

Juvenile Justice Vision 20/20 Training Event
Issues for Courts in Cases Involving Juvenile Human Trafficking Victims Coerced into Criminal Behavior by Traffickers
October 29, 2015
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This workshop was designed to teach participants to identify indicators of human trafficking and identify court case types that may involve juvenile human trafficking victims, and how adjudication for crimes coerced by a trafficker might affect the process, outcome, and range of available options in a juvenile case.

Identifying victims of human trafficking can be difficult because the same hallmarks of trauma experiences—force, fear, secrecy, and shame—are also key elements used by traffickers to control victims. Traffickers play on a victim’s shame and fear to shape the victim’s world view that victims have little worth beyond the income that they generate for the trafficker. As in treatment for other types of trauma, it is difficult for victims to overcome the shame, secrecy and fear that is imbued within them. The dynamic makes both assessment and engagement in treatment difficult.

Indicators of human trafficking victims can include:

- Homelessness
- Lack of education or not attending school
- Work in massage parlors, dance halls, or similar establishments
- Unexplained bruises
- Dependency relationships with older adults
- Possession of unusually expensive items
- History of involvement with child welfare and Child Protective Services
- Emotional detachment and/or flat affect
- History of frequently running away
- Absence of supervision at home / parental neglect

There are numerous decision points in the delinquency process where trafficking issues may be investigated. Discovery of a trafficking issue could—and often should—impact case outcomes and responses by service workers to prevent further victimization. Outcomes in delinquency cases can impact juveniles in major life areas, including future employment, entry into the military, eligibility for state or federal benefits, even driving privileges. Just in Michigan, there are 777 statutory provisions restricting people for certain types of licensure and employment under “moral turpitude” and “good moral character” measures. Adjudications for prostitution, drug offenses, and assaults—all common charges leveled at trafficking victims—can all invoke these statutory restrictions. At the federal level, immigration and visa issues come into play.

Retooling of laws and court practices to provide legal relief to juvenile victims of human trafficking could include:

- Extending the exemption for unwillingness to assist in the prosecution of human trafficking perpetrators to juveniles
- Waiving the admissibility and requirements for “good moral character” for juvenile defendants that were coerced by human traffickers
- Development of diversion programs and specialized housing for sexually exploited juveniles that are charged with prostitution
- Sealing juvenile records in human trafficking cases
- Listing coercion as a negating factor in criminal intent in trafficking cases
- Improving processes for expunging juvenile records