



Spotlight on Civil Rights

by Marilyn Tobocman and Diane Citrino

Human Trafficking in Our Backyard: What Can Lawyers Do?

“Once you’re victimized and trauma happens to you, like being trafficked by your own parents, not a stranger all the time, you remain that child until somebody stops and says hello, and that’s where society don’t do that. Society don’t do that.”

—*Testimony of Lee Campbell, formerly trafficked by her parent at age 6, now working to help trafficking victims. She testified before the Ohio Advisory Committee to the U.S. Civil Rights Commission on June 6, 2013, in Toledo, Ohio.*¹

It has been 150 years since the Emancipation Proclamation, but slavery still exists here in the United States. The scourge of human trafficking is hidden in plain sight in our hometowns. In our schools, “we’re still teaching the history of slavery and nothing about modern day slavery to people in the very seats who are at risk.”² The average age of entry into prostitution in the United States is 12 to 14 years old, slightly younger for boys than girls, “so we’ve got to go into middle schools and high schools, and we have to inform children of this risk.”³

The Vulnerability of Human Trafficking Victims Is Exploited by Recruiters and Traffickers

Generally, the victims of human trafficking are runaways. “[W]ithin two weeks, that runaway is going to be approached by a recruiter or a trafficker. In large cities, it’s going to be about 48 hours.” These children often are addicted to drugs. If not addicted when targeted, the traffickers use drugs to hold and control them as they become conscripted into prostitution. A recent scheme uncovered in Elyria, Ohio, involved a couple who were providing drugs to high school students. Once they were hooked, the couple forced students to pose for pictures posted on Backpage.com. The traffickers then used the drug debt to force the students to engage in sex for money.

Traffickers use these facts as a threat: “You can’t go to the police because they’ll arrest you and charge you with prostitution; nobody will believe you, you’re just a junkie; or you’re undocumented, go

ahead and call the police, they’ll just deport you.”⁴

For many years these statements were true. Celia Williamson, Ph.D., described the issue in her testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights: “Any time a 14-year-old girl is the target of arrest and not the adult person who bought her or the adult person who sold her, we have a problem, and that problem is deeply rooted in racism and sexism.”

Solutions Require Being Able to Distinguish the Victim from the Criminal

Law enforcement has begun to change its approach and recognize children and young adults who have been trafficked as victims, not criminals. This has changed the message to one of vigilance for the warning signs: the teenager who is hanging out with her “30-year old boyfriend;” the busboy who appears to be cowering in fear and won’t make eye contact; the young woman who suddenly appears at a suburban motel renting rooms on multiple occasions.

Currently, in Ohio cities like Cleveland and Toledo, law enforcement professionals including agents of the Federal Bureau of Investigation, the Ohio Bureau of Criminal Identification and Investigation, the Ohio Highway Patrol, County Sheriff’s Offices, and local police departments have established task forces. These partnerships, where they have been activated, have been incredibly successful.

As victims of crime, those rescued from human trafficking need clothes, food, medical attention, and a safe place to stay. And when the criminal prosecution has concluded, they need counseling and the opportunity to enroll in school or secure employment. Available resources include the Collaborative Initiative to End Human Trafficking, the Salvation Army, local rape crisis centers, and mental health centers.⁵

Lawyers are also working with legislators to change the laws and make it easier to prosecute human traffickers more effectively. House Bill 130, pending in the Ohio General Assembly, seeks to eliminate the requirement to prove force, fraud, or coercion for a minor victim of Human Trafficking, a change that would make it

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easier for law enforcement to put traffickers behind bars. And back in June 2012, Ohio House Bill 262 was passed, requiring all law enforcement personnel, as part of their basic peace officer training, to receive some training in “trafficking in persons” violations. From this type of training, officers have learned to ask the suspected victims more detailed questions about who put them out on the street and who is forcing them to undertake the behavior for which they have been picked up instead of taking them to a detention center or jail.

The centralizing of all Amber Alerts through the Ohio Attorney General’s Office has enabled state law enforcement to better make connections between missing children and trafficked children. Ohio lawyers are working to modify the Crime Victims Compensation Fund, which ordinarily would be unavailable to someone using illegal drugs, to recognize that in the case of human trafficking, drugs are part of the victimization and should not deprive these victims of the assistance for which they would be otherwise eligible.⁶ As a result of these efforts, prosecutions in Ohio’s courts have become more effective.

What Can We Do to Help End This Problem?

The private bar could address several significant issues in regard to the typical experience of human trafficking victims at the hands of the justice system. The following description was provided by Dr. Celia Williamson:

“... when a kid is, thank God, rescued because they’ve been traumatized, beaten, raped, and sold, and then their own community arrests them, there’s a second trauma, and then when you ask them to testify in federal cases against the trafficker, and sometimes we have to shift them away where they have no sense of family, no sense of home, no sense of community, and we say children are our most precious resource. We say to the child we’ll rescue you, but we know you’re not a criminal. Well, unfortunately kids are smarter than that. They don’t listen to what we say. They listen to what we do. So when we arrest them and then we ask them in the same breath please tell us if you have anybody, any of your friends that are at risk, and we’re supposed—they’re supposed to trust us. I’d like to say to people, you know, if we’re here today and our house is burglarized and we go home and we call the police and the police come and they say you know what, I’m afraid for you and I’m going to protect you because I think that burglar is going to come back and it’s going to turn into a robbery, so I’m going to take you to jail for your own protection. How many people on the Civil Rights Commission are going to agree to that plan? But we do that with kids, and we do it with the right intentions.”

The preceding description of a typical victim’s experience establishes the need for attorneys to assist human trafficking victims when they become witnesses in the prosecution of their recruiters and traffickers. And after these prosecutions conclude, the victims need attorneys to get their solicitation or prostitution charges expunged. They need attorneys to help them secure compensation from the Crime Victims Compensation Fund or to act as guardians *ad litem* so that these services might be available to them anywhere in the state. Private representation would assist in preventing local

media from identifying the victims especially while we urge the media to publicize the crimes to increase awareness.

Let’s answer Ms. Campbell’s cry that “society don’t do that.” Let’s not ignore the victims of human trafficking. Let’s recognize their dignity and help—let’s do that. ☺

Endnotes

¹Toledo is considered one of the top five trafficking hubs in the United States.

²Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights on June 5, 2013, of Celia Williamson, Ph.D.

³Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights on June 5, 2013, of Tony Talbott, a university professor and a founder of a Rescue and Restore coalition operating under the auspices of Health and Human Services to raise awareness about human trafficking. They are putting together a program that trains and certifies undergraduate students to give presentations on human trafficking to middle schoolers and high schoolers.

⁴Celia Williamson, Ph.D., in her testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights.

⁵Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights on June 5, 2013, of Carole Rendon, first assistant U.S. attorney for the Northern District of Ohio.

⁶Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights on June 5, 2013, of Melinda Sykes Haggerty, director of children’s initiatives for Ohio Attorney General Mike DeWine.

