



NATIONAL ASSOCIATION OF WOMEN JUDGES

HUMAN TRAFFICKING SURVEY FINDINGS

Human trafficking is an emerging issue that has received increasing attention within federal, state and local governments and the courts. In February 2014, NAWJ's Human Trafficking Subcommittee administered a survey to the NAWJ membership to learn about members' experiences with human trafficking cases. This short report presents the summary findings from that survey.

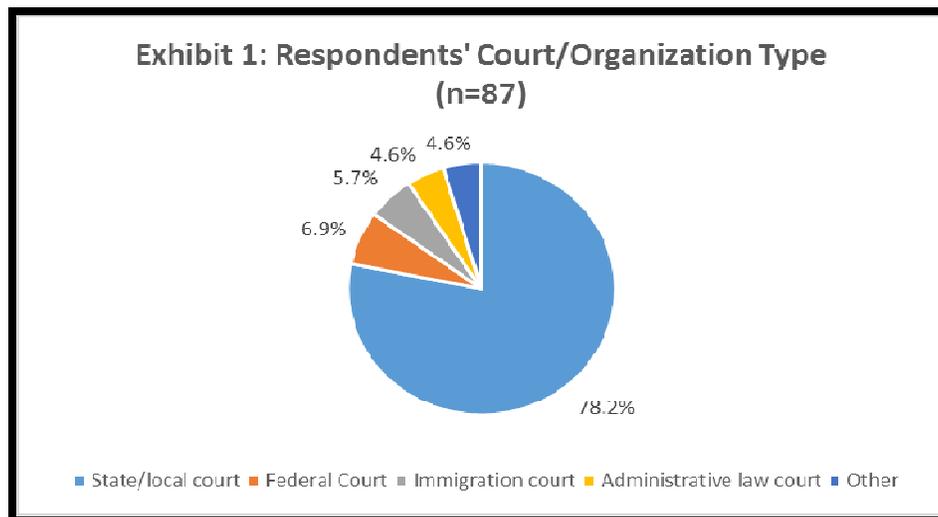
THE SURVEY

The survey, which included a mix of forced-choice and open-ended questions, was completed by 92 individuals. Some of the survey questions, however, were not relevant to all of those individuals and some questions respondents elected not to answer. Thus, the number of respondents used to calculate the proportions in the charts below vary.

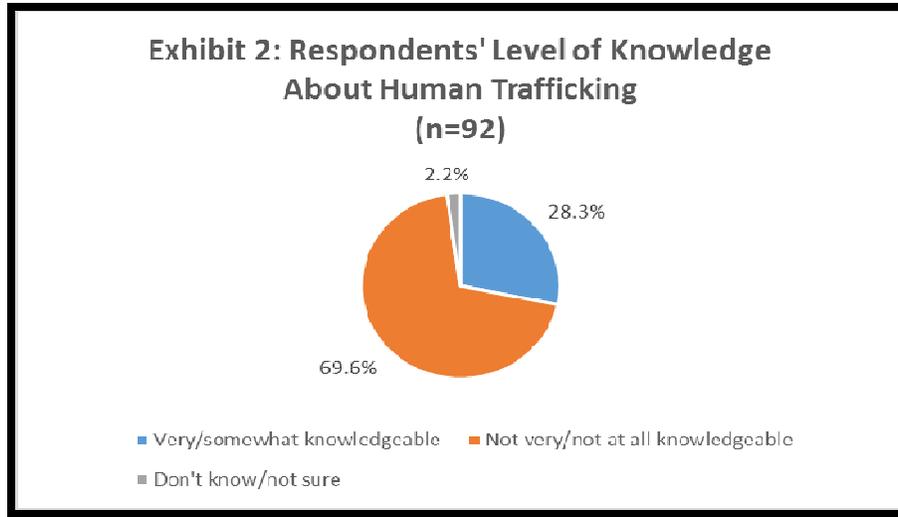
THE RESPONDENTS

The survey asked a few questions of respondents to understand what background they brought to their answers. This included questions, for example, about (1) the type of court or organization in which the respondents are working or had worked, (2) respondents' level of knowledge about human trafficking, and (3) what direct or indirect experience they have had with cases involving human trafficking issues.

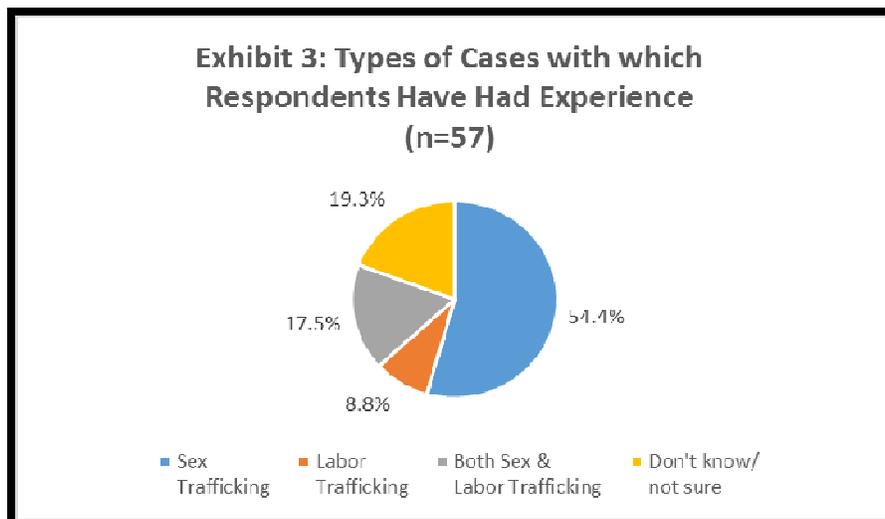
As shown in Exhibit 1, more than three-fourths of the respondents (78.2%) were working or had worked in a state/local court setting. A few represented the federal courts, immigration courts and administrative law courts. Among the "other" respondents were representatives from regulatory agencies and dispute resolution centers.



As a group, respondents were not very knowledgeable about human trafficking issues. As shown in Exhibit 2, for example, more than two-thirds of respondents (69.6%) reported knowing very little or nothing at all about human trafficking and the issues it presents for the courts. Only somewhat more than a quarter of respondents (28.3%) were somewhat or very knowledgeable about the topic and the remainder (2.2%) were not certain about their level of knowledge.

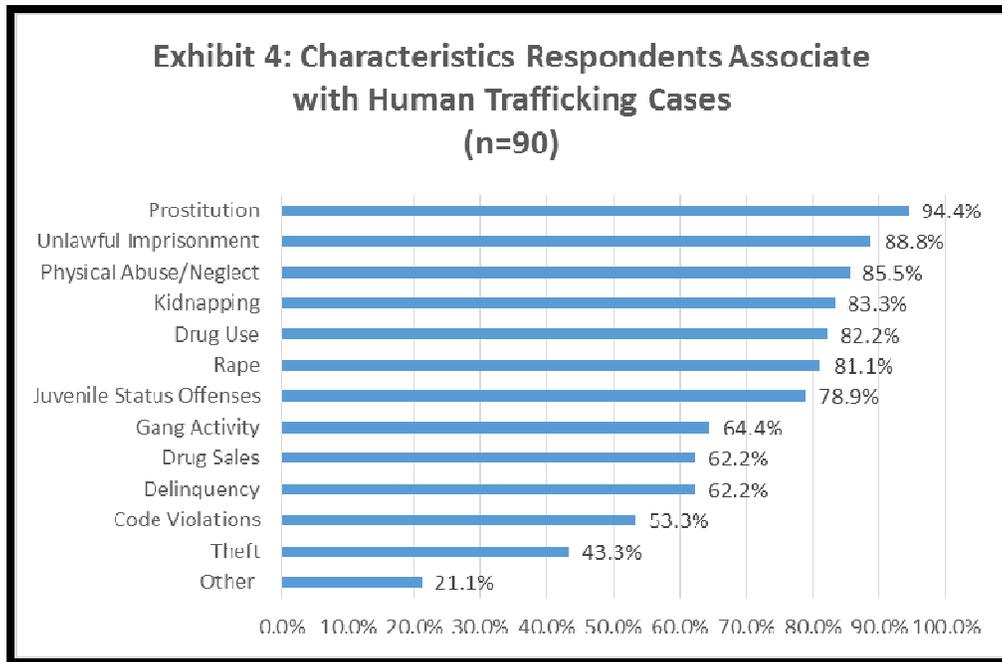


Approximately half of respondents (48.9%) reported having presided over one or more cases that involved human trafficking issues or that *appeared* to involve human trafficking issues. An additional 13.0 percent of respondents had experience with a case or cases involving human trafficking issues in a non-decision maker capacity. For all of these respondents, a small proportion (8.8%) had worked with labor trafficking cases only (Exhibit 3), while the majority (54.4%) had worked with sex trafficking cases only. Some 17.5 percent of respondents had worked on both labor and sex trafficking cases and the remainder (19.3%) were not certain whether the cases with which they had experience involved sex or labor trafficking issues.



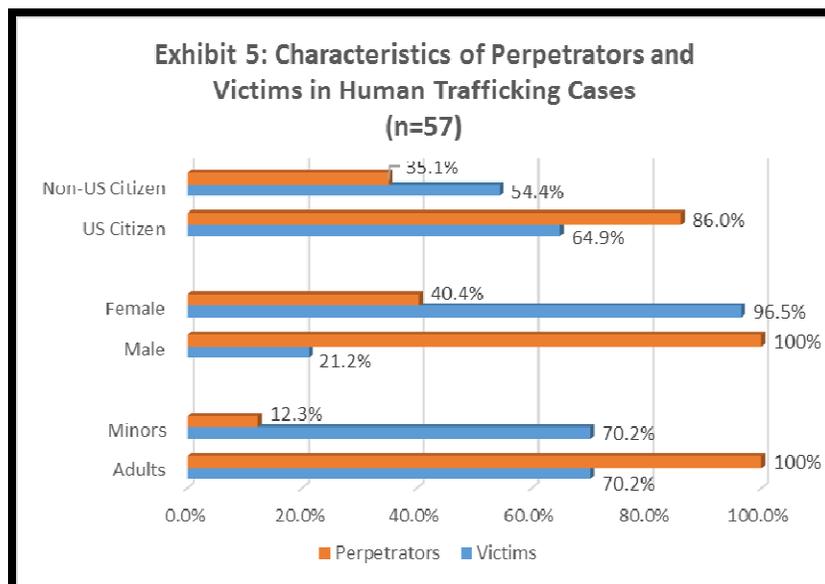
HUMAN TRAFFICKING CASE CHARACTERISTICS

One survey question included a list of characteristics and asked respondents to check those that, based on their experience, they would associate with human trafficking. These characteristics are displayed in Exhibit 4 below.



Among the “other” characteristics respondents associated with human trafficking cases were (1) immigration issues, (2) forced labor, (3) juvenile dependency, and (4) mental health problems. As clearly evidenced in Exhibit 4, there are clearly many case types that come before the court that could involve human trafficking issues.

The survey also asked respondents about the demographics and immigration status of the victims and perpetrators in the cases involving human trafficking issues (Exhibit 5).



Among respondents to these questions, all (100%) reported that the cases involved male, adult perpetrators, although some of the cases also included female perpetrators. Further, 86 percent of respondents said that they knew about cases that involved U.S. citizen perpetrators, and 35.1% knew about cases that involved non-U.S. citizen perpetrators.

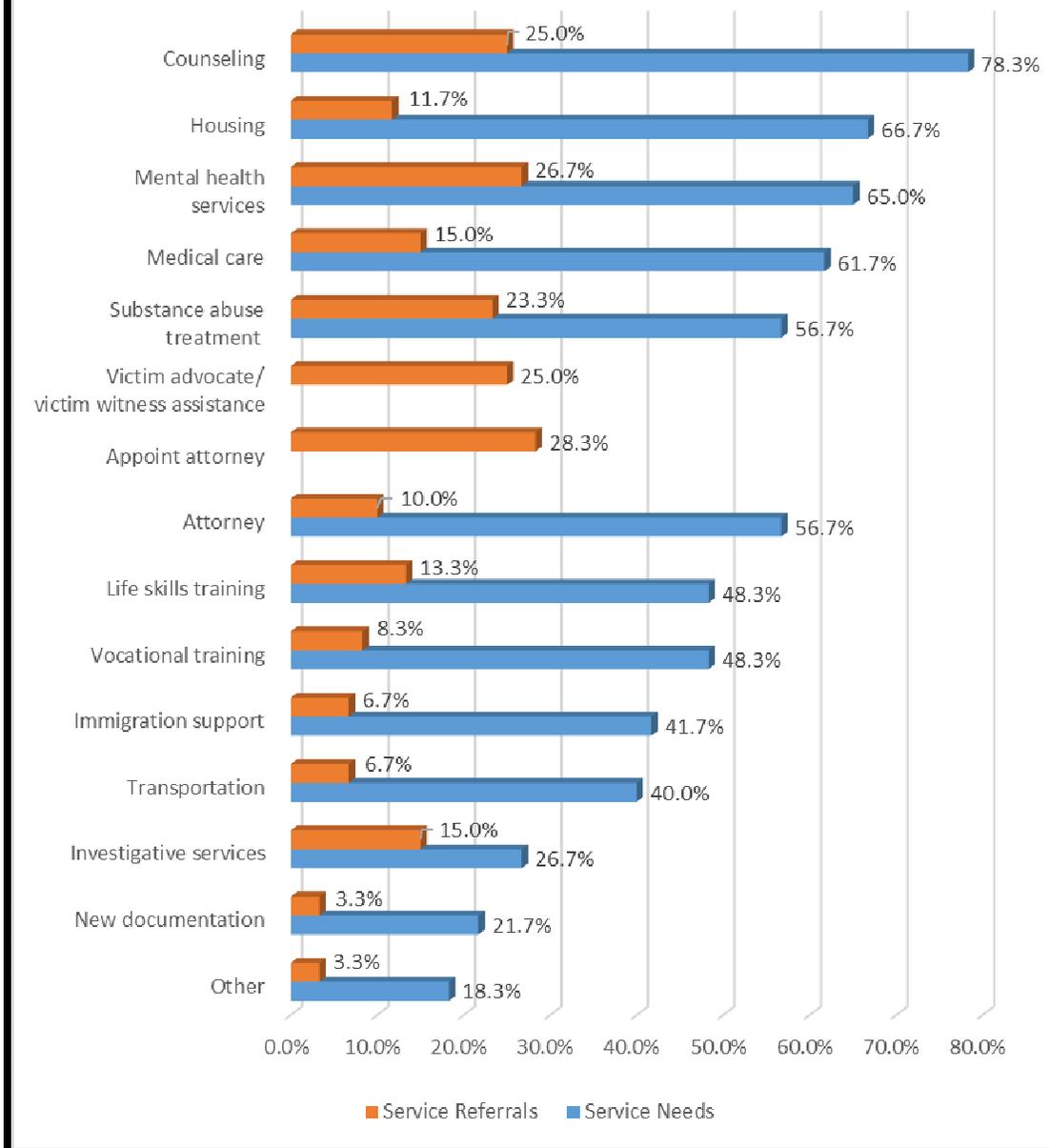
As for victims, 96.5% of the respondents, reported knowing about cases with human trafficking issues involving female victims, while only 21.2 % reported knowing about cases involving male victims. Equal proportions of respondents (70.2%) reported knowing about cases involving minor victims and adult victims. Males were reported to be human trafficking victims much less frequently by respondents (21.2%). Lastly, respondents reported a mix of U.S. and non-U.S. citizens as victims in these cases.

In terms of the actions respondents said they were able to take for victims in the human trafficking cases they experienced, Exhibit 6 shows that 45.5 percent were able to refer victims to legal services, the most frequently mentioned action. About a third of respondents were able to refer victims to support services (32.7%) and 30.1 percent were able to refer the victim to social services. Only about a fifth of respondents (21.8%) reported being able to remove the victim from the trafficker's influence and 30.9 percent of respondents reported not taking any actions regarding the victims. A few respondents mentioned taking other actions, which included, for example, referrals to child welfare and a trafficking/prostitution coordinator. A few respondents also noted that the victims were already receiving social services through probation or foster care.



The survey additionally sought to link what respondents saw as the service needs of human trafficking victims with what was provided. This comparison, shown in Exhibit 7 below, illustrates a large gap between what judicial officers saw as the service needs of victims and what they were able to provide. Of course we do not know whether this reflects the lack of services available in a jurisdiction or the limitations created by the type of case before the court.

Exhibit 7: Service Needs Respondents Observed and Referrals They Made in Human Trafficking Cases (n= 60)

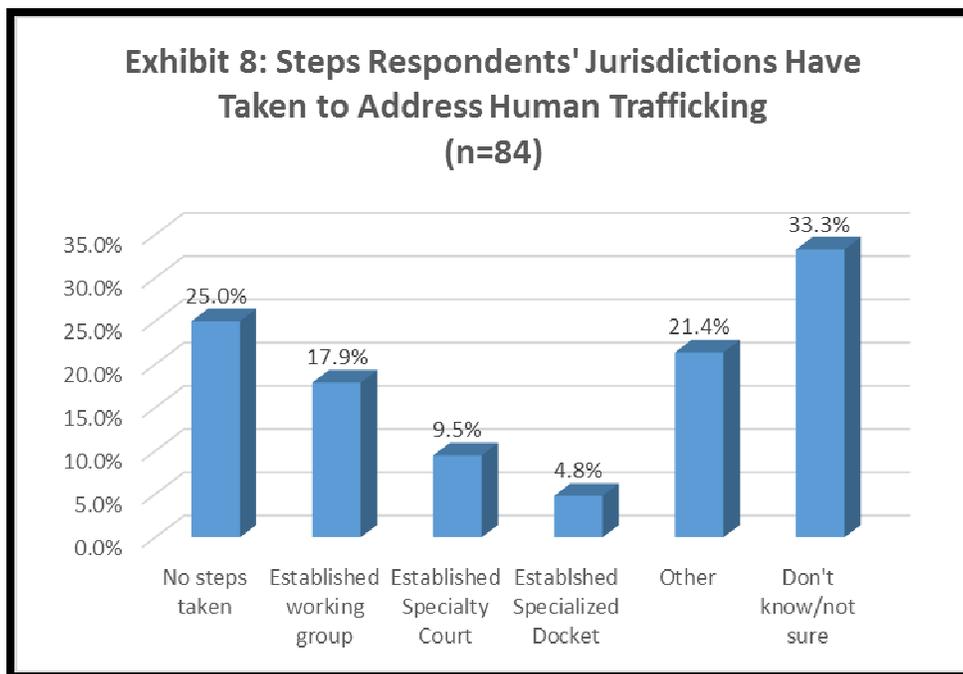


Based on the information in Exhibit 7, the top five service needs of human trafficking victims in the experience of the respondents were (1) counseling, (2) housing, (3) mental health services, (4) medical care, and (5) substance abuse treatment and attorney services (tie). All of these services were mentioned by more than 50 percent of respondents. Among the other services specifically listed in the survey, all of them were checked as service needs by more than a fifth of respondents, partially indicating the complexity of cases involving human trafficking issues and the wide range of litigants in human trafficking cases.

The five service referrals respondents most frequently reported as being able to make were (1) referral to or appointment of an attorney (38.3%), (2) referral to mental health services, (3) referral to counseling (25.0%) or to a victim advocate/witness group (25.0%), and (5) referral to substance abuse treatment services (23.3%).

RESPONSES TO HUMAN TRAFFICKING

A final survey question asked respondents what steps their jurisdictions had taken to handle victims of human trafficking. As shown in Exhibit 8, a third of respondents (33.3%) did not know what steps their jurisdictions had or were taking and another 25.0 percent answered their jurisdiction had not taken any steps to address human trafficking. Of those respondents who checked one of the survey options, the most frequently mentioned action (17.9%) was to establish a working group to define the steps needed.



As noted in the exhibit, however, a fifth of respondents (21.4%) mentioned other things their jurisdictions have done or are doing to address human trafficking. This included judicial training, collaboration with other justice agencies, or actions by the courts' partners in the justice system. A few comments from respondents illustrate the range of activities jurisdictions have initiated to address human trafficking:

- We have established a special police Human Trafficking Unit which is responsible for the safety/support of victims.
- The jurisdiction has established a "protocol" for handling suspected cases, but it is not well developed.
- We have established a Task Force on Commercially Sexually Exploited Children (CSEC), victim-centered, that is training employees of schools, law enforcement, prosecutors and defense attorneys, service providers, hospitals, advocates, probation counselors, Children's Administration, and others to identify CSEC.

- We are just recognizing that there are issues in our area with sex trafficking. The police are better educated than the judges are about this area. I have been requesting more judicial education on this.
- Our state and local women's bar and other bar associations began presenting CLE programs to raise awareness of human trafficking issues and help other judges and lawyers spot the signs.

The comments suggest that there is a wide range of activities taking place in jurisdictions across the nation to address the needs of human trafficking victims. Many of these activities are taking place within the broader justice system and not just within the courts. Moreover, the comments respondents made to this survey indicate they would like to see more cross-agency collaboration in addressing victims' needs and more training about how to identify and address the needs of victims in cases that involve or appear to involve human trafficking issues.