's Alliance. For over twenty years in nonprofit leadership, Susan B. Hansell has focused on ensuring strong mission delivery and organizational sustainability. She has led local, regional and statewide nonprofit organizations in North Carolina, Kentucky and Maryland- with as many as 55 employees and annual budgets as large as \$5.5 million. With each assignment, Susan created a team-oriented and collaborative organizational culture. Prior to

transitioning into nonprofit work, Susan earned a law degree and worked in the for-profit sector.

Susan now leads Maryland Children's Alliance (MCA), a statewide agency dedicated to the vision that all children need and deserve access to trauma-focused care found in a multidisciplinary approach toward child abuse at 23 local child advocacy centers (CACs). Susan works with and on behalf of local CACs through professional development, technical assistance and training for those in the child abuse sector. She is responsible for all aspects of the agency's work including program development and delivery, financial and grants management, board development, and advocacy. The best part of her work with MCA is the amazing people who are dedicated to improving the lives of children.

When she's not on the job, Susan is happiest at the barn and riding horses or spending time with family and friends.

susan@marylandchildrensalliance.org
443-872-2116

