

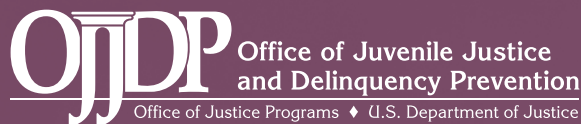


NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

WWW.NCJFCJ.ORG

# /// Voices from the Bench

JUDICIAL PERSPECTIVES ON HANDLING  
CHILD SEX TRAFFICKING CASES





The National Council of Juvenile and Family Court Judges® (NCJFCJ), an affiliate of the University of Nevada, Reno, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

For more information about the NCJFCJ or this document, please contact:

National Council of Juvenile and Family Court Judges

P.O. Box 8970

Reno, Nevada 89507

(775) 507-4777

[www.ncjfcj.org](http://www.ncjfcj.org)

©2019, National Council of Juvenile and Family Court Judges. All rights reserved.

**Authors:**

Theresa Bohannon, MPH

Christina Cullen

Alicia Devault

Cheri Ely, MA, LSW, Program Director, Juvenile Justice, NCJFCJ

Gene Siegel, MA, Research Associate, NCJFCJ

Sarah Trescher

**Acknowledgements:** This Technical Assistance Brief is a publication of the National Council of Juvenile and Family Court Judges (NCJFCJ). The NCJFCJ wishes to acknowledge that this material is made possible by Cooperative Agreement 2015-CT-FX-K001 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the NCJFCJ.

The NCJFCJ would like to offer special thanks to Sarah Ray, Camille Glanzmann, and the judges who so graciously agreed to be interviewed for this publication. The NCJFCJ would also like to thank the reviewers for this bulletin who volunteered their time and feedback: Rebecca Burney, Storm Ehlers, the Honorable Stacy Boulware Eurie, the Honorable Angela Ellis, the Honorable Melanie Gilbert, the Honorable Barbara Mack, the Honorable Catherine Pratt, the Honorable Hiram Puig-Lugo, the Honorable John J. Romero, Jr., the Honorable Stacy Ross, the Honorable Linda Teodosio, and the Honorable William Voy.

**Suggested Citation:** Bohannon, T., Cullen, C., Devault, A., Ely, C., Siegel, G., and Trescher, S. (2019). *Voices from the Bench: Judicial Perspectives on Handling Child Sex Trafficking Cases*. National Council of Juvenile and Family Court Judges.

**/// TABLE OF CONTENTS**

# **/// Voices from the Bench**

## **JUDICIAL PERSPECTIVES ON HANDLING CHILD SEX TRAFFICKING CASES**

<b>Background</b> .....	1
<b>Lessons Learned</b> .....	6
1. Access to Adequate and Up-to-date Training .....	6
2. Building Awareness and Empathy in the Community .....	7
3. Building Trust and Establishing Relationships with Youth .....	8
4. Developing a Collaborative Approach .....	11
5. Determining the Scope of the Problem in the Community .....	14
6. Identifying Sex Trafficking Victims (and Those at Risk of Exploitation).....	17
7. Considering a Specialty Court Approach .....	19
8. Case Planning, Coordinating Services, and Placement .....	20
9. Collaboration with Adult Criminal Court .....	23
10. Prioritizing Data Collection and Program Evaluation .....	27
<b>Appendices</b> .....	29
A. Screening Tool Compendium .....	29
B. Basic Concepts for Program Evaluation .....	31
<b>References</b> .....	33
<b>Notes</b> .....	36



**/// Although no accurate statistics exist, studies indicate that thousands of children are currently being trafficked within the United States, and thousands more are at risk of being exploited.**





## /// BACKGROUND

### // Statement of the Problem

Domestic Child Sex Trafficking (DCST) is a form of human trafficking and a complex problem in the United States. DCST refers to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a minor for the purpose of a commercial sex act (U.S. Department of Justice, 2017). Under federal law, a child does not need to cross international or state borders to be considered a victim of commercial sexual exploitation, nor does there need to be force, fraud, or coercion for a minor to be a survivor of trafficking. Although no accurate statistics exist, studies indicate that thousands of children are currently being trafficked within the United States, and thousands more are at risk of being exploited. Many of these child victims are or have been involved in the child welfare and/or juvenile justice systems. Juvenile and family court judges are in unique positions to assist these children/youth<sup>1</sup> to ensure they receive the necessary services to heal and recover safely from the trauma associated with DCST (Snow et al., 2015).

The sexual exploitation of children generates a range of serious challenges for juvenile courts. Exploited children have risk factors, challenges, and needs that often manifest in complex ways. These may include high rates of drug use, mental illness, and an array of arrests for misdemeanor and felony charges that are not limited to prostitution. In addition, it is not uncommon for the exploited child to be called to testify against his or her exploiter, thus further complicating these types of cases. Such dynamics require courts to balance due process, community

safety, and youth safety with the victim's ability to access services required to meet their various needs and address the effects of complex trauma.

Historically, the juvenile justice system has viewed and treated survivors of DCST as delinquent youth. However, as courts have learned about the risk factors of early childhood trauma and adolescent brain development, they have started to respond to trafficked children as victims, not criminals (Felitti, et al. 1998). Courts across the country are implementing victim-centered approaches to exploited and trafficked children. Some jurisdictions have created specialty DCST (also referred to as Commercial Sexual Exploitation of Children or CSEC) courts, while others have modified court practices and implemented trauma-informed and responsive protocols. All of these changes reflect the recognition that treating exploited children as offenders has prevented the courts from intervening in ways that effectively and safely help these children be children and become emotionally healthy (U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention, 2016).

This Technical Assistance Bulletin (TAB) describes what judges have learned from their experiences handling DCST cases and implementing victim-centered approaches. It also serves as a practical reference source for juvenile and family court judges interested in improving outcomes in these challenging cases. It is our hope judges will use the information emerging from the field to improve their DCST practices and handling of these cases.

<sup>1</sup> Throughout this technical assistance bulletin, the terms "children" and "youth" are used interchangeably.

**/// BACKGROUND****// Methodology for the TAB**

Information was gathered from judges who have instituted court-based reforms reflecting promising practices and/or built collaborative responses to DCST in their communities. NCJFCJ staff used a structured interview tool to conduct phone interviews with judges from a variety of jurisdictions in different regions of the country - urban and rural. These interviews were designed to gather specific examples of effective and promising practices to share with other juvenile and family courts. Interviewed judges did not provide any case-specific or identifying information. The interviews focused on local practices and reforms that answer the following questions:

- 1** **What role do juvenile court judges play in addressing the issue of commercial sexual exploitation of children and domestic child sex trafficking?**
- 2** **What strategies have judges used to combat child sex trafficking in their own communities?**
- 3** **What steps did judges take to implement community strategies to combat DCST?**

The following is an abbreviated list of the most common themes and findings.



## // Major Themes from Interviews

### THE ROLE OF THE JUDGE:

#### / Off the bench:

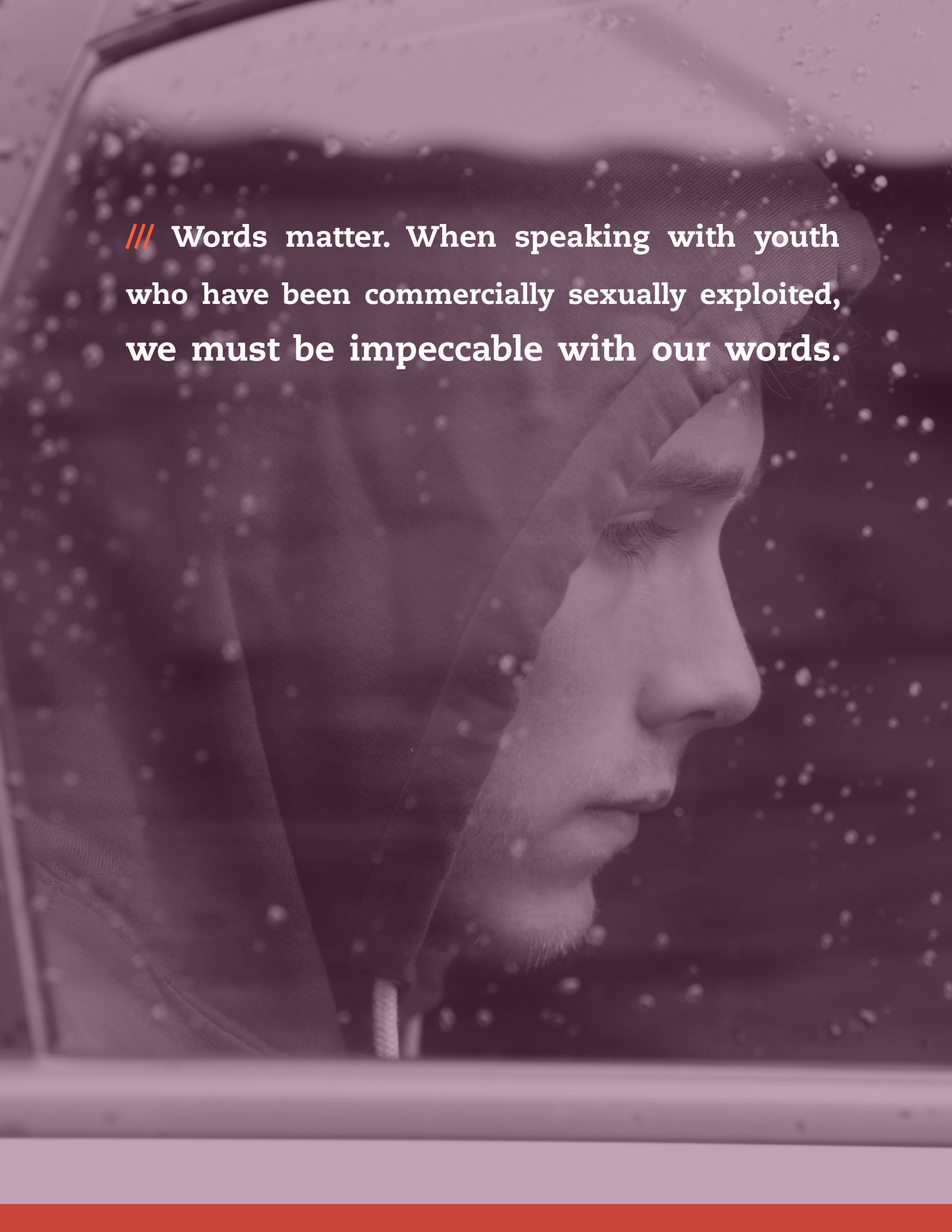
- Be a leader in building community awareness of sexual exploitation and the sex trafficking of minors.
- Educate your community and stakeholders about risk factors and trauma associated with exploitation to help reduce the stigma associated with DCST.
- Advocate for additional services that address the unique needs of victims.
- Convene stakeholders to develop a collaborative plan to meet the needs of victims of DCST and meet regularly to discuss progress, possible solutions to challenges, and identify future goals or priorities.
- Ensure all court staff – clerks, bailiffs, attorneys, at al. – and stakeholders are trained on trauma-informed practices specific to sex trafficking victims to reduce re-traumatization, and ensure the courthouse environment, practices, and policies are trauma-responsive.<sup>2</sup>
- Develop a multi-disciplinary approach to DCST cases to ensure proper case management and positive outcomes for child/youth victims.

#### / On the bench:

- Build rapport with victims to establish trust, which may also encourage compliance.
- Look for red flags and risk factors to ensure all youth are appropriately screened for CSEC/DCST.
- Monitor cases to ensure youth have access to appropriate services to meet their individual needs.
- Ensure court staff and stakeholders are utilizing trauma-informed and trauma-responsive practices during DCST hearings.

<sup>2</sup> The NCJFCJ offers trauma consultations to courts interested in identifying strengths and weaknesses of the court process and environment from a trauma-responsive lens. For more information, please contact the NCJFCJ at [contactus@ncjfcj.org](mailto:contactus@ncjfcj.org).



A young man with a beard, wearing a dark hoodie, is shown in profile looking out of a window. The window is covered in raindrops, and the background is dark. The overall mood is somber and reflective.

**/// Words matter. When speaking with youth who have been commercially sexually exploited, we must be impeccable with our words.**

**/// LESSONS LEARNED**

This section further details and describes the aforementioned themes. At this time, there are no formally recognized best practices, although some may be identified upon completion of the outcome evaluations currently taking place in some courts. The lessons and promising practices outlined below should be considered guidance from judicial officers who have been developing victim-centered approaches to DCST cases. Throughout the TAB, there are quotes provided by judges who participated in interviews for this publication.

## 1. Access to Adequate and Up-to-date Training

Training is an important first step in identifying and responding to victims of DCST. Ideally, everyone who interacts with these youth should receive training; however, judges strongly recommended that judges and court staff receive training. Judges reported that training not only provides information, but context, empathy, and awareness of the issue as well. Some judges said that before attending a training or workshop, they did not believe trafficking was an issue in their jurisdiction. After receiving training on this topic, several of them realized how many potential DCST cases they may have overlooked. It is important that judges know how to identify victims of trafficking and what the red flag risk indicators are.

Since 2014, the NCJFCJ has trained more than 190 judicial officers on DCST and strategies for addressing the needs of victims through the National Judicial Institute on Domestic Child Sex Trafficking (NJDCST). The Institute goals are for

judges to return to their communities able to identify children who are at-risk for or are currently being trafficked, to be aware of promising prevention and intervention strategies that respond to the individual needs of each victim and improve case outcomes, and to understand the court's important role in preventing domestic child sex trafficking (Devault, 2017). Such training opportunities provide a forum for judges to network and connect with judicial officers from other communities to share ideas and discuss challenges. In addition, effective DCST trainings provide the information and tools judges need to be leaders in their communities, and may ultimately lead to change in how the court handles these cases. In order to address DCST and assist victims appropriately, judicial officers and court stakeholders must be properly trained. Trainings should be culturally appropriate, trauma-informed, gender-responsive, and strength-based.

### **// DCST training for judges should include the following topics:**

- Trauma-informed courtrooms and care, including secondary and vicarious trauma for judges and court staff.
- Adolescent brain development.
- Research on emerging and promising practices.
- Increasing stakeholder and public awareness about the complexity of these cases (e.g., multi-system involvement, victim needs and challenges, costs to society, recognition that changing behavior takes time, and that few of these youth will change their behaviors in the short term, etc.).

## /// LESSONS LEARNED

- Awareness of populations at risk of commercial sexual exploitation, such as child-welfare-involved youth, homeless or runaway youth, LGBTQ youth, youth of color, and Native American youth.
- Awareness of language used to describe victims of DCST, taking into account that many see themselves as survivors rather than victims and others may not recognize their experience as a trafficking situation prior to court involvement; they often will not disclose their victimizations and are likely to run from placement, often multiple times.
- How to identify youth who may have been trafficked.
- Judicial leadership and decision making.

other myths about trafficked youth. Some still believe that children rationally choose to sell themselves, or that only people from other countries are trafficked, or that trafficking must involve travel. In fact, the majority of trafficked children are born on U.S. soil (Guarino, 2014). Proper training can help change this mindset and increase identification of victims. By educating the community at large and improving public awareness, judges can also foster empathy and understanding of why these youth become victims, of what survivors experience, and who may be vulnerable to exploitation. This empathy-building is important to ensure that exploited youth are not stigmatized or ostracized, especially in smaller communities. Empathy and understanding will help communities create a safe place for victims and survivors to recover and heal.

The community also needs to understand that the sexual exploitation of children is a community problem, and failure to recognize and address this issue properly can lead to an increase in substance abuse, crime, and health care costs. It is a problem that requires effective community intervention and support. Community awareness creates the basis for community involvement. Judges can set the stage for community-based responses through training and regular meetings and by enhancing the understanding of the need for additional resources to serve this population.

*“Get off the bench and into the community to strengthen our opportunities and obligations.” (Boulware Eurie, 2017)*

## 2. Building Awareness and Empathy in the Community

*“There is still a huge misunderstanding of what human trafficking is, at least in my community. Helping the community understand what it is, it’s hard for even social services to understand that it is rape even if it is paid for...we still have a lot of work to do to make the general public understand.”*

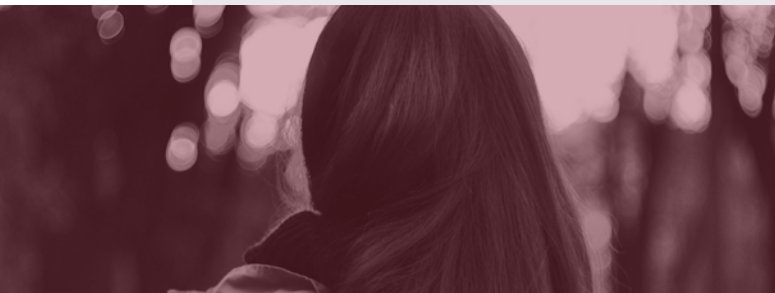
The 2016 NCJFCJ resolution on domestic child sex trafficking<sup>3</sup> indicated strong support for judicial efforts to educate the community about human trafficking (NCJFCJ, 2016). Although sexual exploitation is a form of child abuse, some community stakeholders may still see prostituted children as criminals and believe

<sup>3</sup> [https://www.ncjfcj.org/sites/default/files/SexTrafficking\\_Resolution%20REVISED2016V3.pdf](https://www.ncjfcj.org/sites/default/files/SexTrafficking_Resolution%20REVISED2016V3.pdf)



## // Ideas for building community awareness and empathy:

- Write an op-ed for your local newspaper addressing common myths and misconceptions regarding DCST.
- Provide an interview to a local news station on DCST.
- Offer training on DCST at community meetings and events.
- Schedule a screening of a relevant documentary at a local community center (e.g. *The Long Night*<sup>4</sup>).
- Encourage local schools, detention centers, and youth-involved organizations to request training for youth from a national provider such as *My Life, My Choice*<sup>5</sup>.
- Post flyers for the National Human Trafficking Hotline<sup>6</sup> and/or add the National Hotline widget to your website.



4 <http://www.thelongnightmovie.com/>

5 <http://www.fightingexploitation.org/>

6 Call 1-888-373-7888, Text 233733, or visit <https://humantraffickinghotline.org/>

## 3. Building Trust and Establishing Relationships with Youth

Trafficked youth have been through harrowing experiences and endured trauma that influences their behaviors both within and without the court. These experiences have taught exploited children to trust no one, making a judge's job more challenging. Many victims have had prior negative experiences with law enforcement and the justice system. Even if they haven't, they have likely been told that law enforcement and the justice system will hurt them. These youth may appear disconnected and/or depressed, exhibit hostile behavior and/or quickly changing moods, have memory gaps, be overwhelmed by small tasks, and lack trust in the system (Trauma Center, 2014). By understanding that these behaviors result from trauma, a judge can respond to youth in court in a way that is trauma-informed and does not re-victimize the youth.

*“We ultimately want youth to be connected with a caring and committed adult. Too often, whether it is the judge or attorney, that person is a system person. One of the strategies you have to use is building a dialogue and rapport, within the guidelines of the law, to create trust with your youth so the youth and their attorney know it is safe to talk.”*

Judges who handle cases with victims of sex trafficking all stressed the importance of building rapport and trust with youth. Many judges said they look for ways to cultivate relationships with those youth. Many discussed the time and effort it takes to

## /// LESSONS LEARNED

build trust and establish such a relationship, and the positive impact this has on the child's life and case. To start this process, judges should learn the youth's background and history. It also helps for a judge to hear from the youth what their goals and needs are. If a judge discusses services with the youth, following through and addressing the child's needs with service providers helps build trust. Where multi-disciplinary teams are used, every member of the team needs to work on a trusting relationship in order to provide additional support.

Judges who see these youth now agree that all approaches must be strength-based. Some victims have never experienced a positive adult-child relationship and believe all adults "expect something in return." When the judge and the DCST team acknowledge and nurture the strengths and successes of the youth, such as their involvement in recovery, creativity, leadership, life skills, or talents, it helps build trust and the youth's natural resiliency (WestCoast Children's Clinic, 2012).

Judges also agreed that exploited youth must be actively involved in their cases. One way to return control to victims and survivors is to involve them in case planning, actively seeking their input. While some judges make the youth's involvement in the case plan optional, they also indicated the need to return appropriate decision-making to the youth, balanced with the need to maintain boundaries and some form of accountability. Judges who work with these youth know that working with survivors is a long process, and that for many of them running from placement is part of their path to recovery. Running from placement, like other transgressions, should get a response, but not one that is overly punitive.

*"Youth need to have input into these conversations. They need to have control over their lives. A lot of them have had their control taken from them."*

Building trusting relationships with children and youth who have experienced high levels of trauma is hard work, and judicial officers say it is important to remember to celebrate every success, no matter how small.

### // What can a judge do to build relationships with a sexually exploited child or youth in court?

- Understand how youth present.
- Keep a check on your own emotional responses.
- Become familiar with the child's background and history.
- Develop rapport with the child or youth by asking questions and listening to their answers.
- Ask the child or youth about their goals.
- Use a strength-based approach in the courtroom.
- Give the child or youth an appropriate level of control.
- Order service providers to address the stated needs and concerns of the child or youth.

## // The Importance of Language

Simply put, how we are named is how we are treated (Rights4Girls, 2015). Language shapes how society and first responders see victims, and even shapes how victims view themselves. If a youth is labeled a “child prostitute,” he or she may be treated as a criminal and viewed as having chosen to participate in the sex trade. In contrast, the right language can encourage a range of important individual-focused and broader-based changes. Broad-based changes may include prompting legislative and policy changes regarding criminalization of victims and promoting the deterrence and apprehension of traffickers and sex buyers. To promote these changes, Rights4Girls launched a campaign in Fall 2015 to eliminate the term “child prostitute” in language, law, and the media. While the Associated Press agreed to eliminate the term from its lexicon in April 2016, there is still more that can be done to educate policymakers and the community.

There are many ways a judge can promote positive change for victims of child sex trafficking in his or her courtroom by paying special attention to the language used in such cases. The judge plays a key role in educating the court team and the court’s partners to understand the importance of the language used with children and youth victimized by DCST.

### // Tips for judges around language on and off the bench:

- Never ask, accuse, or suggest that a youth is engaging in prostitution directly or indirectly.
- Never refer to a youth as a “victim.”
- Treat each youth as an individual with unique experiences.
- Avoid questions that will shame the youth for his or her victimization.
- Never allow anyone else in the courtroom to accuse or shame a child.

*“Words matter. When speaking with youth who have been commercially sexually exploited, we must be impeccable with our words.” (Mack, 2017)*



## 4. Developing a Collaborative Approach

Juvenile court judges are ideally positioned to take leadership roles in assembling local collaborative stakeholder groups. A collaborative approach may result in additional resources, and it expands the number and variety of voices available to solve problems as they arise, and to identify the services that best serve the needs of victims.

Many judges share that they convened multiple stakeholders from the community to begin developing a plan. It is important to include as many stakeholders as possible. The list below should be considered within the context of local availability:

- Law enforcement (including officers who investigate DCST cases, their leadership, and other local and federal investigators).
- Prosecutors (including those who handle child sexual exploitation matters that may touch the adult criminal justice, juvenile justice, and child welfare systems).
- Child welfare (including top administration as well as intake, investigative and ongoing child protection social workers).
- Defense attorneys and guardians ad litem who represent children and youth in these cases.
- Medical professionals (including forensically trained hospital-based social workers, nurses and physicians that work with child victim cases).
- Local tribes.
- Crime victim advocates (if possible, particularly advocates that have experience working with child victims).
- DCST peer mentors (including DCST survivors who can serve in mentoring capacities)<sup>7</sup>.
- Survivor advocates.
- Juvenile justice system stakeholders (e.g., probation, detention, and intake/screening).
- School administration.
- Education advocates who can help youth re-engage in school.



<sup>7</sup> With support from the Office of Juvenile Justice and Delinquency Prevention, Youth Collaboratory developed a toolkit for mentoring victims and survivors of DCST. This toolkit can be found at <https://youthcollaboratory.org/toolkit/shining-light-commercial-sexual-exploitation-children-toolkit-build-understanding>

## /// LESSONS LEARNED

- Homeless advocates.
- Mental health/social service providers who serve this population and/or are interested in serving DCST victims, ideally with expertise in evidence-based practices covering trauma-related mental health, substance abuse, and related issues.
- Job skill/vocational programs that can work with young people who may not be able to return to traditional schools.
- Community organizations, like the Boys and Girls Club or YMCA.
- Researchers familiar with the current state of knowledge regarding DCST cases and programs.
- Private sector groups connected to the issue (e.g., truckers' associations, local hotel and/or motel owners, etc.).

Each jurisdiction will have different stakeholder resources available at its local level such as varying degrees of experience, resources, and skill levels. That said, all should share a commitment to improving local practices. At a minimum, all stakeholders who participate in initial program development and ongoing program support should receive appropriate trauma training to be aware of the far reaching effects that sexual exploitation has on young people.

*"...our team is representative of the community and our participants...we try to look like the people we work with; common experiences. We try very hard to cultivate relationships with providers who are well rooted in communities where kids live."*

### // Inclusion of Survivors

Many judges shared that survivors of trafficking are the expert stakeholders in any collaborative and that judges can play an essential role in ensuring their inclusion. In a 2016 report, the United States Advisory Council on Human Trafficking stated that survivors are the subject matter experts and they "bring a profound understanding of human trafficking based on their direct experiences."<sup>8</sup> Survivors should be recognized as competent leaders of the fight against trafficking and inherent stakeholders in any community-based effort to serve victims and survivors of trafficking (Countryman-Roswurm, 2015). Empowering survivors to take on roles in the community response can also be an opportunity for survivors to utilize their existing strengths, develop leadership skills, and build confidence while helping make an important impact on others (Lloyd, 2008). Judicial officers ask that survivors be at the table and help the stakeholder group understand their role and the importance of providing a supportive, trauma-informed, non-judgmental space (Lloyd, 2008).

*"[Survivors] are the experts in their own life – we are not. We can't imagine what it was like to be sold 10-20 times a night. They know what they need."*

Survivors are not only important to include as stakeholders and leaders in the community response to sex trafficking, they can serve as peer mentors to youth or

<sup>8</sup> The National Advisory Committee on the Sex Trafficking of Children and Youth in the U.S. held public hearings in December 2018 and planned in January 2019 to develop recommendations for the field. Find the information at <https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee>

## /// LESSONS LEARNED

advocates. Many of the judges interviewed acknowledged that survivor mentors not only allow them to understand the children and youth they serve better, but also allow the youth to feel safer.

Whether a judge or the collaborative invites survivors to participate as stakeholders, leaders, mentors, or in some other capacity, **it is integral that survivors are appropriately compensated for their time and expertise.** One judge interviewed echoed this sentiment: “In any meeting that we have, we make sure survivors (including youth survivors) are involved. [And] we try to make sure they receive the compensation they deserve.” Properly compensating youth survivors not only provides economic opportunities, it acknowledges that their time, talents, and contributions are valuable.

*“Survivors need to be the expert stakeholders as well. Their input should be given dignity and respect rather than being tokens at the table.”*

### // Successful Components of Survivor Involvement and Leadership: (FYSB 2015, Lloyd 2008)

- Seek input, direction, involvement, and leadership from survivors.
- Utilize a trauma-informed approach that does not re-victimize or re-traumatize the survivor.
- Acknowledge the expertise of the survivor and empowering the survivor to lead and thrive.
- Provide appropriate compensation for survivor work.
- Be mindful of survivor safety.

### // Tribal, State, and Federal Collaboration

It is important for stakeholder groups to include representatives from local tribes because Native American youth are particularly at risk for sexual exploitation due to overrepresentation in foster care, high rates of poverty and violence, and other risk factors that disproportionately affect Native communities (NCJFCJ, 2017; U.S. Census Bureau, 2016; CNAY, 2014). Tribes, states, and the federal government can work collaboratively to address this issue that often crosses state and tribal boundaries. Tribal partners may also be able to provide, or help judges understand, options for culturally specific services and placements for youth. Lastly, when the Indian Child Welfare Act (ICWA) applies to cases involving trafficked Native youth, tribal/state collaboration can help ensure the legal requirements are met and the youth’s tribal connections are honored.

For additional information about establishing collaborations, visit the U.S. Department of Justice, Office for Victims of Crime’s Human Trafficking Task Force e-guide: <https://www.ovcttac.gov/taskforceguide/eguide/>. The e-guide was developed with the intention of being a resource and providing guidance for established collaborative teams (or task forces). Users will find information about developing a collaborative MDT or task force, in addition to guidance on the day-to-day operations for addressing human trafficking.



## 5. Determining the Scope of the Problem in the Community

Obtaining accurate statistics of the prevalence of child sex trafficking in a given community poses a substantial challenge for various reasons. The range of complexities associated with these cases makes it extremely difficult to gauge realistic indices of both prevalence (i.e., how many sexually exploited children are there in my community?) and the characteristics of such cases (e.g., what are the ages, gender, race/ethnicities, risks and needs profiles, geographic aspects, etc., of these children?). Furthermore, the extreme reluctance of youth to reveal their circumstances, out of fear or other factors, presents additional barriers to obtaining accurate estimates of the scope of the problem.

In general, it is widely recognized that prevalence and incidence rates of child sex trafficking are often underestimated; yet, at the same time, it is also not uncommon to find stakeholders who are concerned about possible over-counting or over-identification of exploited youth. The challenge of more accurately or properly identifying these youth is further magnified by having to rely on self-reports from children who present certain risk and needs profiles, for example, when they are taken into custody by authorities (e.g., in juvenile detention or jail), placed in shelters, treated at medical facilities, and/or encountered in other settings.

As discussed later, a number of jurisdictions have implemented special assessment and screening (and reassessment) procedures that are intended to infuse more consistency



in the identification of exploited youth who are system-involved. This consistency in local screening practices should be bolstered by routine and victim-sensitive practices (e.g., intake interviews in various settings) that are followed, for example, whenever a child presents risk factors most commonly associated with DCST (e.g., runaway episodes, truancy, placement disruptions, other unexplained absences, etc.). Youth are often reluctant to discuss their situation and may not even understand they are being trafficked. It takes special skill sets and experience to connect with such youth, and the use of motivational interviewing may prove beneficial in such circumstances.

**// Some risk factors that make youth vulnerable to sex trafficking and exploitation include:** (Rights4Girls, 2017)

- A history of sexual and/or physical abuse.
- Community or family instability and dislocation.
- Child welfare involvement, especially out-of-home foster care placement.
- Being a runaway or homeless youth.
- Disconnection from the education system and being off-track for achievement.
- Poverty.

More consistent screening procedures can help local jurisdictions not only better identify individual youth but also improve their estimates of the population most at risk of being exploited. Additionally, agencies and stakeholders involved in DCST matters should also improve internal and shared data sources to obtain more accurate counts of such cases and to collect case characteristics data that increase local awareness and knowledge of this population. This should always include, but not be limited to, data on those cases that have been arrested or referred for the most apparent types of DCST-related law violations (i.e., prostitution, etc.). Data related to the number of youth who have been called upon to testify against their adult perpetrators should also be collected.

Remembering, however, that all youth arrested or referred for DCST-related violations, such as truancy, running away, use of illegal substances and/or other offenses forced to commit by their trafficker, are indeed child maltreatment victims, it is imperative that the child welfare system also be included in examining the local extent and scope of the problem. This includes improved child protection intake assessment and screening (and reassessment) processes that can help improve prevalence counts and imbue greater awareness and consistency in identifying child safety and risk factors associated with these cases. In 2014, President Barack Obama signed into law the Preventing Sex Trafficking and Strengthening Families Act, which requires data collection and reporting by states regarding sex trafficking. For more information, visit the Children's Bureau website at: <https://www.acf.hhs.gov/cb>.



**/// LESSONS LEARNED**

A number of the judges discussed developing and implementing more standardized screening and assessment practices. The expanded use of such tools will ultimately improve local capacities not only to identify individual exploited youth but also provide more reliable counts of the extent and nature of these cases in local communities. However, it is important to remember that screening system-involved youth will provide only estimates among that particular population and not necessarily of the general population who may be at risk. In other words, there are limitations to screening and any estimates acquired through these means should be interpreted appropriately, knowing there may be more youth in the community who are not system-involved.

**// Practice Self-care and Understand That These Are Difficult Cases**

These are difficult cases and success rates may be low. It is common for victims to relapse or re-offend, even after years of progression. It is important for judges and their staff to be realistic in their expectations and know they are doing their best to serve exploited youth. It is also important for judicial officers to understand that everyone who deals with these cases, to some extent, absorbs the trauma they see and hear about every day. As Dr. Rachel Remen wrote, “The expectation that we can be immersed in suffering and loss daily and not be touched by it is as unrealistic as expecting to be able to walk through water without getting wet” (Remen, 1996). Training in secondary (vicarious) trauma is important so that judges know how to care for themselves and to foster a court community where people take care of each other. The Self-Care Tool Kit created by the Florida Office of the State Courts Administrator provides information and tools to assist judicial officers and court staff in understanding secondary trauma and creating a plan for self-care (Florida Office of the State Courts Administrator, 2016). The National Child Trauma Stress Network<sup>9</sup> is also a good resource on secondary traumatic stress, and the Office for Victims of Crime has a vicarious trauma toolkit.<sup>10</sup>

<sup>9</sup> <https://www.nctsn.org/>

<sup>10</sup> <https://vt.ovc.ojp.gov/>



## 6. Identifying Sex Trafficking Victims (and Those at Risk of Exploitation)

Some judicial officers shared that they sometimes fear a child might be trafficked based upon a gut feeling when certain elements of the child's life do not add up or make sense, such as where the child has been sleeping at night, a secretive new boyfriend, or sudden new clothing the child cannot afford on his or her own. However, most judges said that, ideally, identifying youth who are currently being exploited should be based on an objective standardized assessment rather than intuition or hunches. The lack of a standardized assessment can lead to missing the youth who are being sex trafficked or falsely identifying youth as victims. In order to mitigate any of this bias, it is important to use a validated screening tool. Currently, there are a limited number of validated screening tools for identifying child sex trafficking victims. One example of a validated tool was designed, implemented, and validated by the Vera Institute of Justice. This screening tool includes long and short versions of interview questions to ask potential victims, as well as guidelines for using the screening tool correctly.

Like other aspects of addressing issues regarding DCST, it is important to have a multidisciplinary approach in identifying potential victims. Thus, all stakeholders should have some training and awareness of the tools and resources available in order to best identify potential DCST youth.

## // Screening and Assessment

There have been important developments in improving early screening and assessment of both the at-risk and DCST-involved populations. In addition to the previously mentioned Vera Institute of Justice example, these developments include two validated screening and assessment tools briefly described below:

- **The Human Sex Trafficking Screening Tool** (or HTST) developed collaboratively and validated by the John Jay College of Criminal Justice, the Urban Institute, and the Migration Policy Institute. The HTST is noteworthy not only because it has been validated in multiple jurisdictions, but also because it offers long and short versions that address time demands often associated with DCST screening and assessment.
- **The West Coast Clinic's Child Sexual Exploitation – Identification Tool** (CSE-IT) that has been validated with assistance from the University of California-Davis, and that is now being used in Sacramento and other jurisdictions in California to identify more reliably those children most at risk of or with actual involvement in DCST.

Both of the above validated screening and assessment methods not only demonstrate reliability in more consistently identifying youth who are at risk of or who are already involved in trafficking, but these standardized tools also appear to avoid producing false identification of such cases (i.e., false positives) that have been concerns in previous non-validated screening and assessment approaches. See **Appendix A** for additional validated screening tools.



*“You want to be able to identify across areas in the same way. Apples to apples conversations, if you have it (a screening tool) utilized in multiple locations and disciplines; that is one of the best things.”*

## **// No Wrong Door**

Throughout the interviews, judicial officers said they most commonly handle sex trafficking cases on a delinquency docket rather than dependency. When the NCJFCJ began its project to address DCST, it was commonly assumed that child victims of sex trafficking would be best served in the child dependency (child welfare) part of the justice system. The logic was that involvement in the dependency side of the justice system would establish their identification as victims first and foremost, and allow improved access to resources to address their traumatization and mental health needs along with access to a variety of safe placement options.

In 2016, the NCJFCJ reaffirmed a resolution that acknowledges that, “victims of trafficking and exploitation can enter the delinquency or dependency systems through a variety of charges, not limited to prostitution, that may bring a victim to the court’s attention, but not necessarily identify them as a victim of trafficking.” As previously noted, it is common for such youth to move through the justice system without being properly identified.



## /// LESSONS LEARNED

In July 2012, the NCJFCJ published the *Key Principles for Project ONE* (One Family-One Judge, No Wrong Door, Equal and Coordinated Access to Justice).<sup>11</sup> The idea of “No Wrong Door” represents the equal access to justice that court-involved youth and families should have regardless of the “door” of the courthouse through which they enter the system (i.e., delinquency, dependency, civil, etc.). Project ONE calls for collaboration on behalf of all children, youth, and families involved in the justice system including a comprehensive response to providing and enhancing resources and to gathering and sharing of information across systems.

The *Key Principles for Project ONE* also advocate for system accountability in that all children, youth, and families deserve a justice system where judges hold their systems and the systems of other juvenile, family, criminal, and civil court stakeholders accountable. The *Key Principles* can serve to guide the justice system in addressing child victims of sex trafficking. No matter which door – delinquency or dependency – that the youth enters the justice system, there should be equal access to resources and coordinated responses among systems including different components of the court system.

## 7. Considering a Specialty Court Approach

Specialty courts follow a therapeutic jurisprudence model in which the court acts as a therapeutic process for an individual involved in the justice system (Drogin, 2000). For example, drug treatment courts work with people who have committed a crime related to their substance use, but instead of just focusing on the crime and punishment for the crime, the court works with the person to treat the underlying problem of substance use. This involves frequent court visits, regular contact with a multidisciplinary team, treatment, prosocial activities, etc. A specialty court holds a person responsible for his or her actions while simultaneously addressing the root problems that led to those actions.

**Is a specialty court required to address DCST victims?** Like many answers to questions in the juvenile justice system: it depends. Drug treatment courts are common because substance use is common and also frequently linked to delinquent behavior. However, although child sex trafficking is an important issue, it is not as common as substance use. Therefore, when considering developing a specialty court, it is important to consider the scope of the problem in your community and if a specialty court model will best serve those youth.

Communities where there is a large migrant population or where there is a large population of temporary residents or a large city with high levels of prostitution might have more DCST cases compared to smaller communities or communities where residents are long term residents and

<sup>11</sup> [https://www.ncjfcj.org/sites/default/files/Project\\_ONE\\_Key\\_Principles\\_July\\_2012.pdf](https://www.ncjfcj.org/sites/default/files/Project_ONE_Key_Principles_July_2012.pdf)





there is not a lot of movement in and out of the community. Of course, many youth can be at risk of victimization regardless of where they live, but risk levels likely differ based on community characteristics. If you regularly encounter exploited youth in your courtroom, it might be worth considering starting a specialty court. However, if there are only few cases a year, then time and resources might be best spent addressing the needs of these youth with a regular docket, adapting or adopting promising practices as feasible, and perhaps holding more frequent review hearings to monitor these cases more closely.

In their comments regarding the feasibility of a DCST specialty court, judges also expressed some concerns over whether dependency or delinquency is best suited for handling DCST cases. For more information on this topic, please see Appendix B: Dependency vs. Delinquency in Handling DCST Cases.

Whether a DCST specialty court is appropriate for your community or not, it is important to individualize the approach for each youth and focus on strengths and rewards. Often times, victimized children or youth do not have a constant person in their life to show them that they care. As we have emphasized, establishing rapport and trust are so important with these youth. One such specialty court that does this well is the Here Opportunities Prepare you for Excellence, or HOPE Court, a program of the Superior Court of the District of Columbia. According to the Children's Law Center<sup>12</sup>, HOPE Court is a "trauma-informed court that follows a treatment-court philosophy... designed to respond to the unique needs of youth who are identified as being at an increased risk of being sexually exploited." Information on HOPE Court can be found at [www.dccourts.gov](http://www.dccourts.gov).

## 8. Case Planning, Coordinating Services, and Placement

Across interviews, judges reported that there is no universal approach to case planning, services, and placement for youth who have been exploited. All case planning should be tailored to the individual needs of youth and should involve the least restrictive placement possible while also balancing the needs of community safety. Because these cases and youth are complex, many jurisdictions have created a multidisciplinary teams (MDT) approach in order to handle cases with exploited children more effectively.

<sup>12</sup> [https://www.childrenslawcenter.org/sites/default/files/attachments/resources/PK14\\_ILI%20Legal%20Advocacy.pdf](https://www.childrenslawcenter.org/sites/default/files/attachments/resources/PK14_ILI%20Legal%20Advocacy.pdf)

## // Services

Services should be coordinated across participating agencies and providers, and, when feasible, appropriate resources should be shared. In many jurisdictions, cross-agency cooperation and coordination will be essential to ensure that youth receive appropriate services. For example, it may be appropriate for the judge to play a facilitative role in encouraging interagency agreements or memoranda of understanding that allow youth to access needed services regardless of which agency has the contract (or internal resources) for those services.

Treatment and services should address the youth's individual needs and should also have a strong emphasis on the youth's strengths. This can range from meaningful verbal praise from the bench and the MDT to more tangible rewards that have had positive effects, for example, in drug treatment courts. Research on adolescent development shows that youth are very responsive to positive incentives, which often lead to positive behavior, behavior change, and deterrence of negative behavior (Palminteri, Kilford, Coricelli, & Blakemore, 2016). Therefore, it is important to identify the strengths of youth and identify what is meaningful to them and incorporate those meaningful aspects into treatment plans. This may include culturally specific services, services tailored to LGBTQ populations, and other appropriate or necessary services.

Additionally, it is important to identify specific goals for each youth to achieve, and youth should be actively engaged in this goal setting process. All goals should be S.M.A.R.T. goals: Specific, Measurable, Achievable, Realistic, and Timely. Once



again, goals should be related to the youth's strengths and should be something the youth is interested in and wants to work toward. Working toward specific goals can include an incremental approach; for example, for each goal, smaller, such as weekly or monthly, goals can be set as the youth works toward a larger goal.

*"[There is] not a rubric of one size fits all. You measure success one day at a time, one child at a time."*

Some judges felt it is their responsibility to ensure service providers receive training and advocate for additional training opportunities in general. Many youth have co-occurring disorders with complex needs, and appropriate service providers may be limited. Judges and their teams should cultivate relationships with providers who are well

**/// LESSONS LEARNED**

rooted in communities and understand the needs of the youth they serve. Judges can advocate for training specific to the needs of the youth and to fill gaps in services.

**// Placement**

Ideally, placement would involve sending the child home with a responsible parent or legal guardian; however, this is not always possible. In some cases, the youth is being trafficked by a parent or guardian. Judges recommend utilizing home assessments to ensure the family has the resources needed to ensure a youth's safety and to assist them through their case progression. Home assessments, along with other services, can help a judge and/or MDT better address the current needs of the youth. They can also assist case workers as they work with youth's families to help these youth safely recover.

When examining placement options, it is always important to consider proximity and the trafficker's access to the youth. Sometimes, out-of-state placement might be appropriate in order to create a greater distance between the youth and the trafficker. However, judges who utilize this option noted that they take the time to visit facilities before sending youth out of state or to remote locations.

Judges reported universally that they have few placement options for youth who have been trafficked. In addition, because some residential treatment facilities have zero tolerance policies for certain behaviors that are typical of these youth, such facilities may not be the best settings for exploited youth. For example, a youth may run away after initial placement and some facilities will not allow that youth to return. Unfortunately, running away is a common behavior among

sex trafficked youth. Some judges stated that they have worked with local placements to ensure that youth who run away are welcomed back into the program or facility.

**// Use of Detention in Delinquency Cases**

Some judges indicated they try to minimize the use of detention and, when possible, utilize diversion programs. However, many judges noted that it is not always possible to divert cases from juvenile detention due to the nature of the offenses committed by some exploited youth, the frequent runaway episodes exhibited by these youth, and the lack of safe placement options in the community. Despite these challenges, a number of judges stressed the need for options that divert these cases from prosecution and a focus on safety, treatment, and rehabilitation instead of a delinquency adjudication.

Although many judges agree that diverting youth from detention when possible is their desire, the challenges in finding safe and suitable alternatives can be quite daunting. When asked about placement options, judicial respondents unanimously stated there is a lack of safe housing for exploited youth. In this instance, judges should consider their role off the bench to advocate for detention alternatives and for increasing the number of safe housing options for these youth.

*“We have not charged any child with prostitution for a long time. [If we use] detention, it would be for another crime. [We offer] diversion – up to three separate diversion opportunities – before a charge is filed.”*



## 9. Collaboration with Adult Criminal Court

In some cases, the adult criminal court can get involved in matters involving youth victims of sex trafficking. For example, youth may be needed to testify in the criminal prosecution of their traffickers. This situation can exacerbate the pervasive feelings of fear and lack of safety experienced by so many exploited youth. When possible, juvenile court judges should consider working with prosecutors and victim witness coordinators to advise them about the traumatization of testifying (retelling their stories) in the criminal court environment.<sup>13</sup> One approach to mitigate these issues would be to have the juvenile court judge start a dialogue with the respective adult court or create a workgroup to explore collaboration and cooperation with the adult system.

In some severe cases, exploited youth may be transferred to the adult court for prosecution of their own offenses without any consideration of their trauma histories or treatment needs. Cases like that of Cyntoia Brown's are bringing more public awareness to child sex trafficking victims and their intersections with adult criminal courts. Ms. Brown was convicted of murder in 2004 and sentenced to life in prison. However, as a child she was abused, raped, and forced into sex trafficking by her trafficker (Victor, 2017). There is little question that the circumstances

and dynamics associated with Ms. Brown's case contributed to her criminal behavior, but it wasn't until January 2019, after serving fourteen years of her life sentence, that she was finally granted clemency and her sentence commuted.<sup>14</sup> While Ms. Brown's violent act may be considered an anomaly, it once more reflects the complexities and severe trauma associated with DCST cases. The Brown case highlights and reinforces the need for the justice system to take such circumstances into account and, as far as lessons learned, to make it a priority for courts to develop strategies that can intercede in these cases, in a coordinated manner, as early as possible.

<sup>13</sup> The Rights4Girls 2018 report, *Survivor Protection: Reducing the Risk of Trauma to Child Sex Trafficking Victims*, provides resources for thinking about ways to reduce trauma if victims are forced to testify. The report can be found at <http://rights4girls.org/wp-content/uploads/r4g/2018/01/Survivor-Protection.pdf>.

<sup>14</sup> <https://www.nytimes.com/2019/01/07/us/cyntoia-brown-clemency-granted.html>

## // Justice For All?

**For 11 years, Judge Catherine Pratt of Compton, California, has supervised a juvenile justice court and created a collaborative court to work with girls who have been commercially sexually exploited, often by local gang members. In her own words, Judge Pratt explains the lessons she has learned in working with sexually exploited youth who testify against their abusers:**

When we began this work in 2011, many of us assumed that our youth would be safer, would feel safer, if they participated in the process for ensuring that those who abused them are punished and prevented from hurting others. We encouraged sexually exploited youth to testify against their abusers, but didn't properly prepare them, or the system to accommodate them. Instead, we further traumatized them and, in some cases, undermined the stability they had struggled to achieve.

Victims and witnesses are a central part of any judicial proceeding and working effectively with them is an important skill for an attorney, judge, or law enforcement officer. We recognize that victims of gang-related crimes often fear retaliation if they testify because, while the defendant himself may be detained, many family or gang members remain free to threaten, follow or harass victims prior to and during trial. Domestic

violence victims often recant because of the complicated psychological connection with their abuser who often also provides love and support for the victims. Sexual assault victims are often humiliated when they are forced to describe sexual acts that no one wants to discuss in public. Child witnesses struggle to testify because of their lack of maturity and their dependence on those who care for them. People who are severely traumatized often rely upon disassociation to survive the abuse, which causes lapses in memory that can make it virtually impossible to re-tell a story in a linear fashion, as is usually required of witnesses during testimony. Commercially sexually exploited youth (CSEY) often have experienced all of these types of trauma. As witnesses, they present as particularly uncooperative, reluctant, angry, hostile witnesses, and challenge everyone in the judicial system.

We didn't recognize this until several of our CSEY decompensated, some of them relapsing, after testifying. Consider, for example, a 15-year-old CSEY who was in custody pending felony charges that appeared to be unrelated to her exploitation. She was subpoenaed to testify in a preliminary hearing against four young men who allegedly raped her while she was so intoxicated that she had blacked out. The young men had videotaped the rape, which was a key piece of evidence in the case against them. This girl, we'll



## /// LESSONS LEARNED

25

call her Amy, was taken from juvenile hall to the adult courtroom to testify with no warning or preparation. Despite the fact that each of the defendants was able to wear appropriate street clothing, she was brought to court in a county-issued jumpsuit and shackles. She was shown the videotape in court, for the first time, and asked to describe what happened and who did what to her. She was asked questions about sensitive, sexual topics by five different attorneys. When she was taken back to juvenile hall and returned to her unit, she was very upset, and a peer repeatedly asked questions about the court proceedings. Ultimately, Amy physically attacked the peer. By the end of the evening, Amy was psychiatrically hospitalized and facing felony assault charges, despite the fact that we knew she was an abused and traumatized child, and we were charged with her care and had encouraged her to testify.

We had, to a large extent, re-created the coercion and powerlessness that she suffered at the hands of her traffickers. She was not free, could not choose what to do on that day, what to wear, who to interact with, what topics were discussed. She was expected to do as commanded and threatened with punishment if she failed to comply. She was exploited by a criminal justice system that failed to

recognize her experience or treat her with decency and by a child welfare/ juvenile justice system that failed to protect her. The daily accepted practices of our judicial system (last minute service of subpoenas, prosecutors going to trial without having interviewed witnesses, treating juvenile detainees as criminals) effectively treated her as callously as her traffickers had. And despite the fact that we meticulously created a trauma-informed collaborative court to work with CSEY, we completely failed to protect her in other, foreseeable settings.

In the next case in which one of our CSEY was subpoenaed to testify, we were determined to rectify the problem. We made sure that the youth was better prepared, able to wear civilian clothes, transported without restraints, and accompanied by a victim advocate; in short, we tried to treat her as a victim witness, not a delinquent child in custody. She, too, had a miserable experience and was scared and angry by the end of the day. She explained that she had wanted to testify wearing the county-issued jumpsuit to make sure the defendant knew that she was not testifying voluntarily. She now feared that he and his homies would think that she willingly testified and would retaliate against her or her family. We had failed her in a very

basic way: we did not ask for her opinion or input concerning a very important event in her life. We assumed that we understood and solved the problems, without considering that children from violent neighborhoods may have a very different perspective than we had.

Since then, we have spent several years working with various justice partners (prosecutors, law enforcement, defense attorneys, child dependency attorneys, child welfare workers, probation officers, juvenile hall staff, and mental health clinicians) to develop a protocol for working with CSEY who are asked to testify against their traffickers. It has been contentious at times, but in early 2018 we will be implementing an agreed-upon process that will treat these youth with decency. The protocol ensures that the youth is notified and prepared for her day in court, accompanied by an advocate (or other adult who she trusts), chooses her clothing, walks into the courtroom without restraints even if she is coming from juvenile hall, and offered support and counseling following the testimony if she wants it. We have also, after much negotiation, agreed that these youth will not be subject to new criminal charges based upon the information they provide to law enforcement in preparation for their testimony.

We have learned over the past decade that creating a trauma-informed court setting in juvenile justice is important to stabilizing and supporting our youth. We can begin by sharing our trauma training with colleagues to minimize the trauma inflicted by the judicial system itself and recognizing the challenges many witnesses experience in coming to court to tell their story, but until we do better, our efforts are incomplete.



## 10. Prioritizing Data Collection and Program Evaluation

Throughout the interviews some judges indicated that program evaluation is a necessary component of their work. For instance, many judges indicated that they used screening tools to assess the risk of being a victim of sex trafficking and that it was necessary for the tools to be validated. Some judges spoke about how they had partnered with a researcher to assess whether the screening tool they were using was validated; others, however, spoke about how they were unsure if the screening tool they were using had been validated. Furthermore, many of the judges acknowledged how difficult it was to engage in an evaluation of their program or screening tools. While acknowledging that these evaluations are critical, many said they did not know where to begin or what to do in order to evaluate their programs and responses.


Partnering with a local university, program evaluator, or a researcher can help with these concerns. Not only can these entities help with program evaluation, but they can also help assess the validity of screening tools used to assess a child's risk of being a victim of sex trafficking. If a judge wants a more thorough evaluation done, or wants to know where to begin, partnering with someone who has research experience can be very helpful. These individuals can help identify important outcomes, processes, and other information that judges and stakeholders should know. They can also help explain the findings of the research to other stakeholders or court personnel.

Thus, partnering with a local university or researcher can be vitally beneficial for any court looking to improve outcomes for youth who have been sexually exploited.

For additional information on basic concepts of program evaluation, please see **Appendix B**.

### // Conclusion

There are no easy answers when it comes to handling domestic child sex trafficking cases. However, there are promising practices emerging from judicial leaders around the nation who are committed to ending human trafficking in their community and ensuring safety and recovery for these youth. If a juvenile court judge decides to start implementing a specialty docket or develop a multidisciplinary team, he or she will find the journey challenging yet very rewarding. When children who have been victimized and forced into sex trafficking get involved with the court, their cases can be very complex, but it is critical to remember they are children first and foremost and they deserve an opportunity to regain the innocence that has been lost.



**/// I don't want to just sit on the bench and make a decision. I want to make a difference.**

**/// APPENDIX A: SCREENING TOOL COMPENDIUM****// Child Sexual Exploitation – Identification Tool (CSE-IT), WestCoast Clinic**

CSE-IT was created with the input of over 100 survivors and service providers and then validated with data from a 15-month pilot project to ensure it accurately identifies youth with indicators of exploitation. The tool is utilized by more than 75 agencies in three states.

Tool and Implementation Guide available at <http://www.westcoastcc.org/cse-it/>.

**// Human Sex Trafficking Screening Tool (HTST), John Jay College of Criminal Justice, the Urban Institute, and the Migration Policy Institute**

The HTST has been pre-tested in multiple jurisdictions with 617 youth. Both short and long versions were able to predict successfully in six out of 10 times which youth were trafficking victims and eight out of 10 times which youth were not trafficking victims.

Report available at <https://www.urban.org/research/publication/pretesting-human-trafficking-screening-tool-child-welfare-and-runaway-and-homeless-youth-systems>.

**// Intervene Practitioner Guide and Intake Tool, Shared Hope International**

Intervene is a resource designed to improve identification of victims of sex trafficking. The guide and tool were vetted by a multi-disciplinary committee of experts and survivors. The guide is intended to train and prepare professionals to implement the intake tool, which is a two-tiered set of strength-based and trauma-informed questions. The tool has not been validated at the time of this publication to the best knowledge of the authors.

Guide, tool, and video series available at <https://sharedhope.org/product/intervene-identifying-and-responding-to-americas-prostituted-youth/#reviews>.

**// Comprehensive Screening and Safety Tool (CSST) for Child Trafficking, Loyola University, Chicago & International Organization for Adolescents (IOFA)**

The CSST was designed to help guide state child welfare agencies in the process of identifying potential child victims of trafficking but can be adapted for use by other types of organizations and service providers. The CSST is a three-part tool that includes basic identifying information, a child trafficking indicator questionnaire, and a child trafficking safety assessment form. The tool has not been validated at the time of this publication to the best knowledge of the authors.

More information on the CSST available in the publication Building Child Welfare Response to Child Trafficking at <https://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf>.

**// Trafficking Victim Identification Tool (TVIT)**, VERA Institute

While not specific to minors, the TVIT was the first human trafficking screening tool to be statistically validated in the United States. The tool may be used in its full form or in a short version and is available in both English and Spanish.

Tool and User Guidelines available at <https://www.vera.org/publications/out-of-the-shadows-identification-of-victims-of-human-trafficking>.

**// Comprehensive Human Trafficking Assessment Tool**, National Human Trafficking Resource Center

This assessment tool is designed to assist front line professionals in identifying and assisting potential victims of both labor and sex trafficking.

Tool available at <https://humantraffickinghotline.org/resources/comprehensive-human-trafficking-assessment-tool>.



**/// APPENDIX B: BASIC CONCEPTS FOR PROGRAM EVALUATION**

Judges play a key role in encouraging evaluations of various programs within courts. These evaluations can help answer questions about a program's effectiveness, and outcomes of the evaluation can help determine next steps (Metz, 2007). Program evaluation is important for a variety of reasons. First, it allows court stakeholders to understand what is, and is not, working (Metz, 2007). For instance, a program evaluation can indicate whether children are benefiting from the program (i.e., are the desired outcomes actually being reached). Second, program evaluation can improve how people interact with program participants (Metz, 2007). Program evaluation can help assess staff performance and help demonstrate whether or not this performance is influencing outcomes (Metz, 2007). If performance is not ideal, an evaluation can pinpoint where certain services and trainings are needed for court personnel. Finally, program evaluation can help a program build the capacity to conduct critical assessments of their work (Metz, 2007).

In conducting the evaluation, program staff can learn how to collect certain types of data, how to analyze these data, and what the outcomes mean. From this evaluation, program staff can learn how to conduct future evaluations to assess whether the program continually meets its desired outcomes.

**// Basic Strategies for Initiating Evaluation of a DCST Program**

Beginning to evaluate either a program or response to these victims can seem difficult. However, there are some basic strategies that can be implemented to

help in evaluation endeavors. First, ensure that information is kept about each case in a database (this may be as basic as an Excel spreadsheet). Basic demographic information, such as the age, gender, and race/ethnicity of the child can be stored in a central database. This database should also include other information such as the services that have been offered to the child, information about placement decisions, and what charges (if any) the child faces.

Be sure to collaborate with other departments that work closely with the court. If collecting certain types of information is not possible, see if other departments have already collected this information. While it might be difficult for judges to collect information on the race, gender, or age of the child, it is possible that other resources such as probation or social services have already collected this information. If this is true, the judge should convene necessary stakeholders to discuss the possibility of putting this information into a central database that everyone with permission can access.

Second, periodically review and report the data collected. By reviewing and reporting data, the judge and MDT can ensure that the program is meeting its intended goals. It also gives an opportunity to celebrate successes and to look for places to make improvements where necessary. In addition, when applying for grant opportunities, having data on hand to include in the proposal will improve in the chance of obtaining grants. The next section outlines some example outcomes and analysis strategies that can be used to understand if the program is working as intended.

### // Examples of Outcomes and Analysis Strategies

Evaluation of specialty dockets specifically designed for youth who have been sexually exploited is critical for continuing success. However, evaluation is still important even for judges because it provides information on the experiences of youth going through the court process. When engaging in an evaluation of a DCST program, a variety of outcomes can be identified and analyzed. These examples of outcomes are not all inclusive; they should be taken as a starting point for future evaluations.

One outcome or performance measure that can be recorded regardless of whether or not a judge has a specialty docket is the placement of the youth – where is the youth being placed, how long was the youth in placement, and did the youth run away from that placement? Keeping this information can help judges and court stakeholders understand where sexually exploited youth are being placed. Furthermore, information about what services, if any, are being provided to these youth should be recorded. Judges and court stakeholders should also keep information on the ultimate outcome of the youth's case. For instance, did the youth age out of the system? Were they reunited with their families? Did they face criminal charges? Recording this information can help judges and other court stakeholders understand the experiences of the youth in the court system. This information can also help judges and court stakeholders understand if certain disparities are occurring (e.g., youth who are being trafficked are not receiving certain services or certain services are being underutilized).

Most of the outcomes listed above can be analyzed via descriptive statistics (e.g., percentages, averages, and simple counts). Analyzing this information is simple and does not require special software – instead, most of this information can come from Excel spreadsheets. With simple commands, Excel can create percentages for categories that a judge or stakeholder might be interested in (e.g., how many youth are in a certain placement type). If more information is desired, which usually requires more in-depth analysis techniques, judges and stakeholders should consider partnering with a local university or researcher.

## /// REFERENCES

- Boulware Eurie, S. (2017). *A judge's perspective: Working with victims of domestic child sex trafficking*. Reno, NV: National Council of Juvenile and Family Court Judges. Retrieved from <http://www.ncjfcj.org/Judges-Perspective-Working-with-DCST-Victims>.
- Center for Native American Youth. (2014). *Fast facts on Native American youth and Indian country*. Retrieved from <https://assets.aspeninstitute.org/content/uploads/files/content/images/Fast%20Facts.pdf>.
- Countryman-Roswurm, K. (2015). Rise, unite, support: Doing "No harm" in the anti-trafficking movement. *Slavery Today Journal*, (2)1.
- DeVault, A. (2017). *Research report: National Judicial Institute on Domestic Child Sex Trafficking evaluation*. Reno NV: National Council of Juvenile and Family Court Judges.
- Drogin, E. Y. (2000). From therapeutic jurisprudence...to jurisprudent therapy. *Behavioral Sciences and the Law*, 18, 489-498.
- Family & Youth Services Bureau (FYSB). (2015). *Using a survivor leadership model to address human trafficking*. Retrieved from <http://www.chhs.ca.gov/Child%20Welfare/FYSB%20Survivor-led%20model.pdf>.
- Felitti, V. J., Anda, R. F., Nordenberg, D., Williamson, D. F., Spitz, A. M., Edwards, V., Koss, M. P., & Marks, J. S. (1998). Relationship of child abuse and household dysfunction to many of the leading causes of death in adults: The adverse childhood experiences (ACE) study. *American Journal of Preventive Medicine*, 14(4), 245-258.
- Florida Office of the State Courts Administrator, Office of Court Improvement (2016). Self-care tool kit: Trauma-responsive court curriculum. Retrieved from <http://www.flcourts.org/core/fileparse.php/538/urlt/flcourts-selfcare-toolkit.pdf>.
- Guarino, M. (2014, June 24). In growing US sex-trafficking business, majority of victims are American-born. *The Christian Science Monitor*. Retrieved from <https://www.csmonitor.com/USA/Justice/2014/0624/In-growing-US-sex-trafficking-business-majority-of-victims-are-American-born>.
- Institute of Medicine and National Research Council. (2013) *Confronting commercial sexual exploitation and sex trafficking of minors in the United States*. Washington, DC: The National Academies Press.
- Johnson, C., Martin, M., & Saada Saar, M. (2013, August 1). Finding and stopping child sex trafficking. NPR. Retrieved from <https://www.npr.org/templates/story/story.php?storyId=207901614>.



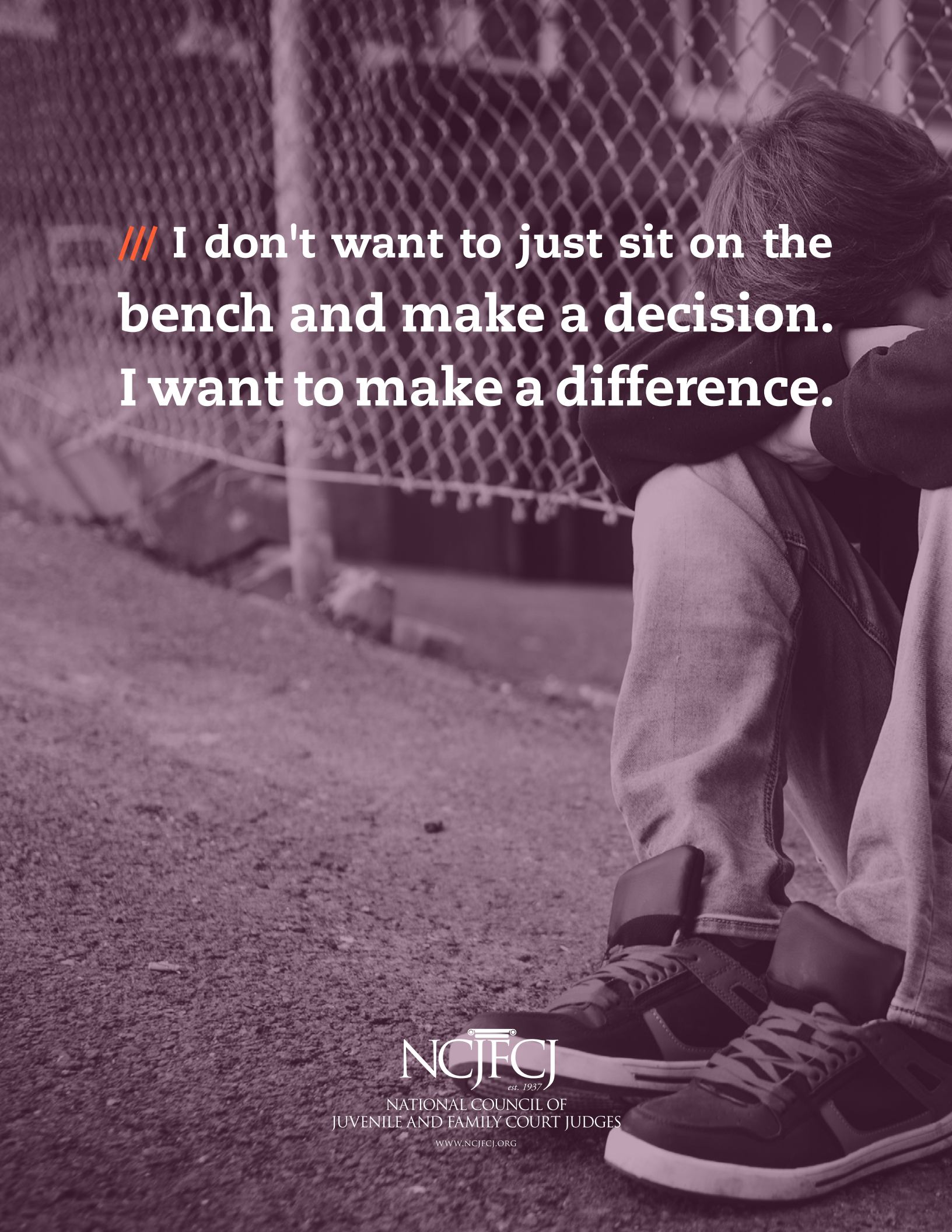
- Lloyd, R. (2008). *From victim to survivor, from survivor to leader: The importance of leadership programming and opportunities for commercially sexually exploited and trafficked young women and girls*. Retrieved from <http://www.gems-girls.org/WhitePaper.pdf>.
- Mack, B. (2017). *Talking to kids from the bench*. Reno, NV: National Council of Juvenile and Family Court Judges. Retrieved from <http://www.ncjfcj.org/talking-kids-bench>.
- Metz, A. J. R. (2007). *Why conduct a program evaluation? Five reasons why evaluation can help an out-of-school time program*. Research-to-results brief. Washington, DC: ChildTrends.
- National Center for Missing and Exploited Children. (2017). *Child sex trafficking in America: A guide for child welfare professionals*. Retrieved from [http://www.missingkids.com/content/dam/ncmec/en\\_us/Child\\_Sex\\_Trafficking\\_in\\_America\\_Welfare\\_Prof.pdf](http://www.missingkids.com/content/dam/ncmec/en_us/Child_Sex_Trafficking_in_America_Welfare_Prof.pdf).
- National Council of Juvenile and Family Court Judges. (2012). *Project ONE key principles*. Retrieved from [http://www.ncjfcj.org/sites/default/files/Project\\_ONE\\_Key\\_Principles\\_July\\_2012.pdf](http://www.ncjfcj.org/sites/default/files/Project_ONE_Key_Principles_July_2012.pdf).
- National Council of Juvenile and Family Court Judges. (2016). *Resolution regarding domestic child sex trafficking and commercial exploitation of children*. Retrieved from [http://www.ncjfcj.org/sites/default/files/SexTrafficking\\_Resolution%20REVISED2016V3.pdf](http://www.ncjfcj.org/sites/default/files/SexTrafficking_Resolution%20REVISED2016V3.pdf).
- National Council of Juvenile and Family Court Judges. (2017). *Disproportionality rates for children of color in foster care (Fiscal year 2015)*. Retrieved from <https://www.ncjfcj.org/Disproportionality-TAB-2015>.
- Palminteri, S., Kilford, E. J., Coricelli, G., & Blakemore, S. J. (2016). The computational development of reinforcement learning during adolescence. *PLoS Computational Biology*, 12, 1-25. doi: 10.6084/m9.figshare.3398056.v1.
- Polaris Project. (2015). *Human trafficking issue brief: Safe harbor*. Retrieved from <https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>.
- Remen, R. N. (1996). *Kitchen table wisdom: Stories that heal*. New York: Penguin.
- Rights4Girls. (2015). *There is no such thing as a child prostitute*. Retrieved from <http://rights4girls.org/wp-content/uploads/r4g/2015/03/No-Such-Thing-one-pager11.pdf>.
- Rights4Girls. (2017). *Issue brief: Foster care, juvenile justice, and domestic child sex trafficking*. Retrieved from <http://rights4girls.org/wp-content/uploads/r4g/2016/08/Dual-Crossover-March-17.docx.pdf>.

## /// REFERENCES

- Saada Saar, M., Epstein, R., Rosenthal, L., & Vafa, Y. (2015). *The sexual abuse to prison pipeline: The girls' story*. Washington, DC: Center for Poverty and Inequality, Georgetown University Law Center. Retrieved from [http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015\\_COP\\_sexual-abuse\\_report\\_final.pdf](http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_report_final.pdf).
- Snow, Melissa, et. al. (2015). *Missing children, state care, and child sex trafficking: Engaging the judiciary in building a collaborative response*. National Council of Juvenile and Family Court Judges, National Center for Missing & Exploited Children, and the Office of Juvenile Justice and Delinquency Prevention.
- Trauma Center at Justice Resource Institute, Project Reach. (2014). *Utilizing trauma-informed approaches to trafficking-related work*. Retrieved from [http://www.traumacenter.org/resources/H-O%20Trauma-Informed%20Case%20Study\\_final\\_2.pdf](http://www.traumacenter.org/resources/H-O%20Trauma-Informed%20Case%20Study_final_2.pdf).
- United States Advisory Council on Human Trafficking. (2016). *Annual report*. Washington, DC: U.S. Department of State. Retrieved from <https://www.state.gov/documents/organization/263434.pdf>.
- U.S. Census Bureau. (2016). *2016 American community survey 1-year estimates*. Retrieved from <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>.
- U.S. Department of Justice, Office of Justice Programs. (2016). *Office of Juvenile Justice and Delinquency Prevention Bulletin: Commercial sexual exploitation of children*. Retrieved from [https://www.ojjdp.gov/programs/csec\\_program.html](https://www.ojjdp.gov/programs/csec_program.html).
- Victor, D. (2017, November 22). Why celebrities are rallying behind Cyntoia Brown, a woman spending life in prison. *New York Times*. Retrieved from <https://www.nytimes.com/2017/11/22/us/cyntoia-brown-sex-trafficking.html>.
- WestCoast Children's Clinic. (2012). *Research to action: Sexually exploited minors (SEM) needs and strengths*. Retrieved from [http://www.westcoastcc.org/WCC\\_SEM\\_Needs-and-Strengths\\_FINAL.pdf](http://www.westcoastcc.org/WCC_SEM_Needs-and-Strengths_FINAL.pdf).





A person with long hair is sitting on a bench, looking down. They are wearing a dark hoodie and jeans. The background is a chain-link fence. The overall tone is somber and reflective.

**/// I don't want to just sit on the bench and make a decision. I want to make a difference.**

**NCJFCJ**  
est. 1937

NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

[WWW.NCJFCJ.ORG](http://WWW.NCJFCJ.ORG)