SYNERGY

RCDV:CPC The Newsletter of the Resource Center on Domestic Violence: Child Protection & Custody

A Project of the National Council of Juvenile and Family Court Judges

Domestic Child Sex Trafficking: Crisis at a Crossroads

The growing awareness of Domestic Child Sex Trafficking is putting an increasing burden on the social safety net for at-risk youth. Across the nation, advocates, courts, child protection systems, and law enforcement struggle to respond effectively to the complex social problem of domestic child sex trafficking (DCST). This issue of Synergy sheds light on the dynamics, the challenges, and the hope for progress in addressing DCST.

Our lead article provides an overview of DCST, and explores how the dynamic of coercive control between the trafficker and their child victim makes prosecution of the exploiters and protection of the children so challenging. Pioneers in Our Backyard is an interview with Leah Albright-Byrd, a former trafficking victim and national leader in the fight against sex trafficking. In the interview, Ms. Albright-Byrd gives a personal perspective on sex trafficking and highlights the work of Bridget's Dream, a California-based organization that works with young victims of sex trafficking.

This issue also looks at two communities—LGBT and Native American—whose youth are particularly vulnerable to sex trafficking, in part due to the historic discrimination that marginalizes them. Court Corner provides a snapshot of the legislative landscape around DCST, including the increasing implementation of safe harbor statutes aimed at insuring trafficking victims get the services and protections that they need to heal and restore their lives and spirits.

We hope this issue will better equip our readers to identify and respond to child sex trafficking victims effectively.

In peace,

Sarah Smith

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Domestic Child Sex Trafficking: Hidden in Plain Sight

By Sarah Smith, JD and Kelly Ranasinghe, JD

We owe our children, the most vulnerable citizens in our society, a life free of violence and fear.
Nelson Mandela.

INTRODUCTION

Some of our nation's most vulnerable children—those who have been abused or neglected, run away from their homes, or placed in foster care—may be at the center of domestic child sex trafficking (DCST)[i] in the U.S. Despite increasing attention focused on the DCST in recent years, there are not reliable statistics on the extent and scope of this pressing social problem. What we know, anecdotally, is that children as young as 12 are performing sex acts for money, often under the control of adult pimps, in cities and rural areas across the nation. Many of these children have histories of trauma, abuse, and neglect, the effects of which are compounded by the experience of commercial sexual exploitation.[ii] Because of the secretive and invisible nature of the phenomenon, DCST is a difficult crime to identify and measure, which, in turn, makes it challenging to address and prevent. While recognizing the challenges in quantifying the prevalence of DCST in the U.S., a 2013 report by the National Research Council describes the commercial sexual exploitation and sex trafficking of children as "serious problems" in the U.S with "immediate and long-term adverse consequences" for its young victims.[iii]

As the primary social safety nets for children at risk, the nation's juvenile justice and child welfare systems face the challenge of responding to DCST. Unfortunately, there are significant barriers to the identification of victims and to meeting their complex needs. This article provides an overview of DCST in the U.S., outlining the characteristics and needs of victims, the inherent difficulties in responding to those needs, and offers guidance on developing effective policies and practices around DCST.

DOMESTIC MINOR SEX TRAFFICKING DEFINED

The federal Trafficking Victims Protection Act (TVPRA) defines DCST as the "recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act" when that person is under the age of 18. Contrary to common a misperception, a child need not be transported from one place to another for sex in order to be trafficked. Even if it is not apparent that a child is engaging in sex for money against their will, that child is still a trafficking victim. Shared Hope International, a leading anti-trafficking organization in the U.S., describes DCST as including but not limited to child sex slavery, child sex trafficking, prostitution of children, commercial sexual exploitation of children, and the rape of a child.[iv]

While the TVPRA has been in effect since 2000, some local law enforcement and other first responders are not familiar with the term DCST, much less what it means.[v] The system often views children and youth being sexually exploited by adult pimps as criminals rather than victims. Some state laws do not recognize the prostitution of a child be to be trafficking unless they are subjected to some form of fraud or force. The term "child prostitution" has been used widely to refer to DCST victims, but this term is inaccurate since the term "prostitution" suggests that there is some choice involved.[vi] Anti-trafficking advocates agree that by virtue of the age of these victims, they have no meaningful choice.[vii] Shared Hope International describes this misidentification of trafficking victims as the "primary barrier" to responding effectively to the needs of this population.[viii]

Signs a Youth May Be a Sex Trafficking Victim[1]

- Homelessness
- Older boyfriend
- Chronic history of running away from home
- Multiple sexually transmitted diseases
- Substance abuse
- Access to material items that they cannot afford
- Tattoos or "brands"
- Traveling with an older male who is not a caregiver
- Significant history of juvenile status offenses such as truancy and curfew violations
- Makes references to frequent travel to other cities or towns
- Lacks control over her or his schedule and/or identification or travel documents
- Exhibits bruises or other signs of physical trauma, withdrawn behavior, depression, anxiety or fear
- Is hungry, malnourished, or inappropriately dressed (based on weather conditions or surroundings)
- Is uncharacteristically promiscuous and/or makes references to sexual situations or terminology that are beyond age-specific norms
- Has coached/rehearsed responses to questions
- Attempts to conceal recent scars
- Has a travel companion who controls documents, tickets, and movement
- Avoids eye contact with travel companion
- Lacks knowledge of travel plans and destination

[1] *Trafficking of Youth: How do I identify a victim?,* Find Youth Info available at: http://www.findyouthinfo.gov/youth-topics/trafficking-of-youth/identifying-victims; *Commercial Sexual Exploitation of Children: A Fact Sheet,* National Center for Missing and Exploited Children, available at: http://www.missingkids.com/en_US/documents/CCSE_Fact_Sheet.pdf

THE COMPLEXITIES OF IDENTIFYING DCST VICTIMS

Although a child victim of trafficking may come from any socio-economic background or geographic region, there are dimensions of vulnerability common in victim populations. In general, statistics tend to depict a runaway and homeless[ix] female youth of 12-17 years,[x] with previous system involvement (child welfare or delinquency),[xi] and a history of physical or sexual abuse. Homelessness is a common feature of the histories of children who are lured into sex trafficking. Whether fleeing from foster care or an abusive home life, runaways with nowhere to live are ripe targets for traffickers offering shelter, money, and even a sense of belonging.

The child welfare system is a common crossroads for DCST victims. Whether they are recruited by pimps who target group homes or on the run from a foster care placement, the likelihood that a trafficking victim has had some contact with the child welfare system is high.[xii] It is also not uncommon for youth to come into the child welfare system because they are trafficked by their own family members.[xiii] Even where there is not a familial relationship, one way for a pimp to cement his connection to the victim is to father a child with them.[xiv] The child of that union may come to the attention of the child welfare system. Trafficked youth may also enter the juvenile system by being arrested and charged with prostitution.[xv] It is not unusual for trafficking victims to have a history of status offenses, truancy, controlled substances, vandalism or theft.[xvi]

> *"Whether fleeing from foster care or an abusive home life, runaways with no where to live are ripe targets for traffickers offering shelter, money, and even a sense of belonging."*

Before they even encounter a pimp, children who end up being trafficked for sex have likely suffered trauma, a key risk factor for potential victims.[xvii] Add to that history the sexual exploitation, violent coercion, and psychological abuse that are hallmarks of being trafficked and it is not surprising that these victims often suffer from complex trauma,[xviii] and require services which are elaborate and likely residential.[xix] Anecdotal evidence from survivors tends to show the formation of maladaptive socialization to frequent movement (from city-to-city or state-to-state) that parallel that of multiple placement experiences in the child welfare or delinquency system. One survivor described the parallels between foster care and being trafficked this way:

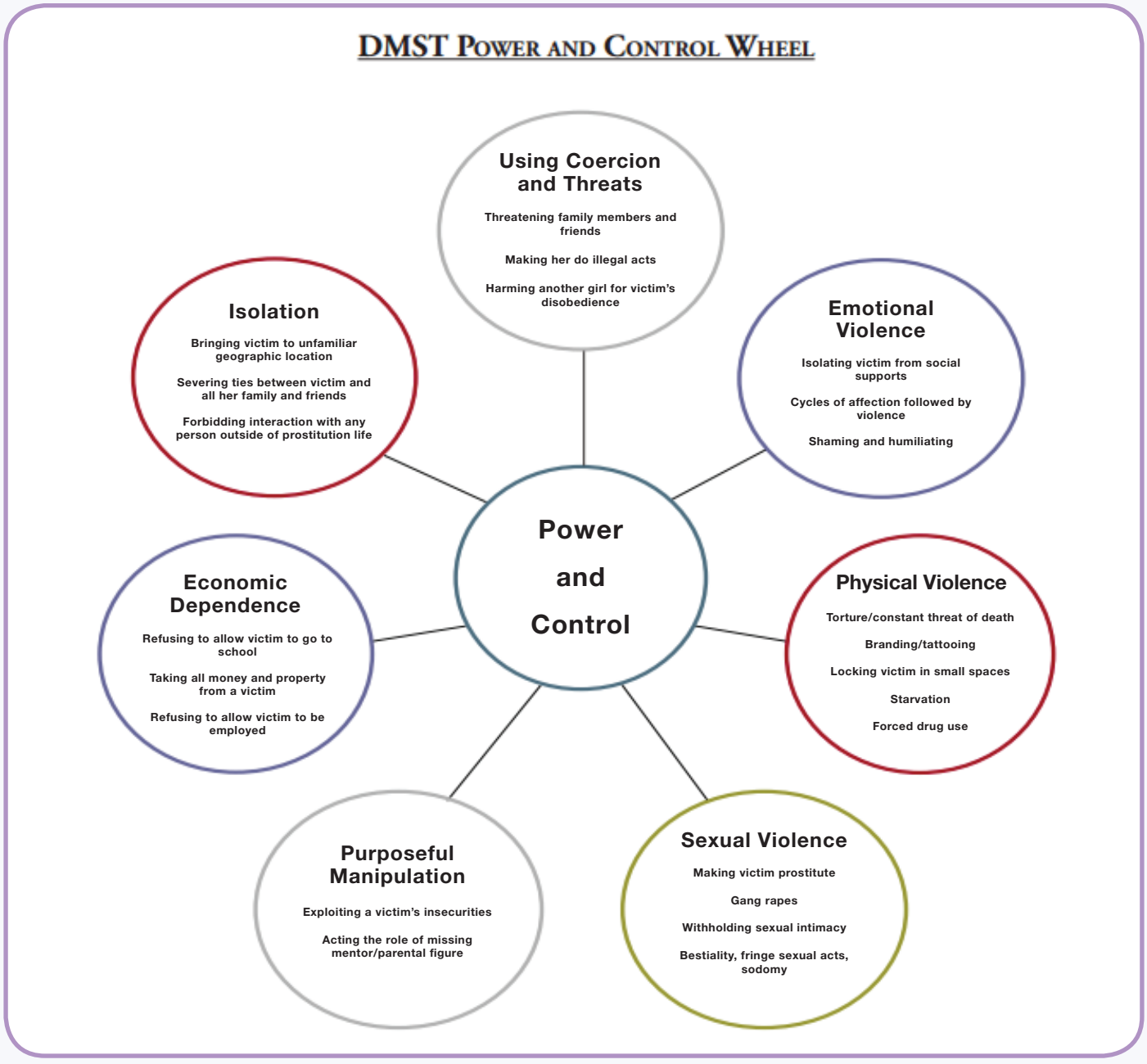
"Being in foster care was the perfect training for commercial sexual exploitation. I was used to being moved without warning, without any say, not knowing where I was going or whether I was allowed to pack my clothes. After years in foster care, I didn't think anyone would want to take care of me unless they were paid. So, when my pimp expected me to make money to support 'the family,' it made sense to me."[xx]

One of the most devastating aspects of trafficking is the distortion of a victim's understanding of themselves, social institutions, and other people.[xxi] The majority of DCST victims enter the exploitive industry at a crucial point in their adolescent development.[xxii] For many victims, biological and psychosocial development occurs simultaneously with systematic traumatization. Research has shown that adverse experiences during childhood can lead to adult disorders,[xxiii] including delinquency,[xxiv] substance abuse,[xxv] further victimization[xxvi] and death.[xxvii] The average victim entering the trafficking world is literally forming her own adult identity at the same time as she is being exploited and hyper sexualized. This distortion of identity along with the isolation that pimps impose on victims may limit a child's capacity to develop healthy behavior patterns. When coupled with the manifestations of post-traumatic stress disorder it easy to see how those who interact with these youth do not recognize them as victims.

THE CHALLENGES OF RESPONDING TO DCST

Trauma Bonding

Traffickers recruit children through a calculated process of manipulation to bring the victim under their control.[xxviii] They prey on the vulnerabilities of the young people they target, presenting themselves as a solution to whatever distress they detect. During the initial recruitment process, a trafficker may provide new clothes, jewelry, or a place to stay, while adopting a helpful role. Traffickers capitalize on a victim's family dysfunction, low self-esteem, or impoverishment to facilitate the formation of a strong relationship. Once the victim is sufficiently dependent upon the trafficker, the victim may be forced to adopt a different name, wear different clothes and cease communication with family members. Victims may be divested of their personal belongings and other accoutrements which relate to their previous identity. For children and youth with system involvement this process may be normalized by previous experiences they had being removed from their homes and placed in the foster system.



Seven Professions Most Likely to Come into Contact with Trafficking Victims[1]

- Federal, state and local law enforcement
- Criminal prosecutors
- Juvenile court judges and staff
- Juvenile probation and detention personnel
- Public defenders
- Child protective services personnel
- Staff for social services providers/non-governmental organizations

[1]*A Child Welfare Response to Domestic Minor Sex Trafficking,* Connecticut Department of Children and Families. Available at: http://www.ct.gov/dcf/lib/dcf/humantrafficing/pdf/response_to_domestic_minot_sex_trafficking.pdf.

Traffickers often re-create a family dynamic with their stable of victims, requiring victims to refer to them as their "boyfriend," or "Daddy" and to other victims in the same residence as a "family." Sexual exploitation by family members, or people the child *perceives* as family members, can severely traumatize children. Traffickers will also praise a victim's participation in exploitation acts as beneficial to the trafficker in his familial role, or beneficial to the fictitious family unit.

Once the victim trusts and depends on them, the trafficker introduces the control. Through isolation from social supports, physical and sexual violence, emotional abuse, and economic deprivation, the trafficker establishes dominance. Despite the dysfunction and abuse, victims develop powerful connections with their pimps. This connection is often reinforced when pimps give their victims new names or brand them with tattoos. This dynamic is referred to as "trauma bonding".[xxix] Similar to Stockholm Syndrome, a phenomenon in which hostages grow attached to their captors and even defend them for their misdeeds, trauma bonding is a kind of brainwashing through which the victim loses their sense of identity. They often do not consider themselves victims or seek to escape their circumstances. Rather, they believe that they are choosing prostitution.

This "trauma bond" magnifies the challenge of prosecuting of child sex traffickers. If and when they encounter law enforcement, victims are unlikely to reveal anything that would incriminate their pimps, much less testify against them in court.[xxx] They often do not seek help and they actively protect their victimizer. Similarly, these victims are not usually receptive to services or supports that they are offered through the juvenile justice or child welfare system. Though courts and caseworkers may become frustrated when victims do not "engage" with services or are reluctant to speak candidly with probation officers or social workers, from a trauma-focused perspective, this behavior is entirely rational.

Complex Needs, Limited Solutions

The challenge does not end with overcoming a victim's resistance to the idea that they need help. DCST victims have complex needs and limited support services are available to meet those needs. In response to the violence and exploitation that were a chronic feature of their existence, victims might express intense anger, panic, irritability, and alternate between being clingy and running away (hyperarousal). Alternatively, they might exhibit hypoarousal, with behaviors such as inattention, shyness, forgetfulness and the inability to bond with others. DCST victims often harbor profound mistrust for anyone outside of their trafficking "family," which can make establishing a therapeutic rapport difficult.[xxxi] With a history of repeated sexual exploitation over a significant period of time, trafficking victims can exhibit confusion about appropriate sexual boundaries and behaviors. Studies have also found that adolescent victims of DMST are at high risk for depression, anxiety, suicide, post-traumatic stress disorder (PTSD).[xxxii] This unique set of needs means that traditional services and supports are often not suitable for trafficking victims. Interventions for this population must be account for their histories of complex trauma.

TOWARD SOLUTIONS

Unfortunately, the services and supports available to DCST victims are limited. Moving toward solution-oriented interventions will require innovative approaches to respond to the challenges in identifying youth as trafficking victims. Policymakers will need to document the need for services to secure funding for the services that victims need. In addition, victims need to be recognized as victims when they enter a system that is part of the social safety net so they can have their needs assessed and met. This requires ongoing and comprehensive training of professionals in the fields of law enforcement, medicine, education, child welfare (including foster parents), and the courts on how to identify and appropriately intervene with child sex trafficking victims. Collaboration across systems and disciplines is essential to improve the response to DCST. Finally, the justice and child welfare systems that most often encounter these children will need to improve their capacity to respond effectively to the complex trauma victims have experienced to identify and respond appropriately to victims.

For additional information on working with DMST victims, refer to the Resources page in this issue.

[i]The terms "domestic child sex trafficking" (DCST) and "domestic minor sex trafficking" (DMST) have the same meaning for the purposes of this article. The editors prefer the term "child" to the term "minor" because it best conveys the gravity of the exploitation at issue.
[ii]Commercial sexual exploitation (CSEC) includes sex trafficking, as well as child pornography, and sexual abuse.
[iii]Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States; Board on Children, Youth and Families; Committee on Law and Justice; Institute of Medicine; National Research Council, Confronting Commercial Sexual Exploitation And Sex Trafficking Of Minors In The United States (Ellen Wright Clayton et. al eds., 2013).
[iv]Linda Smith, Samantha Healy Vardamen, & Melissa Snow; The National Report On Domestic Minor Sex Trafficking: America's Prostituted Children iv, (Shared Hope International, May 2009).
[v]*Id.*
[vi]The Raben Group, *The Use of the Phrase "Child Prostitute" in the Media: A Critical Examination and Course for Action* (Rights 4 Girls 2014) http://rights4girls.org/uploads/NoSuchThing_Report.pdf.
[vii]Smith Et Al., *supra* note iv, at 10.
[viii]Smith Et Al., *supra* note iv, at 2.
[ix]Minnesota Human Trafficking Taskforce, Human Trafficking & Homeless/Runaway Youth, available at http://mnhttf.org/site/wp-content/uploads/2014/04/Human-Trafficking-and-Youth_April-2014.pdf (Apr. 2014).
[x]Polaris Project, Human Trafficking Statistics, Average Age Of Entry, (2014) http://www.cicatelli.org/titlex/downloadable/human%20trafficking%20statistics.pdf.
[xi]The Polaris Project, In Their Shoes: Understanding Victim's Mindsets, (2014), available at https://na4.salesforce.com/sfc/play/index.jsp (Online Document Library).
[xii]Smith Et Al, *supra* note iv, at 9.
[xiii]K. D., Compton, et al., *Domestic Minor Sex Trafficking: Practice Implications for Mental Health Professionals*, 28 Affilia 18, available at: http://aff.sagepub.com/content/early/2013/02/05/0886109912475172 (2013).
[xiv]Jonathan Van Dyke, *Psychological Warfare Propels Human Sex Trafficking*, Grunion Gazette, July 14, 2014, available at http://www.gazettes.com/news/psychological-warfare-propels-human-sex-trafficking-world/article_818524c0-02ef-11e4-8a32-001a4bcf887a.html.
[xv]Smith Et Al., *supra* note iv, at 52-53.
[xvi]Confronting Commercial Sexual Exploitation, *supra* note iii, at 216; Smith Et Al, *supra* note iv, at 49-52.
[xvii]Trafficking Resource Center, The Victims, http://www.traffickingresourcecenter.org/what-human-trafficking/human-trafficking/victims.
[xviii]Erin Williamson, et.al., *Evidence Based Mental Health Treatment for Victims of Human Trafficking* (Dep't of Health and Human Services, Study of HHS Programs Serving Human Trafficking Victims) (2010). http://aspe.hhs.gov/hsp/07/humantrafficking/mentalhealth/index.shtml.
[xix]*Id.*
[xx]Commerical Sexual Exploitation: The Intersection With Child Welfare, California Child Welfare Council (2013), citing E-mail from Catherine Pratt, Comm'r, Los Angeles County Superior Court, to author (Jan. 11, 2013, 13:51 PST) (on file with author), http://www.courts.ca.gov/documents/BTB_XXII_IIH_10.pdf.
[xxi]The Polaris Project, In Their Shoes: Understanding Victim's Mindsets, (2014), available at https://na4.salesforce.com/sfc/play/index.jsp (Online Document Library).
[xxii]Laurence Steinberg,*Cognitive And Affective Development in Adolescence*, 9 Trends In Cog.Sci. 69 (2005).
[xxiii]Vincent Felitti et.al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults*, 14 Am.J.Prev.Med. 245](1998).
[xxiv]Naomi Duke et.al., *Adolescent Violence Perpetration: Associations With Multiple Types of Adverse Childhood Experiences*, 125 Pediatrics 778 (2010), available at http://civiccanopy.org/wp-content/uploads/2014/01/Pediatrics-2010-Duke-e778-86.pdf.
[xxv]*Id.*
[xxvi]New Mexico Sentencing Commission, Prevalence Of Adverse Childhood Experiences & Victimization Among New Mexico's Female Inmate Population (Jun. 2013), available at. http://www.nmcsap.org/NM_Sent_Comm_Final_Report_on_Woman_Inmates.pdf.
[xxvii]Felitti, *supra*, note xxiii.
[xxviii]Smith Et Al., *supra* note iv, at 41-45.
[xxix]*Id.*
[xxx]Confronting Commercial Sexual Exploitation, *supra* note iii, at 124; National Center for Missing and Exploited Children, *Commercial Sexual Exploitation: A Fact Sheet*, http://www.missingkids.com/en_US/documents/CCSE_Fact_Sheet.pdf.
[xxxi]Lauri Leitch,Ph.D.& Leitch, Snow , Intervene: *Identifying and and Responding to America's Prostituted Youth* (Shared Hope Int'l 2010).
[xxxii]Confronting Commercial Sexual Exploitation, *supra* note iii, at 118-119.

Pioneers in Our Backyard
An Interview with Leah Albright-Byrd[i]

Leah Albright-Byrd is a sex trafficking survivor who founded Bridget's Dream, a California-based non-profit organization that provides comprehensive services to commercially sexually exploited young women and their families. Bridget's Dream is named after Ms. Albright-Byrd's friend, Bridget Gray. At 15, Ms. Albright-Byrd recruited Ms. Gray, then a 14-year-old in foster care, into the "life". In 2006, after an unsuccessful attempt to escape sex trafficking, Bridget was murdered by a "John" in a Las Vegas hotel room. The spirit of Ms. Gray's desire for success lives on in Bridget's Dream's work to restore the lives of young trafficking victims. In 2012, Ms. Albright-Byrd was instrumental in the passage of Proposition 35 in California, a referendum that increased protections and services for trafficking victims.

Tell us a little bit about your journey.

I, like most youth that are vulnerable to being preyed on, had come from an environment that was marked by trauma and dysfunction. There was a lot of brokenness in my family. Before I ever ran away from home and became a human trafficking victim, I was a survivor of domestic violence. I had grown up in a home where there was substance abuse and so by the time I was 14, I was searching desperately for love and acceptance and belonging and completely oblivious to the fact that there were predators in my community that would prey on my vulnerabilities, like so many of the children that I now have the opportunity to work with. My exploitation lasted from [age] 14 to 18. I met a guy that was selling drugs in Sacramento and like so many drug traffickers he turned to the trafficking in human beings because he felt like it was more lucrative and less risky for him criminally. My exploitation lasted for four years and it was definitely one of the worst seasons of my life.

You have an interesting insight into why trafficking in humans can be more attractive than the drug trade itself. Can you share that with us?

When you're selling drugs, you have circumstantial evidence right? If you get pulled over in car and you have substances in your car, then you're taken to jail. If you get pulled over in your vehicle and you have a couple of girls who are under-age, who you probably have dressed up and made them look like they're older, and you've developed an allegiance and loyalty with them, either through fear or manipulation and coercion, they're less likely to tell on you. And so prosecutors will tell you that traffickers are some of the hardest criminals to prosecute because of those very factors. But now, with the passing of Prop. 35, a minor doesn't necessarily have to be in the courtroom to testify, it's just given us a lot more opportunity to prosecute.

How has Proposition 35 changed the landscape in California?

The passing of Proposition 35 increases the penalties against human traffickers so that when force, fraud, or coercion is used with a minor, that trafficker is facing fifteen years to life in the state of California. It also mandated law enforcement training throughout the state so that we can make sure that all of our officers are aware of human trafficking.

What was the moment like for you the night that the proposition passed?

You look back on the tapestry of your life and go, "wow, look at all of the things that I've experienced to get to this moment." We've left a legacy for children in our state and that was a powerful moment. One of the campaign tools used was a picture of [Bridget] and two other young ladies who'd been trafficked. And to realize that her picture and her story had been spread across the state. I don't know that the pain of losing Bridget will ever go away completely, but in those moments when you see that such amazing things are happening as a result of her story, and as a result of me having the opportunity to share that story, it's just profound.

How has passage of this proposition and the fight that you're leading resonated in other parts of the country?

California's an incredibly powerful and influential state. There were states that were waiting for us to catch up. The Polaris Project is a national organization that does report cards for states and California had received an F compared to some of the other states that were implementing things like safe harbor laws. We've been able to catch up so I think the rest of the country is excited about that, especially because we house three of the nation's top highest trafficking cities.

You speak about the need for officer training, to deconstruct behavior and give officers new behaviors, but also to take down assumptions that lead people to effectively value the trafficked less than other victims that they might see. How will we know if the passage of Proposition 35 has worked to that end?

One of the ways that we'll know that it's working is the number of prosecutions. Before traffickers were getting slaps on the wrist, especially when it came to minors. To speak to the point of law enforcement, what we're really looking at, not just with law enforcement but with our state and

our country, is a cultural shift in perspective around this issue where we stop saying, "oh, just those prostitutes," to "wait a minute, these are children." The average age of entry is 12 to 14, that's a junior high or high school student. I'm excited to share that I am one of the subject matter experts on the state-wide law enforcement training and helped to develop that training. A big part of that education piece is helping officers understand victimology. When you have a victim that doesn't present like a victim, then naturally you're not going to feel inclined to protect this person, if they're aggressive and abrasive. But once you understand the backstory and you understand how they're being groomed, how they've been recruited and manipulated to respond the way that they are, then it starts to shift your perspective.

What do you mean by "groomed?"

When a trafficker targets a victim, he begins to manipulate her and it's not very difficult when you have a child whose brain isn't fully developed. You can tell a 12-year-old anything, and that power dynamic with you as an adult and that child continuing to learn and develop, will embrace those beliefs that person is trying to get him or her to believe. It's hardwired so then when you're twelve years old and the streets are raising you, you start to believe what you're being told.

"You can tell a 12-year-old anything, and that power dynamic with you as an adult and that child continuing to grow and develop, will embrace those beliefs that person is trying to get him or her to believe."

You've mentioned that disproportionately women of color in California have been involved in trafficking. How are efforts to engage those communities going?

That's one of the things that Bridget's Dream is focused on. We just did a presentation with San Joaquin Delta College last week with their African American history students wanting to influence the next generation of leaders and helping them understand the disproportionate impact on low-income communities and in communities with women of color. About 85 percent of the girls that we're working with identify as either being African American or of African American descent, which is alarming for us. We've been discussing how can we raise awareness on a broader scale so that our communities of color are being educated and they're aware of their vulnerabilities.

On this journey you've impacted events and lives. How have they impacted you?

I thought that I was going to be able to inoculate myself better from relationships with the girls that we serve. Let me clarify, that's not to say that I don't want to have intimate relationships with them, but you have to have good boundaries when you're working in the mental health field for the sake of self-care. But I realized that some of that inoculation is tied to my fear of loss. When Bridget was murdered, and I felt in many ways personally responsible because I recruited her when I was 15, there was something that happened in my heart. I wanted to fight, and at the same time it produced an overwhelming amount of fear. With the love and the resiliency that I see in the girls that we work with, there's no way not to love these girls, there's no way not to get close and attached to them. We do life together, they come to events and we do life. The only solution to any brokenness, whether it's human trafficking or substance abuse, is relationship. So we live our lives together, and grow together.

This movement that you're part of birthing has grown. Before it came into itself and the proposition passed, it was a group of committed and dedicated individuals. Now it's got organizations and structures and all of the accoutrements of being institutionalized. The cynic may wonder, when does something grow from a movement into a cottage industry?

That's a great point. I am part of this movement but there are people that have gone before me, that made what's happening now possible; people like Dr. Lois Lee, the founder of Children of the Night, an organization that's been around since the '70s; Rachel Lloyd, the founder of GEMS (Girls Education and Mentoring Services) in New York, an organization that's been around since the '90s; and Nola Brantley [of saving our Girls from Oakland]. There's so many people that I can look to and a lot of them are survivors that have pioneered and put their lives on display for the world to see so that we can experience the change that we're now experiencing. What I do see is re-exploitation, unfortunately, because there's such a push for survivor involvement. I'm happy about this, and at the same time, if girls, women, and men that've been exploited are not being educated on how to share their stories without re-traumatizing themselves, the next thing you know, you face a new form of slavery. Instead of being exploited sexually, now your story's being exploited for the sake of the development of an organization. With Bridget's Dream, I'm really sensitive to that as the leader. We've had a lot of survivors get involved and want to serve, and the question is always, "do you understand what the ramifications are of you sacrificing this part of yourself and sharing it?"

"...[I]f girls, women and men that've been exploited are not educated on how to share their stories without re-traumatizing themselves, the next thing you know, you face a new form of slavery."

What's next for Leah Albright-Byrd?

My big focus going forward is writing a book. One of the things that I've realized as I've travelled and spoken at different places, and spoken to a wide variety of audiences and age ranges, is that the common theme is healing for people. I've had people that have not been through the same thing that I've experienced reach out to me and say, "How were you able to forgive? How were you able to heal? What treatment worked well for you?" I want to be able to share that part of my life with people that haven't necessarily experienced the same thing, and give them hope so that they know that it's possible to grow and move forward.

[i]This article is adapted from an Emmy award winning episode of Studio Sacramento, a series produced by KVIE-PBS in Sacramento, CA, on May 16, 2014. The interview was conducted by program host, Scott Syphax. You can view the full interview at http://vids.kvie.org/video/2365248522/.

Trafficking in Native Communities

by Victoria Sweet, JD

Although attention to human trafficking has grown in the last few years, trafficking is not a modern crime. Trafficking has existed in Native communities for centuries, since the earliest point of contact with Europeans.[i] According to journal accounts, Christopher Columbus engaged in the exploitation of Indigenous people from the moment he encountered them, including providing Indigenous women and girls for his crew and tolerating rape and other atrocities.[ii] This behavior set the tone for the exploitation and abuse of Native women at the hands of non-Native men that continues into the 21st century.

In an article documenting the history and describing lingering effects of historical attitudes and behaviors, legal scholar Sarah Deer wrote "[t]oday, the eroticized image of Indian women is so commonplace in our society that it is unremarkable—the image of a hypersexual Indian woman continues to be used to market any number of products and ideas."[iii] Normalization of these hyper sexualized images and historical attitudes contribute to views of Native women that disparage or fetishize their ethnicity. In a report on the prostitution and trafficking of Native women in Minnesota, Native women share their experiences to illustrate how ethnicity is directly connected to why they became prostitutes and how they were treated by clients. One woman said "I'm put down anyway, so why not prostitution? I'm called a 'squaw', so why not?"[iv] Another, discussing a client said "[h]e likes my hair down and sometimes he calls me Pocahontas. He likes to role play like that. He wants me to call him John."[v]

"...Christopher Columbus engaged in the exploitation of Indigenous people from the moment he encountered them, including providing Indigenous women and girls for his crew and tolerating rape and other atrocities."

While many studies provide statistics on other forms of violence, little empirical human trafficking data exists. The reasons for this vary. Many trafficking victims do not identify themselves as victims. They suffer from fear, shame, and distrust of law enforcement.[vi] It is also not unusual for trafficking victims to develop traumatic bonds with, and want to protect, their traffickers because of the manipulative nature of this crime. However, data and research from related studies suggest that human trafficking may likely not only affect Native women and girls, but also disproportionately impact them. This article will explore child protection implications of trafficking through the review of two bodies of research that may provide useful information on trafficking of Native women and girls 1) the research on the existence of predictive risk factors within the community and 2) the data on the impact of the commercial sex trade.

PREDICTIVE RISK FACTORS

Generally, it is estimated that 50 to 80% of identified trafficking victims are or have been involved with child welfare services at some point in their lives.[vii] Traffickers often prey on children and youth minimal social support.[viii] Additional risk factors include: poverty; limited education; lack of work opportunities; homelessness, being an orphaned, runaway, or "thrown away" youth; history of previous sexual abuse; physical, emotional, or mental health challenges; drug or alcohol addiction; post-traumatic stress disorder; multiple arrests; and a history of truancy or being expelled.[ix]

These risks may be magnified in Native communities. According to the most recent data available "Native American children are overrepresented [in foster care] at a rate that is 2.1 times their rate in the general population"[x] and as many as 32.4% of Native children and youth live in poverty. Intergenerational trauma patterns[xi] associated with the history of tribal relocations, boarding schools, and large scale adoptions of Native children have increased the likelihood that Native women and girls will experience additional predictive risk factors.[xii] Reports from Alaska also suggest that traffickers may target Native girls. In 2010, Anchorage police and the Federal Bureau of Investigations warned delegates at the Association of Village Council Presidents annual convention of a rise in rural Alaska Native girls and women who leave their families and villages for Anchorage being lured into prostitution with the promise of security. The sex-traffickers see these young Native runaways as especially easy prey.[xiii]

COMMERCIAL SEX TRADE DATA

Information on commercial sex trade can help paint a picture of trafficking in Native communities. Although not every person involved in prostitution is legally a trafficking victim, according to limited data, many are. In one commercial sexual exploitation study, researchers discovered that about half of the women interviewed "met a conservative legal definition of human trafficking."[xiv]

A review of community impact data taken from four formal studies demonstrates the disproportionate impact the commercial sex trade has on indigenous communities in both the United States and Canada. In Hennepin County, Minnesota, roughly 25% of the women arrested for prostitution identified as American Indian while American Indians comprise only 2.2% of the total population.[xv] In Anchorage, Alaska, 33% of the women arrested for prostitution were Alaska Native, but Alaska Natives make up only 7.9% of the population.[xvi] Canadian studies show similar results. In Winnipeg, 50% of adult sex workers were defined as Aboriginal, while Aboriginal peoples comprise only 10% of the population[xvii] and 52% of the women involved in the commercial sex trade in Vancouver were identified as First Nations, while First Nations people comprise only 7% of the general population.[xviii]

Though this data does not provide a complete picture of the impact of either the commercial sex trade or human trafficking on indigenous communities, it does illuminate a disturbing trend. In all four studies, indigenous women were disproportionately represented in the commercial sex trade. Since close to half of sex trade workers may meet a legal definition of trafficking victims, it stands to reason that disproportionately large numbers of Native women may be victims of trafficking and trafficking threatens the security of indigenous communities.

RECOMMENDATIONS

Native women and girls may continue to be disproportionately impacted by human trafficking as long as society continues to embrace hyper sexualized and degrading images of Native women and intergenerational traumatic patterns are not effectively addressed. Mitigating these risks begins with education. Communities should:

- Continue to raise awareness within communities of the signs of trafficking and of the increased risk for Native women both on and off reservations.
- Train educators, medical workers, social workers, law enforcement, street outreach workers, attorneys, judges, and other related professionals on identification and response.
- Pay particular attention to culturally appropriate services for Native girls and women trafficked outside of their reservations.
- Explore solutions to the rates of Native children placed outside of the family or extended family and to problems associated with ICWA compliance. Both of these issues increase the number of Native children in care.
- Improve protocols to track children in the system to identify missing foster child in a timely manner.

Courts can also develop court rules and best practices to deal with trafficking victims and change the way trafficked youth are treated in courts around the country. According to Los Angeles Superior Court Commissioner Catherine J. Pratt, youth end up charged with a crime that "arguably they cannot commit . . . if you are too young to consent to sex . . . you are too young to consent to sell sex. . . . We lock them up, take away their ability to make decisions for themselves and label them with some of the most shameful terms used to describe humans: 'prostitutes' and 'criminals.'"[xix]

Legislatures around the country should continue to tackle the need for better legal codes that define human trafficking appropriately, mandate strong consequences for traffickers, and protect victims. Efforts should address the need for rehabilitative services like long term housing and job training and for more research to assist policymakers in understanding the impact trafficking has on Native communities and off reservation community members. Steps need to be taken to plan for the future and mitigate risk to end the cycle of abuse and exploitation.

[i] Alexandra Pierce & Suzanne Koepplinger, New Language, Old Problem: Sex Trafficking of American Indian Women and Children 2 (National Online Resource Center on Violence Against Women 2011), *available at* www.vawanet.org/assoc_files_vawnet/ar_nativesextrafficking.pdf.
[ii] For a thorough review of the history of the exploitation of Indigenous women, see Sarah Deer, *Relocation Revisted: Sex Trafficking of Native Women in the United States,* 821 Wm. Mitchell L. Rev. 621, *available at* http://www.wmitchell.edu/lawreview/docuement/8.Deer.pdf.
[iii] *Id.* at 626.
[iv] Melissa Farley, et al., Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota 33 (2011).
[v] *Id.* at 32.
[vi] State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution and Sex Trafficking, Final Report and Recommendations 1 (2013), *available at* http://www.law.state.ak.us/ pdf/admin/021513-TaskForceFinalReport.pdf.
[vii] *Id.* at 3.
[viii] *Id.* at 4.
[ix] State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution and Sex Trafficking, *supra* note vi at 6-7.
[x] National Council of Juvenile and Family Court Judges, Disproportionality Rates for Children of Color in Foster Care 7 (Technical Assistance Bulletin 2013).
[xi] Center for Native American Youth, Fast Facts on Native American Youth and Indian Country (2013), *available at* http://aspeninstitute.org/sites/default/files/content/images/Fast%20Facts.pdf.
[xii] Maria Yellow Horse Brave Heart & Lemyra M. DeBruyn, *The American Indian Holocaust: Healing Historical Unresolved Grief,* 8 Am. Indian and Alaska Native Mental Health Res. 75 (1998).
[xiii] Alex DeMarban, *FBI, APD: Sex-Trafficking Rings Target Rural Girls New to Anchorage,* Alaska Dispatch News, Oct. 7, 2010, available at www.adn.com/article/fbi-apd-sex-trafficking-rings-target-rural-girls-new-anchorage.
[xiv] Farley, et al., *supra* note vii at 3.
[xv] Alexandra Pierce, Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota 32 (2009).
[xvi] Farley, et al., *supra* note vii at 19.
[xvii] Maya Seshia, The Unheard Speak Out: Street Sexual Exploitation in Winnipeg 16 (2005), quoting Ndaawin, Protecting Children Information Guide: Preventing the Sexual Exploitation of Children and Youth through Prostitution 14 (date published unknown).
[xviii] Melissa Farley, et al., *Prostitution in Vancouver: Violence and Colonization of First Nations Women,* 42 Transcultural Psychiatry, 249 (2005).
[xix] Catherine J. Pratt, *No Such Thing as a Child Prostitute: A Perspective from the Bench,* Huffington Post, Jan. 30, 2015, http://www.huffingtonpost.com/catherine-j-pratt/no-such-thing-as-a-child-_b_6581402.html.

Sex Trafficking of LGBT Youth[i]

By Michelle Lillie

There is a disproportionate number of lesbian, gay, bisexual, and transgender (LGBT) youth in the commercially sexually exploited population. The majority of US based organizations working with this population attribute this to the high levels of homelessness among LGBT youth. Forty-six percent of homeless LGBT youth report running away from home due to family rejection of their sexual orientation and 17 percent ended up on the streets after they aged out of the foster care system. Spending time on the streets as a vulnerable young person can have dire consequences and within 48 hours of running away, 1 in 3 homeless youth will be recruited by a trafficker into commercial sexual exploitation.

LGBT YOUTH AND VICTIMIZATION

The sad reality is that due to their sexual orientation many LGBT youth are routinely victimized not only by their peers but by their own family members. LGBT youth who face discrimination, name-calling and abuse in their childhood are more likely to have low self-esteem and higher rates of mental health problems. Traffickers are known to prey on the financially destitute, the young and vulnerable and those with previous experiences of abuse. LGBT youth run away from home to escape abuse and bullying yet too often find themselves in the exact same position on the streets. Once homeless, LGBT youth are at higher risk for victimization and unsafe sexual practices. A startling 58.7 percent of LGBT homeless youth have been sexually victimized compared to 33.4 percent of heterosexual homeless youth. The Center for American Progress put out a report indicating that young men who have sex with men (gay or bisexual youth) are more likely to be forced into prostitution than any other youth population. This becomes apparent when looking at arrest statistics where one percent of heterosexual boys are detained for prostitution compared with 10 percent of their gay or bisexual peers.

LGBT YOUTH AND SURVIVAL SEX

Many times the LGBT youth's entry into commercial sexual exploitation begins with survival sex or the exchange of sexual favors for basic needs like food, shelter or clothing. A study in Canada found that youth who identify as LGBT were three times as likely to engage in survival sex than their heterosexual peers. The main reason cited for agreeing to survival sex is to have a bed to sleep in for the night. Engaging in risky behavior like survival sex can lead to violence, rape and commercial sexual exploitation. LGBT youth are roughly 7.4 times more likely to experience acts of sexual violence than heterosexual homeless youth. It's far too common that survival sex for the night turns into confinement and the LGBT youth is forced into commercial sex trafficking. Often controlled by fear, drugs or alcohol and low self -esteem, the LGBT youth who left home looking for love and acceptance find themselves caught in the vicious cycle of sex trafficking.

[i] *This article was originally published November 13, 2013 on the web site Human Trafficking Search* at http://humantraffickingsearch.net/.

Court Corner

The State of Trafficking Law: Toward Recognizing Trafficked Children as Victims

By Sarah Smith

According to the U.S. Department of State's Office to Monitor and Combat Trafficking, an effective legal response includes laws focused on prosecution of child trafficking offenses, protecting the victims, and prevention of its spread. While the federal government and an increasing number of states have made strides in recent years, the legal framework for combating trafficking in the U.S. still falls short in some aspects.[i] Domestic minor sex trafficking is illegal under federal law, in all 50 states, and the District of Columbia[ii], but differences in states' approaches to combating trafficking and conflicts between state and federal trafficking law have prevented the development of a comprehensive legal framework that adequately addresses prosecution, protection, and prevention.

One of the biggest challenges in the fight against domestic minor trafficking is the inconsistent legal definitions of trafficking. Under the federal Trafficking Victims Protection Act (TVPRA), any child who is prostituted is recognized as a victim of sex trafficking.[iii] To prove an adult is trafficked under the TVPRA, however, one must show that a victim was prostituted through fraud, force, or coercion (FFC). Unfortunately, some state statutes require the FFC element to prove sex trafficking of children. The effect of the FFC requirement is twofold: 1) trafficking victims are not identified as such, which means they are treated as criminals by the system, rather than victims, and 2) prosecuting pimps for trafficking these victims is more difficult because it requires proof that they engaged in FFC.[iv] This is especially challenging because victims are often unwilling to incriminate the pimps for whom they work. For more information trauma bonding and the consequences of not identifying victims, see the article entitled *Domestic Child Sex Trafficking: Hidden in Plain Sight* in this issue.

"According to the U.S. Department of State's Office to Monitor and Combat Trafficking, an effective legal response includes laws focused on prosecution of child trafficking offenses, protecting the victims, and prevention of its spread."

A related legal issue that frequently arises in states is the inconsistent application of state laws that criminalize sex with children as statutory rape. In some states, these laws are not applied in sex trafficking cases.[v] The presumption in the

statutory rape laws is that children cannot consent to sex with an adult, so any sexual interaction between an adult and child is non-consensual. When a child is arrested and charged with prostitution, this presumption is not applied. The charge itself presumes the child consented to sex with an adult. Moreover, in these cases, the person to whom the child is prostituted (the "John") is not prosecuted for statutory rape. The only charge the John might face is for purchasing sex, a crime for which penalties are much lower than those for statutory rape.[vi]

In response to this inconsistency, a number of states[vii] have enacted what are known as safe harbor laws. While the substance of these laws varies in each state, they generally include provisions that trafficked children (the age varies by state) not be prosecuted as prostitutes, but receive services, often through a criminal justice diversion program. Many safe harbor laws also include provisions aimed at punishing those who fund, profit from, or pay for sex with children.[viii] The federal TVPRA goes further, setting out a framework of rights for child trafficking victims[ix]:

- The right not to be detained in facilities inappropriate to their status as victims.
- The right to receive necessary medical care and other assistance.
- The right to be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim or trafficker.

CHILD WELFARE APPROACH

Given that the child welfare system is best equipped to provide appropriate therapeutic interventions to child victims of sex trafficking, some states have broadened their child protection laws so that these victims will have avenues to assistance even if they are not being exploited by family members.[x] Under the Illinois Safe Children Act, for example, whenever a child is taken into custody for prostitution, law enforcement must report it as an abuse allegation to the state's child welfare agency. The agency is then required to open an investigation within 24 hours. These investigations and the victims are then tracked as human trafficking cases within the child welfare system.[xi] Examples of these kinds of reforms include:

- mandating a child protection response for any child trafficking victim, regardless of whether their exploiter is a family member;
- defining domestic child trafficking and any commercial exploitation of children as abuse or neglect;
- expanding the definition of a child's caregiver to include their trafficker; and
- making a conviction for the commercial exploitation of child grounds for the termination of a person's parental rights.

[i] U.S. Dep't of State, Office to Monitor Trafficking in Persons, Trafficking in Persons Report (2014).
[ii] *Id.*
[iii] Trafficking Victims Protection Act of 2000, 22 U.S.C. § § 7101-7113 (2006).
[iv] Cheryl Nelson Butler, *Kids for Sale: Does America Recognize its Own Sexually Exploited Minors as Victims of Human Trafficking?*, 44 Seton Hall L. Rev 833 (2014).
[v] Human Trafficking Issue Brief: Safe Harbor (Polaris Project Fall 2014), http://www.polarisproject.org/storage/documents/policy_documents/Issue_Briefs/2014/2014_Safe_Harbor_Issue_Brief_Final_1.pdf. *See, also,* Trafficking in Persons Report at 399; Linda A. Smith, Samantha Healy Vardamon & Melissa Snow, The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children 52-54,(Shared Hope International 2009); Committee on the Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States; Board on Children, Youth and Families; Committee on Law and Justice; Institute of Medicine; National Research Council, Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States 161 (Ellen Wright Clayton, Richard Krugman, and Patti Simon, eds. 2013).
[vi] Confronting Commercial Sexual Exploitation , *supra* note v, at 146.
[vii] States with Safe Harbor laws that grant child trafficking victims immunity from prosecution are: Connecticut, Illinois, Tennessee, New York and Texas. Lauren Jekowsky, Un-Safe Harbor: Why U.S. State Legislation is Ineffectively Addressing Sex Trafficking of Minors (Human Trafficking Center 2014) http://humantraffickingcenter.org/posts-by-htc-associates/un-safe-harbor-why-u-s-state-legislation-is-ineffectively-addressing-sex-trafficking-of-minors/.
[viii] National conference of State legislatures, Human trafficking overview, http://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-overview.aspx.
[ix] TVPA, 221 USC 7105 § 107(c)(1)(a),(b),(c), *National Report on DMST,* Smith et. al., supra note v, at p. 6.
[x] Confronting Commercial Sexual Exploitation, *supra* note v, at 238-39.
[xi] *Id.*

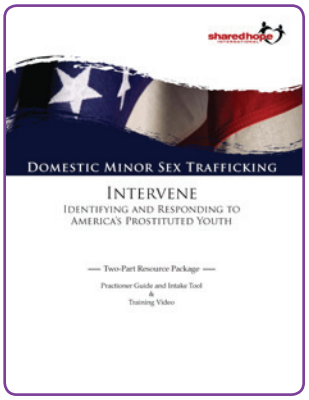
Resources on Domestic Child Sex Trafficking

PBS: A Path Appears is a documentary series on gender-based oppression. One episode focuses on sex trafficking and profiles the Boston-based organization My Life, My Choice, which works with survivors of sex trafficking. http://www.pbs.org/independentlens/path-appears/

Polaris is a leader in the global fight to end modern slavery and restore freedom to survivors. Polaris engages in research and policy advocacy on the issue. www.polarisproject.org.

HUMAN TRAFFICKING SEARCH
The Global Resource & Database

Human Trafficking Search (HTS) is the global resource and research database on human trafficking. The database consists of academic journals, reports, research studies, congressional testimony, news articles, and other primary and secondary sources, carefully researched and curated by experts in the field. http://www.humantraffickingsearch.net/



Shared Hope International is a faith-based organization that works to prevent the conditions that foster sex trafficking, restore victims of sex slavery, and bring justice to vulnerable women and children. They engage in training, research, raising awareness and policy advocacy. Their publications include a guide for professionals on identifying and responding to child sex trafficking. This publication and other training resources are available at: http://sharedhope.org/what-we-do/prevent/training/.

Surviving the Streets of New York is a study on LGBT and trafficking that identified gaps in services for LGBT youth. http://www.urban.org/publications/2000119.html

Federal Government Efforts to Combat Human Trafficking

The Trafficking Victims Protection Act of 2000 (TVPA) called for the creation of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to coordinate anti-trafficking efforts among various U.S. Federal government agencies. Many Federal government agencies are implementing programs to protect and assist victims of human trafficking and to capture and prosecute their traffickers. A comprehensive listing of each agency's accomplishments can be viewed at http://www.state.gov/j/tip/response/usg/index.htm.

The U.S. Department of Health and Human Services (HHS) is responsible for certifying victims of human trafficking once they are identified. This certification allows victims to receive federally funded benefits and services to the same extent as refugees. HHS also raises awareness of human trafficking through its campaign to Rescue & Restore Victims of Human Trafficking. To order campaign materials please visit http://www.acf.hhs.gov/programs/orr/rescue-campaign.

Materials are available in English, Spanish, Chinese, Indonesian, Korean, Thai, Vietnamese, and Russian.

New NCJFCJ Employee

Brian Wanbaugh joins the Family Violence and Domestic Relations as a Web Developer. Brian is an IT professional with many years' experience in web design and development and project management in the public and private sector. Prior to joining the NCJFCJ, Brian spent the last five years developing the Nevada Aging and Disability Resource Center portal for the Aging and Disability Services Division of Nevada.

In Memoriam

The Resource Center on Domestic Violence: Child Protection and Custody and the National Council of Juvenile and Family Court Judges would like to acknowledge the passing of our friend and colleague **Patti Bland** on December 13, 2014. An expert practitioner and teacher in working with people experiencing sexual assault, domestic violence and substance abuse, Patti touched many lives deeply. Her humor, grace and passion will be missed.

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