

phrase that is unfamiliar, the interviewer can seek clarification (without inviting fantasy) by simply asking what it means. Sensory-based inquiries are also helpful, as they allow children of all ages to provide firsthand, personally experienced information. Sensory questions focus on what the child heard, saw, tasted, smelled or felt; they often result in idiosyncratic details that enhance, rather than diminish, a child's credibility in regards to his or her experiences.

### Playful Teasing

On occasion, children may introduce unlikely information in a casual, playful, or even mischievous manner. Anecdotally, this seems to occur more often in the early stages of a forensic interview, rather than the stages more often associated with abuse disclosures, which may explain why it is not typically mentioned as an origin for fantastic elements. However, seemingly improbable information may be viewed as problematic regardless of where or when it appears in the interview. For example, if an interviewer asks a preschooler how old he is and he jokingly responds, "Fourteen," the remainder of his report may be attacked for its veracity. Although the child deliberately provides inaccurate data, the intent is not to deceive the interviewer, but to engage in a particular type of social interaction.

Under these circumstances, it may be necessary to gently redirect a child with a non-accusatory statement such as, "In this room, we only talk about things that really happened." When the teasing occurs early in the interview, the interviewer should address it immediately to prevent further occurrences. Mirroring the child's affect, the interviewer can ask, "Are you teasing me?" Regardless of the child's response, the interviewer has created the opportunity to inform the child that although teasing is okay, it is not something that is done in the interview room. During this exchange, the interviewer must actively avoid any stance that could convey authority or criticism.

Although this strategy can be employed with a variety of fantastic elements, it should be used with caution, only when the interviewer is fair-

ly certain that an improbable element is truly improbable and there is no other explanation for the child's unusual report.

In conclusion, interviewers must walk a fine line, deciding on an individual basis when and how to pursue the clarification of bizarre or fantastic elements. Addressing improbable information in a forensic interview obligates an interviewer to have a solid understanding of its possible origins. The explanations mentioned above are not exhaustive, and further research in this area is unquestionably needed. However, it is hoped that the possibilities offered will remind interviewers that there are numerous explanations for the appearance of unusual information and that it is essential to maintain an open, nonjudgmental and nonconfrontational position. Seemingly bizarre or fantastic elements cannot and should not be viewed as justification for the dismissal of a child's disclosure.

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### Endnotes

<sup>1</sup> Forensic Interviewer and Trainer at CornerHouse Child Abuse Evaluation and Training Center in Minneapolis, MN. Ms. Lukas Miller has worked in the field of child maltreatment for over 20 years and has conducted over 2500 forensic interviews with children, adolescents and vulnerable adults.

<sup>2</sup> The examples used in this article are based on the author's own clinical experience.

<sup>3</sup> Everson, M. Understanding Bizarre, *Improbable and Fantastic Elements in Children's Accounts of Abuse*, CHILD MALTREATMENT, Vol.2, No. 2. (May 1997) at 134-149.

<sup>4</sup> Perona, A.R., Bottoms, B.L. & Sorenson, E. *Research-based Guidelines for Child Forensic Interviews*; in ENDING CHILD ABUSE, (Vieth, V., Bottoms, B.L. & Perona, A.R.) (2004) at 81-130.

<sup>5</sup> Everson, *supra* note 3 (p.146).

<sup>6</sup> Saywitz, K.J., Nathanson, R., & Snyder, L.S., *Credibility of Child Witnesses: The Role of Communicative Competence*, TOPICS IN LANGUAGE DISORDERS, Vol. 13, (1993), at 59-78. See also Dalenberg, C., *Fantastic Elements in Child Disclosure of Abuse*. APSAC ADVISOR, Vol. 9 No. 2, (1996), at 5-9. (Developmentally young children may not differentiate what they know firsthand from what they have heard).

<sup>7</sup> Everson, *supra* note 3 at 136

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# Strategies for Interviewing Child Victims of Human Trafficking

Allison Turkel<sup>1</sup> and Suzanna Tiapula<sup>2</sup>

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Interviewing victims of human trafficking is a critical component in the investigation and prosecution of human trafficking cases. Given the difficulties associated with identifying victims of human trafficking and recognizing human trafficking cases as such, the forensic interviewing of victims is crucial to improving our ability to bring justice to these victims.<sup>3</sup> Forensic interviewing strategies for minor victims of human trafficking will be examined in this article with a specific focus on domestic victims of human trafficking. Awareness of available federal and state resources is the most critical component of any institutional response to human trafficking cases. Appropriate training is also important given the unique dynamics of these cases. Interviewers need to recognize that the format of forensic interviewing and the dynamics of these interviews may be significantly different than interviews for more traditional child sexual abuse interviews.

Investigating and prosecuting human trafficking requires complex law enforcement activities, an understanding of the dynamics of human trafficking in all of its permutations (sex trafficking, labor trafficking, trafficking of both foreign born and domestic victims), an often complex jurisdictional analyses, familiarity with federal, state, local and nongovernmental resources and collaboration with multiple agencies/organizations at all levels. Additionally, the statutory framework for trafficking is relatively new;<sup>4</sup> learning to recognize trafficking cases and appropriately identify victims of trafficking is, therefore, critical if we are to protect these victims. Despite the challenges of pursuing these cases, the reality of

human trafficking as the modern face of slavery in our communities demands an appropriate institutional response.

State and local law enforcement are key partners in the national efforts to address the commercial sexual exploitation of children in the United States through the Innocence Lost Initiative.<sup>5</sup> Numerous federal and state task forces are also in place to ensure thorough investigations and prosecutions of human trafficking. Familiarity with the various federal and state resources<sup>6</sup> ensures that resources available for victims are accessed and that appropriate jurisdictional choices are made for these very complex cases.

Training is also important given the unique dynamics of many human trafficking investigations. Understanding developmental issues associated with adolescents is critical; adolescents often reject any outreach that is perceived as condescending. Many of the strategies forensic interviewers employ for young children are less effective with adolescents; for example, trying to clarify specific language can be a challenge if the adolescent feels the attempt at clarification is condescending.<sup>7</sup> Adolescents are less likely to ask for clarification if they don't understand a question or language being used. Adolescents often wish to be seen as "adult;" asking for clarification undermines that wish. Accurate information can be gleaned if interviewers understand developmental issues associated with adolescents and compliant victim dynamics. Since the relationship between these juvenile victims of prostitution and the individuals controlling these victims is often abusive and manipulative interview-

ers need training in domestic violence, cycles of abuse and sexual abuse dynamics to be more effective in working with this population. Finally, an understanding of the street culture associated with prostitution of these victims may be critical to the interviewers' credibility. Training in the different types of prostitution, the various hierarchies and some of the hallmarks of street culture associated with prostitution can help an interviewer better understand a child's language, fears and loyalties. This understanding is paramount to having effective rapport with a commercially sexually exploited child.

Child victims of commercial sexual exploitation often are victims of multiple instances of sexual exploitation as well as other forms of abuse and neglect including physical abuse, abduction, sexual assault by the controllers (i.e. pimps), engagement in the use and/or sale of drugs and alcohol, etc. Strategies for isolating chargeable offenses might involve focusing on a single exploitive event which can allow the interviewer to glean specific information needed for corroboration and prosecution of that specific crime before moving to the next exploitive event/relationship. In addition to more standard "protocol" questions, it is essential that interviewers "think outside the box" in interviewing these victims. Investigations frequently expand to include financial investigation, multiple search warrants, forensic examinations of computers and the search for additional victims as well as "johns" and other criminal partners. Areas that might be explored in an interview might include inquiries about any items purchased by the pimp that might help establish a linkage between the pimp and the victims, for example: clothing provided by the "pimp" that might demonstrate that the victim is actively being prostituted; cell phone usage/purchase to link the victim to the pimp (chirps and walking/talkies are popular in some enclaves); gang signals; information about locations which the child used as housing or as a location for commercial sexual exploitation; names and nicknames of people that the child is familiar with, including tattoos, vehicles, addresses or building descriptions, street locations, etc. Tattoos and other markings can be important; in some cases, the tattoos can be used to establish the pimp's control over the child (for example, some tattoos are explicit, "Property of 'pimp's name'"). Further, victims should be asked whether photographs or videotapes have been taken of them and if they were groomed by being shown pornography or even child pornography. Frequently, this type of viewing in a child sexual exploitation context is for control and intimidation. Children should also be asked about other victims, other family members that might be at risk either at the investigation site or in the child's home (particularly important for foreign born victims).

All questions need to be developmentally and culturally appropriate. Interviewers should have an understanding of the child's community and background if they have been trafficked from another country or are part of an immigrant community here in the United States. When necessary, trained interpreters should be part of the investigative team. Children may have grave concerns about immigration issues and the safety of their siblings or other family members. Be careful not to make promises you cannot keep; faulty assurances will not help to heal these victims who have already been abused and betrayed. The great advantage to collaboration and multidisciplinary responses is the ability of the team to ensure that victim concerns are addressed as part of the institutional response.

It may also be important to establish who knew of the victim's age in order to charge specific crimes and for interviewing of the suspects. If the perpetrators provided false identification to the victim or knew of the victim having resided in any juvenile facility or had juvenile proceedings, this can be used to establish the suspect's knowledge of the victim's age. Establishing any recognition of the victim's birthday or birthday celebrations can also be important evidence. Although the CAC forensic interviewing model recommends a single investigation interview in most situations, multiple interviews may be needed to complete the investigation in a trafficking investigation. Some prosecutors describe cases that take years to develop.

Perhaps most important in these cases is earning the trust of the victims of prostitution. These cases often require the victims' willingness to cooperate in the investigation and, ultimately, testify against these defendants. Traditional approaches for intervention often are not effective in

creating trust with these victims. Often, they do not perceive themselves as victims and have an array of health, family, social and readjustment issues. Coordination with non-government organization's which interact well with the victims may be the best avenue for establishing trust. Once a relationship based on trust is established, these victims will often notify detectives with new cell phone numbers, addresses and changes in work status. Even simple changes in outreach can make a difference. For example, recognizing that these children are awake at night and have cell phone contact that is viable at night means regular contact is more likely. Limiting victim outreach to the 8 a.m. – 5 p.m. work day, on the other hand, precludes most reasonable chances of staying in touch with the victims in these cases. Interviewers and team members need to explore ways to contact the victim over long periods of time. Building rapport and earning a child's trust can take skilled interviewing and a significant commitment of time to each child. Frequently, CSE victims are brought into the criminal or juvenile justice system as suspects or arrestees and some interviews initially take the tone of an interrogation; effective outreach requires, however, that the interviewers work to empower the child and help the child understand and accept his or her "victimization."

Interviewers need to recognize that the format of forensic interviewing and the dynamics of these interviews may be significantly different than the dynamics common in more traditional child sexual abuse interviews. These interviews are seldom conducted in a child advocacy center setting; more often, they are conducted in a police station, juvenile facility or in shelters. Resources for these victims are often difficult to appropriately identify. If the victim is a runaway/throwaway child, the jurisdictional analysis needs to include appropriate jurisdiction for child protection. Child protection needs to be involved at the outset of any investigation and multidisciplinary responses are most appropriate for these trafficking cases as they are for all cases involving minor victims. Interviewers should be cognizant of issues these victims may have as survivors of abuse, neglect and trauma. Information gleaned during the interview that will support an assessment of the child's physical, psychological and social well being (for example, substance abuse issues, sexually transmitted diseases, etc.) is helpful. This analysis also needs to take into consideration sexual and physical abuse history as a factor in the child's decision to run since returning a child to an abusive situation will simply ensure the child's refusal to further participate in the interview/investigation/prosecution. Placement options need to be developed that are appropriate for this population of victim. Safety for the victims is paramount. Due to the complex relationship many of these victims have with their pimps, many of the victims will be drawn back to the street life; this is particularly true if the housing environment is not appropriate for the complex set of needs presented by these victims. Counseling, drug and alcohol treatment, resocialization and reintroduction to a school setting must be part of an intervention plan that recognizes the specific nature and effect of commercial sexual exploitation. Thorough review of the child's history during the forensic interview allows the investigators and child protection to make better placement decisions for each particular child.

Trafficking victims deserve justice. Only by recognizing these cases and learning to interview these children effectively, can we support the investigations and prosecutions needed to bring justice to these victims and bring an end to this modern day slavery.

## Endnotes

<sup>1</sup> Allison L. Turkel is a Senior Attorney and Chief of Training for the National Center for Prosecution of Child Abuse.

<sup>2</sup> Suzanna Tiapula is a Senior Attorney and Chief of Publications for NDAA's National Center for Prosecution of Child Abuse. Ms. Tiapula was formerly a Deputy Prosecuting Attorney in Honolulu, Hawaii and an Assistant Attorney General in Pago Pago, American Samoa. Both authors thank NCPA interns Dylan Alter and Dermot Garrett for their assistance with research and formatting.

<sup>3</sup> Kevin Bales & Steven Lize, *Trafficking in Persons in the United States: A Report to the National Institute of Justice*, Oxford, Mississippi. Croft Institute for International Studies, University of Mississippi (2005). Available at <http://www.ncjrs.gov/pdffiles1/nij/grants/211980.pdf>. (In a study across multiple jurisdictions (southwest Florida, Washington, D.C., and Chicago), researchers noted that despite direct con-

tact with trafficking victims, law enforcement officers in 11 of 12 cases failed to identify the victims as victims of human trafficking (or victims at all) and failed to provide adequate safety measures).

<sup>4</sup> see Suzanna Tiapula & Melissa Millican. *Identifying Victims of Human Trafficking*, The Prosecutor, Vol. 42, No. 1, Mar. 2008, at 38. (For an analysis of available statutory frameworks for prosecuting human trafficking under state statutes, also definitions of human trafficking.) See also, *Human Trafficking Statutes* (updated May, 2008), available at <http://www.ndaa.org/apri/programs/ncpca/statutes.html>.

<sup>5</sup> U.S. Dep't of Justice, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2006*, at 15-16 (2007), available at [www.usdoj.gov/ag/annualreports/tr2006/assessment\\_of\\_efforts\\_to\\_combat\\_tip.pdf](http://www.usdoj.gov/ag/annualreports/tr2006/assessment_of_efforts_to_combat_tip.pdf). (As of September 2006, Innocence Lost task forces and working groups were in place in the following 26 jurisdictions: Phoenix, AZ.; San Francisco, Sacramento and Los Angeles, CA.; Denver, CO.; Miami

and Jacksonville, FL.; Honolulu, HI.; Chicago, IL.; Indianapolis, IN.; Boston, MA; Detroit, MI; Las Vegas and Reno, NV; Atlantic City, NJ.; New York City, NY; Toledo, OH; Oklahoma City, OK; San Juan, PR; Dallas and Houston, TX; and, Washington D.C).

<sup>6</sup> *Id.*

<sup>7</sup> The common response, "can you tell me what that means to you?" might trigger disdain or a refusal to participate if the adolescent feels manipulated or annoyed with the tone of the interview. Interviewing techniques and language that empowers the adolescent is a more effective strategy; this often involves acknowledging the need to be very specific. For example, "I think I know what that means but I need you to be very specific so we don't make mistakes."

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**National District Attorneys Association**  
**American Prosecutors Research Institute**  
*National Center for Prosecution of Child Abuse*  
99 Canal Center Plaza, Suite 510  
Alexandria, Virginia 22314  
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