



# THE NATIONAL JUDICIAL COLLEGE

EDUCATION | INNOVATION | ADVANCING JUSTICE

## HUMAN TRAFFICKING: SEXUAL EXPLOITATION AND TRAFFICKING OF YOUTH

**DIVIDER 8**

Hon. Barbara A. Mack

### OBJECTIVES:

After this session you will be able to:

1. Summarize the dynamics of commercial sexual exploitation (CSE) and trafficking;
2. Define how to identify and respond to sexually exploited youth;
3. Determine appropriate treatment and services needed to assist child trafficking victims;  
and
4. Exercise judicial leadership within the court and community to improve outcomes for exploited children.

### REQUIRED READING:

**PAGE**

Barbara A. Mack, *Sexual Exploitation and Trafficking of Youth* (May 2015)

[NJC PowerPoint] .....1

## Sexual Exploitation and Trafficking of Youth

Judge Barbara A. Mack  
King County Superior Court  
Chair, King County Task Force on  
Commercially Sexually Exploited Children

With grateful acknowledgement to Leslie Briner,  
MSW, and YouthCare for assistance



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King County  
**YOUTH CARE**  
Homeless youth • Off the streets • Preparing for life

## Program Sponsor and Collaboration



**State Justice Institute**

The State Justice Institute funded this session. It is part of a collaboration with the Center for Public Policy Studies and the Center for Court Innovation, two partners of NJC in combating human trafficking.

## Goals for This Workshop

- Explore the issue of commercial sexual exploitation (CSE) and trafficking
- Learn how to identify and respond to sexually exploited youth
- Determine appropriate treatment and services needed to assist child trafficking victims
- Exercise judicial leadership within the court and community to improve outcomes for exploited children.

## Definition: What is sexual exploitation and trafficking?



## Federal Definition: Human Trafficking

**Human Trafficking:** 18 U.S.C. § 1591 makes it illegal to recruit, entice, obtain, provide, move or harbor a person or to benefit from such activities knowing that the person will be caused to engage in commercial sex acts **where the person is under 18 or where force, fraud or coercion exists**. This statute does not require that either the defendant or the victim actually travel \*\*

## Human Trafficking Definition

Commercial sex act means any sex act on account of which anything of value is given to or received by any person.

This includes:

- Prostitution
- Pornography
- Internet based exploitation
- Exotic dancing & stripping
- Erotic/nude massage
- Phone sex lines
- Sex tourism
- Gang based prostitution
- Survival sex\*

**WA State Definition: CSAM** RCW 9.68A.100

**Commercial Sexual Abuse of a Minor (CSAM)**

**Consent of minor does not constitute defense.**

(1) A person is guilty of commercial sexual abuse of a minor if:

- (a) He or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;
- (b) He or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or
- (c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.

**WA State Definition: CSAM**

RCW 9.68A.100

Commercial sexual abuse of a minor is a class B felony punishable under chapter 9A.20 RCW.

**Legal Landscape**

Juvenile Delinquency

- Minors can be prosecuted for prostitution in juvenile court
- These youth often come into the system for charges theoretically unrelated to prostitution (theft, harassment, assault, drug/alcohol offenses).
- Status offenses (truancy, running away, curfew violations, etc.)

**Legal Landscape**

Child Welfare / Dependency

- State statutes establish juvenile court jurisdiction over abused & neglected (dependent) children.
- Courts can order children to return home with supervision, be placed in foster care/group home, or arrange independent living for older children.

**Legal Landscape**

Child Welfare / Dependency (Cont.)

- States vary as to end of dependency jurisdiction, but generally 18-21.
- In most states, child welfare cannot respond unless perpetrator of abuse was parent or caretaker.

**Legal Landscape**

Safe Harbor and Vacatur

- Growing number of states now have laws to prohibit minors from being prosecuted for prostitution.
- Safe Harbor laws redirect victims of trafficking from juvenile justice system into child welfare system for support services.
- Many states now have laws allowing vacation of prior convictions, and/or for expungement of survivor's records where they can show they were victims of exploitation.

## Myths and Misconceptions

- This is not happening in the U.S. or your jurisdiction.
- Trafficking victims are from other countries (83% of sex trafficking cases in the U.S. are domestic).
- CSEC are promiscuous and choose to be in the sex trade.
- It's not child abuse when the child consents.

## Myths and Misconceptions (Cont.)

- Trafficking involves physical force or restraint.
- Only girls are trafficked.
- Trafficking involves travel.

## Prevalence

- 326,000 “at-risk for commercial sexual exploitation”  
Estes & Weiner, 2001; Univ. of Pennsylvania
- 100,000 to 293,000 children are sexually exploited per year National Center for Missing and Exploited Children (NCMEC), 2003
- 300-500 youth are victims of CSEC each year in King County, WA (Boyer, 2008)
- 1 out of 3 teens will be lured toward prostitution within 48 hrs of leaving home (Lois Lee, Children of the Night)

## Language Frames the Issue

- Prostitution
- Commercial Sexual Exploitation (CSE)
- Domestic Minor Sex Trafficking (DMST)
- Prostituted Youth / Children
- Underage / Teen Prostitution
- Sex Work
- Sex Servitude / Slavery
- Sexual Exploitation of Vulnerable People
- “The Life”

## Sexual Exploitation Affects...

- Girls
- Transgender youth
- Boys
- LGBTQ2I youth
- Any economic class
- Any race

However, sexual exploitation disproportionately affects young, financially poor, girls, youth of color, immigrants and LGBTQ2I youth

## Getting Started: 5 Lessons

1. Transformational relationships are the primary intervention
2. Recognize and address the subculture (prostitution, gangs, street life)
3. Re-frame the economic strategy
4. Develop partnerships and know the systems
5. Accept that is the *long game*...

## Types of Exploitation

- Pimps, third party trafficker (can be any gender)
- Gang and organized crime-based
- Familial pimping
- Survival sex (sex for food, shelter, education access).
- Exchanged for favors and drugs to family and friends
- Peer to peer
- Child sex tourism
- Escort services

## Types of Exploitation (Con't.)

- Exploitation of boys, transgender, gender variant youth
- Independent, "renegading"
- Phone sex lines
- Child pornography
- Stripping
- Sexual abuse of children that is not stopped or reported by family due to benefits derived by the household from the perpetrator.

## Individual Risk Factors

- Gender, sexual orientation race/ethnicity, age, country of origin
- Low socio-economic status
- History of sexual abuse/physical abuse/neglect (major risk factor)
  - Children with history of child sexual abuse are 28% more likely to be arrested for prostitution
  - 70-90% of female victims were sexually abused prior to recruitment

## Individual Risk Factors

- History of relationships or general violence characterized by intimate partner violence
- History of trauma
- Low scholastic performance or disconnection from education system

## Individual Risk Factors

- Runaway, throwaway, homeless youth
- Estimate 450,000 – 2.8 million children run away or are thrown away each year.
  - 1 of 3 runaways will be lured into prostitution with 48 hours of leaving home
  - 1 in 4 LGBT youth will be forced out of home
  - Only 20% of CSEC are LGBTQ, but they are trafficked at higher rates than heterosexual homeless youth
  - Estimates that 40-50% of boy victims thrown out of homes due to sexual identity

## Risk Factors

Individual	Environmental	Social
<ul style="list-style-type: none"> <li>• History of abuse or neglect</li> <li>• Mental health issues</li> <li>• Family dysfunction</li> <li>• Homelessness</li> <li>• Immigrant</li> <li>• People of color</li> <li>• Youth</li> <li>• Girls/women</li> <li>• LGBTQI</li> <li>• Low IQ or developmental assets</li> </ul>	<ul style="list-style-type: none"> <li>• Adult sex industry</li> <li>• Transient male populations</li> <li>• Substance abuse</li> <li>• Poverty</li> <li>• Violence</li> <li>• Use of women's bodies in media/advertising</li> <li>• Glorification of "Pimp and Ho" subculture</li> <li>• Proximity to borders/ports</li> </ul>	<ul style="list-style-type: none"> <li>• Sexism and Misogyny</li> <li>• Privilege</li> <li>• Racism</li> <li>• Homophobia</li> <li>• Transphobia</li> <li>• Classism</li> <li>• Acceptance of violence towards women and minority groups</li> <li>• Inaccessibility of legal economies</li> <li>• Materialism/consumers</li> </ul>

### Individual Risk Factors

- History of abuse or neglect
- Mental health issues
- Family dysfunction
- Homelessness
- Immigrant
- People of color
- Youth
- Girls / women
- LGBTQI
- Low IQ or developmental assets

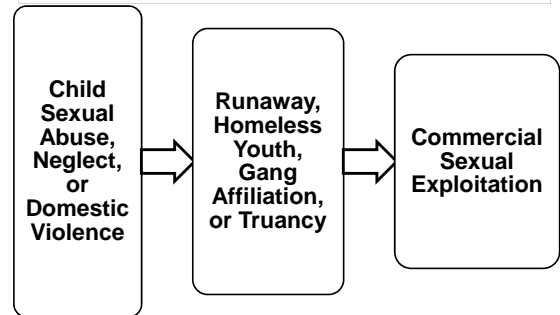
### Environmental Risk Factors

- Adult sex industry
- Transient male populations
- Substance abuse
- Poverty
- Violence
- Use of women's bodies in media / advertising
- Glorification of "Pimp and Ho" subculture
- Proximity to borders/ports

### Social Risk Factors

- Sexism and Misogyny
- Privilege
- Racism
- Homophobia
- Transphobia
- Classism
- Acceptance of violence towards women and minority groups
- Inaccessibility of legal economies
- Materialism / consumers

### Pathways to Prostitution



Process: How does sexual exploitation work?



Recruitment



Grooming



"Turning Out"

## Recruitment

- Girls recruited through lures of love, affection, money, safety, protection & “family”
- Pimps, recruiters and gang members have a sense for girls who are vulnerable and targets for exploitation

## Grooming

- Seasoning happens through . . .
  - Sexual abuse / assault,
  - Watching pornography,
  - Sex with gang members
- “Partying,” getting hair and nails done, new clothes, street name, made to feel special . . .

## “Turning Out”

- This is the point at which a girl “turns her first trick.”
- This moment is critical and most girls remember how / when they were “turned out.”

## Subculture

Definition: A subculture is a group of people within a culture that differentiate themselves from the larger culture to which they belong.

People in subcultures attach to the rules, norms, language, clothing, decorations, practices, attitudes and beliefs reflected in the subculture.

## Why Is Subculture Important?

- Subculture teaches and reinforces the rules and norms (i.e., don’t “snitch” or, “square” people won’t help you)
- Subculture becomes part of the identity of the exploited person; attachment to the subculture
- Subculture isolates people from the larger society and systems of care and justice
- Examples of subcultures: prostitution and “the life,” gangs, street families
- Subculture can also be a source of resilience

Identification: How do we identify sexual exploitation?



### Red Flags!

- Chronic truant / runaway / homeless youth
- Excess amount of cash
- Hotel room keys
- Having goods or services they cannot pay for
- Signs of branding (tattoos, jewelry)
- Lying about age / false identification; inconsistencies

### Red Flags!

- Dramatic personality changes, evasive behavior especially around a “new boyfriend / girlfriend”
- Lack of knowledge of a given community or whereabouts
- Provocative clothing, sex toys, multiple condoms, lube or other sexual devices

### Areas of Recruitment

- Anywhere runaway / homeless youth frequent
- Transit stops
- Shelters
- Downtown areas (Westlake)
- Drop-in centers
- Malls
- Schools
- Online
- Around the neighborhood in which they live

### What NOT to say in court

- Never accuse or ask whether a youth is engaging in prostitution, or suggest it, directly or indirectly.
- Are you in “the life”?
- I want you to see someone who can get you out of “the life.”

### What NOT to say in court (Cont.)

- Never ask a question that will shame the youth.
- Never ask, “Why are you defiling your body?”
- Never say:
  - “What you’re doing is disgusting.”
  - “Have some self-respect.”
  - “If you consent, you’re not a victim.”

### What You Can Ask in Court

- Are you safe?
- When you were on the street, did you see any dangerous situations or any bad things happen?
- Did anything bad happen to you?
- Nice manicure! Where did you get it?
- I’d like to refer you to an advocate, someone who is there just for you. The advocate does not report to the court or probation, and whether you engage with him or her is up to you.



## Impacts: What are the impacts of sexual exploitation?



## Violence, Abuse and Harm

- 71-95% physically assaulted in prostitution
- 63-75% raped in prostitution
- 75% homeless at some point in life
- 68% met criteria for PTSD
- 65-95% sexually abused as children
- 88% experienced verbal abuse and social contempt
- **89% wanted to escape** but did not have other options for survival

(Farley, 2003)

## Mental Health Impacts

- Disturbances of self or identity
- Decreased self esteem / self efficacy
- Guilt and shame
- Substance abuse
- Aggression & anti-social behaviors
- Post Traumatic Stress Disorder (PTSD)
- Risky sexual behavior

## What Is Trauma Bonding?

- **Trauma Bonding:** The bond between the pimp and the offender.
- **Definition:** an attachment or relationship in which the victim adopts the attitudes and world view of an offender and becomes dependent on the offender for basic physical, emotional and psychological needs.

## Psychology of Trauma Bonding

- Failure to self-identify to family, service providers or the authorities
- Intense gratefulness for small favors when the offender holds life and death power over the victim
- Denial of the extent of violence and harm which the offender has inflicted or is obviously capable of inflicting
- Hyper-vigilance with respect to the offender's needs and identification with offender's perspective on the world

## Psychology of Trauma Bonding (Cont.)

- Perception of those trying to assist in leaving "the life" as enemies and perception of offender(s) as friends / trusted individuals
- Extreme difficulty leaving one's offender / pimp, even after physical release has occurred. Paradoxically, women in prostitution may feel that they owe their lives to pimps.
- Going to extreme measures to protect or insulate the offender
- Over time this leads to increased substance use and mental health issues.

## Guilt, Shame and Stigma

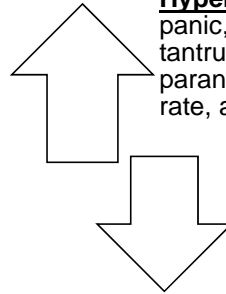
**Guilt:** Belief that our *actions* are harmful, dangerous or unacceptable; “I *did something* bad.”

**Shame:** Belief that one is not worthy of love or care; “I *am* bad.” “I *am* worthless.”

**Stigma:** Being discredited by a social group for deviating from accepted norms

**Shame is compounded by stigma and feeds the belief of “I am not worthy of love or belonging.”**

## “Missing the Drama”



**Hyper arousal:** Anger, panic, nightmares, tantrums, phobias, paranoia, increased heart rate, adrenaline

**Dissociation:** Flat affect, dissociation, “numbing out” inattention, forgetfulness, pale skin, low heart rate

## Why DO They Run?

- Impulsivity as a result of trauma or cognitive / developmental issues
- Fear they “can’t make it.”
- Fear that they “aren’t worth it.”
- Fear that perpetrator will “find” or “punish” them for leaving; follow through on threats
- Drug / alcohol / nicotine
- “Missing the Drama” / “Bored”

## Response: How should judges respond to sexual exploitation?



## Guiding Principles of Engagement

- Maintain a **compassionate** and **non-judgmental** attitude. This is hard for judges, and it does not mean no orders or limits.
- **Be consistent;** follow through on everything and do not make promises that cannot be kept.
- **Build trust then relationship;** this is a very slow process and relationship testing is expected.

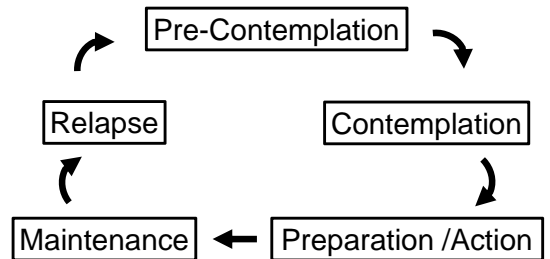
## Guiding Principles of Engagement (Cont.)

- **Cultural Competency:** be sensitive to the unique cultural needs and experiences of each person. Judicial officers and providers need to be aware of their own biases and cultural world views.
- **Self-determination & empowerment:** youth should have information relevant to their situations and be encouraged to make informed decisions when possible.

## Tips for Engagement

- Be Real
- Be impeccable with your words; avoid sarcasm or put downs of **anyone**
- Go slowly; respect the process of building relationships
- Expect testing
- Celebrate the small success, **all** of them
- Accept that you don't have the "whole story" ... ever

## Stages of Change



Prochaska, adapted by GEMS

### Pre-Contemplation

- *"I love my boyfriend; I love being in the life."*
- **Goal:** "Planting seeds." Don't push or try to convince her that her boyfriend is bad; get her talking about the future.

### Contemplation

- *"I love my boyfriend, but there are some parts I don't like; things I wish I didn't have to do."*
- **Goal:** Get her connected to an advocate or mentor

### Preparation / Action

- *"I want out; I don't want to die doing this."*
- **Goal:** Move quickly; wrap every service available; keep her informed and let her make decisions if possible.

### Maintenance

- *"I'm working on my goals and staying out of trouble."*
- **Goal:** Lots of positive support and reinforcement, planning for future, relapse prevention.

### Relapse

- *“ I miss the drama; I can’t make it in the square world.”*
- *Goal: Support her in re-engaging in services; let her know you’re not disappointed and still supportive.*

### Harm Reduction

**Harm Reduction:** Built on the premise of reducing harmful behaviors incrementally instead of immediate abstinence

**Examples:**

- Moving from outdoor prostitution to indoor or stripping
- Not using certain drugs while “working”
- Having a safety plan
- Scanning for threats
- Negotiating out of high risk sexual activities
- Working in pairs

### Service Needs

- Advocacy (transformative relationship)
- Shelter
- Employment or vocational training
- Basic needs and drop-in services
- Legal advocacy
- Therapeutic service (mental health & CD)
- Education
- Support groups (survivors, D/A, mental health)

### Responses in King County

- Task Force on CSEC convened by Superior Ct.
- Mission: Ensure the safety and support of CSEC and prevent further exploitation.
- Task Force promotes and implements a victim centered approach.
- Relies on broad partnership in the community including: law enforcement, service providers, DSHS, schools, public health, prosecutors, defense bar, survivors, businesses, local non-profits, probation counselors, county and municipal agencies, University of Washington.

### Responses in King County

- Toll free CSEC hotline to call a community advocate.
- Free CSEC training in identification, engagement, and service referral.
- Advocates are case managers who specialize in working with CSEC or youth at risk for CSEC.
- Advocates work with multi-disciplinary teams that coordinate and provide services to youth.
- Reaching out to youth, and working with support systems is key component.

### Responses in King County

- Data collection: work with community partners to collect and analyze demographic and other data on youth who are victims of trafficking.
- University of Washington is conducting an outcomes evaluation of our multi-disciplinary approach.
- Work will provide valuable feedback on the strengths and effectiveness of our coordinated response

## Resource for Judges and Courts

<http://www.htcourts.org>



- Information Cards
- Fact Sheets
- Educational Materials
- HT Guide