



Hear survivors of forced criminality discuss their experiences within the labor trafficking paradigm. Understand how an underlying criminal offense is a part of a victim's exploitation.

"Victims of trafficking should not be held liable for their involvement and unlawful activities that are a direct consequence of their victimization."



- The U.S. Department of State

Why don't service providers & law enforcement recognize force criminality as a part of human trafficking?



Intent = Consent
without consent, there is no intent. The compartmentalization of those two terms is an issue in law enforcement.

- Autumn Smith- Amy

What vulnerabilities do traffickers identify to manipulate people into forced criminality?



Introduction by James Dold



Moderator
Founder & CEO of Human Rights for Kids

➤ Broaden our view of trafficking

The anti-trafficking space should understand that labor and sex trafficking aren't the only forms that fit the force, fraud, and coercion paradigm.

➤ Historical background

Our current trafficking apparatus stems from a US Supreme Court Kozmiski case in 1988 which narrowed the scope of involuntary servitude. The TVPRA of 2008 then overruled the Kozmiski decision to give the OJ broader discretion to prosecute cases. Force, fraud, & coercion are also applicable for cases of forced criminality, such as gang membership.

Being forced to commit a crime is a form of forced labor as well.

➤ People stick to what they know

Trafficking is a very complex issue; people tend to work with the pieces they understand and don't explore the other facets of the issue. Also, trafficking cases are new, and training is not specialized enough around forced criminality. People also don't understand that victims are typically being trafficked by someone who knows the system and knows how to redirect the guilt onto someone who would be too terrified to testify against them.

➤ There's a presumption of guilt when it comes to gangs

Why are we unable to see this population as victims? Many service agents associate gangs with people of color, and that's a conversation that needs to be had. What biases do service agents have? What are ways that they can be more compassionate with these youths? How can we better understand the ultimate reality that these youths face and the scary decisions they have to make each and every day?

➤ We need to expand our view of what trauma is

Not only do we need to expand our perspective of trauma clinically, but also take into consideration the interlocking systems of oppression that create those conditions that make the traffickers and gang leaders in control and in charge of our communities' youths.

Including those written into our laws, like the Mann Act

➤ Seeking to fill emotional deficits

Vulnerabilities include incapacitation from substance misuse or mental duress and a lack of basic needs being met, such as love, safety, sense of belonging, and purpose. Historical and lateral trauma in marginalized communities cause damage, as well as in nuclear families, such as divorce/ abandonment. These vulnerabilities put people at being high risk of being accosted by traffickers...

➤ ...but it's their strengths that are used against them

This includes their ability to stay strong against adversity; their willingness to be optimistic; their loyalty to those they view as family, friends, or their neighborhood; their drive to make someone proud; their experience in and/or attached responsibility to taking care of others.

What are the power dynamics between victims and traffickers?



➤ The ties of trauma are multi faceted and long lasting

This includes loyalty to other victims as well, which might keep them in their situation because they do not want to leave anyone behind. Emotional attachment to perpetrators can also result in ongoing setbacks of guilt and shame that go beyond victimization.

➤ Rediscovering your identity after trauma bonding

Sometimes your sense of self can become one with the group that has become your community. Part of the difficulty of detaching yourself is finding out who you are outside of it.

It can be difficult to step away from the only thing that gives you love. - Xavier McElrath-Bey

Q&A

Q. What recommendations would you have to service providers to better identify victims who've been forced to commit crimes, and who might not be easily identifiable because they're seen as a criminal?

A. When you have a trauma bond you need to be supportive, see this person beyond their experience and see them in a positive light, seeing hope for them, and a future for this person. You don't just overcome trauma bonds overnight. Even if the grant doesn't allow for that kind of support, it's our job to inform the people who make those grants what we need to provide adequate service. Otherwise, we will continuously leave out a set of individuals who might not look like the perfect victim. We need to be a society of second chances.

Service providers also need to understand that we are first responders. So just like drowning victims, sometimes people will do anything to keep their head above water, even if it's pushing you down a bit, even if you're trying to save them. Robust lateral safe and informed services and programs must be available for immediate response. You wouldn't tell a drowning victim to make an appointment. You wouldn't ask a drowning victim to fill out a 20-page application prior to rescue. You wouldn't delay response to collect their demographics for funding purposes. Their need is immediate and their intervention needs to be immediate.

Resources:

1. The **Incarcerated Children's Advocacy Network (ICAN)** is a national network of formerly incarcerated adults, that were sentenced to extreme or life sentences as children. ICAN provides support for its members and empowers them to create positive change in their communities.
2. **No Child is Born Bad Ted Talk** by Xavier McElrath-Bey

Q. What if survivors don't believe in those legal reliefs and don't think they are going to be helpful?

A. It is also important to understand that every survivor is different, both in terms of where they're at in their healing journey that the sorts of associations they make. Some may feel more comfortable with a community of formerly incarcerated folks than they do in the anti-trafficking space. Intersectionality is critical, so make sure that multiple options are available for survivors.

Q. How do you deal with federal charges for which there is no post-conviction relief and where prosecutors and law enforcement aren't recognizing these things as a form of human trafficking?

Q&A

A. Most states only have vacatur laws that pertain only to prostitution. So if I was forced to commit another crime outside of prostitution, that wouldn't help. There is no criminal relief law on a federal level. The only remedy that's available for survivors who have been charged at a federal level is a presidential pardon. But that says to the system that survivors need to apologize for what they did, that they were the perpetrator and not the victim. Not to mention how traumatic and triggering the actual application process is. We need to fight harder, we need to truly fight harder to get our legislators to understand that we need more comprehensive laws. We need to do more partnering with law enforcement. We need to partner with the individuals who are in charge of policy making, even if that's not what our organization does. They need to hear from the people who work directly with survivors.

Resources:

The Survivor Reentry Project: <https://freedomnetworkusa.org/advocacy/survivor-reentry-project/>

Just Exits Initiative: <https://aequitasresource.org/singleinitiative/?initiativeId=%2018>

To learn more about Framework or to request training, technical assistance, or individualized support on labor trafficking, visit us on our website.

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