Child Labor Trafficking Identification: Screening and Interviewing Skills Practicum

WELCOME BACK!

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SCREENINGS, ASSESSMENT, INTAKE, INTERVIEW…What is the difference?

IDENTIFYING CHILD LABOR TRAFFICKING

CASE EXERCISES

§1589. Forced labor

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means-

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, ["coercion"]

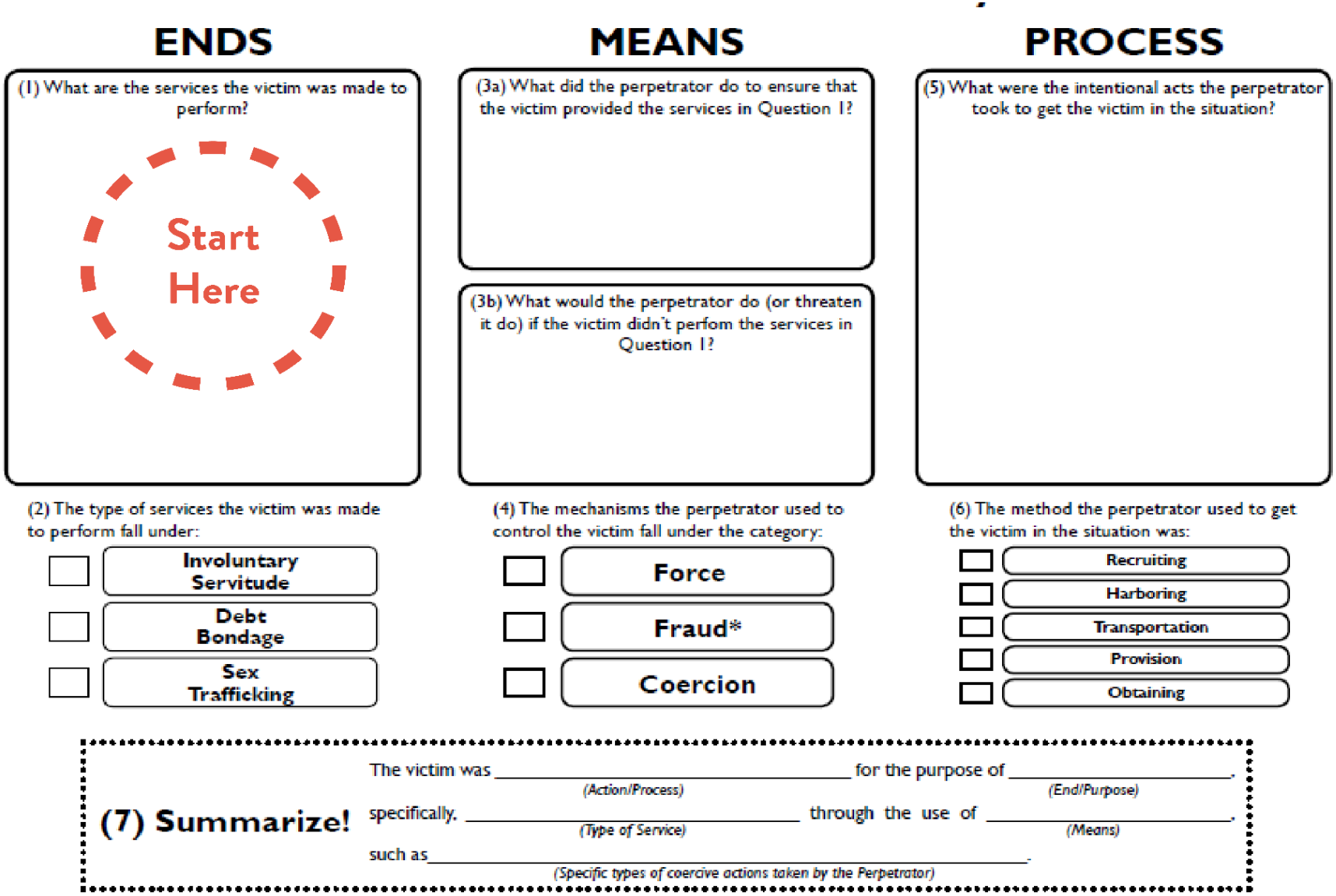
shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.



CAST EMP Model - Retrieved from: https://casttta.nationbuilder.com/emp_model

1. Case Scenario # 1

Sonia is 15 years old and from Guatemala. In 2024, she and her uncle and cousin set off to the US. Life was dangerous in her home own. When they arrived at the border, and crossed, they were apprehended by border patrol. Sonia was immediately separated from her uncle and cousin and was sent to a federal detention center for unaccompanied children. She was in this facility for 6 months, before being released to her uncle. Her uncle and cousin were living in the suburbs of Chicago. Her uncle told her she needed to work off pay the cost of housing her. He found her a job cleaning a nearby hotel, and he told Sonia she would be cleaning during the night shift, which was 6p -4am every day. Sonia did not receive payment for her work, and instead, her uncle "took care of it" and had the money she earned deposited into his bank account. She attended school with her cousin but soon dropped out because she was too tired from her evening work and could not keep up on assignments. Sonia's uncle found another job at a local restaurant for her to work during the day. When she was home, she was expected to also cook and clean.

Question: Does this meet the federal legal definition of human trafficking?

Case Scenario #2

Max is 12 years old when his single mom decides to join a new spiritual group, the Mark of Saints. The Mark of Saints is very strict and requires all of its 200+ members to register with the church and contribute a certain amount of money in annual fees for their salvation. The fees are frequently raised, and individuals and families who cannot pay the fees are encouraged to take jobs with the Mark of Saints to ensure their salvation. Max's mom tells him that he needs to help out around the house more while his mom helps the church/Mark of Saints recruit new members. Max doesn't want to do chores at home and is upset that his mom makes him do this. When he protests, she hits him hard and then locks him in the basement, telling him he needs to tidy up the basement and "learn his lesson" before he can get out.

Question: Does this meet the federal legal definition of human trafficking?

Case scenario # 3

Debbie is 15 years old and living with her parents in Reno, Nevada. Her stepfather is both physically and sexually abusive, and she feels that her mother is powerless. She tries to sleep over at other friends' houses to get away from her own situation as often as she can, but she feels like she's worn out her welcome. She meets Paul, who is 32, at a party with some friends. Paul tells her she is beautiful, smart, and takes her to parties, restaurants, and clubs. He takes her out to dinner and occasionally buys her clothes and gifts. Paul becomes Debbie's boyfriend. He tells her she can help him by working for a friend of his, who has a bar where girls dance. Debbie does it. She doesn't need to sleep with any of the clients, and she loves all the attention and money she is able to make while dancing. She goes shopping once a week, and her friends are jealous about her new clothes and all the attention she is getting from men. Debbie still attends school, and dances at night.

Question: Does this meet the federal legal definition of human trafficking?

INTERVIEWING CHILD TRAFFICKING SURVIVORS: CULTURAL DEVELOPMENTAL, AND TRAUMA-INFORMED INTERVIEWING ("CDT" Model – Not trademarked - yet!)

INTERVIEWING CHILDREN WHO MAY HAVE BEEN TRAFFICKED: CULTURAL CONSIDERATIONS

CULTURAL CONSIDERATIONS

- A caveat:

  No culture is homogenous

- However…

CULTURAL CONSIDERATIONS

- Stigma Surrounding Discussion of Mental Health
  - Stigma may be even greater among those from other cultures than it is among American youth and parents
  - Word choice
    - "Trauma" is often inadvisable
    - Always use words chosen by interviewee
  - Normalization of trafficking as "work"

CULTURAL CONSIDERATIONS

- Familism/Familial Loyalty
  - Reluctance to discuss trauma and trafficking may increase when there is a family element
    - Family may be involved in initiation of trafficking
    - Family may continue to be involved in trafficking process
- Age of Majority
- Concept of Work and Expectations of Economic Contributions to Family

CULTURAL CONSIDERATIONS

- Respect for (non-familial) Authority
  - Youth may be taught to defer to authority
    - Perhaps even more than the truth

OTHER CULTURAL CONSIDERATIONS

- Kinship Terms
  - "Uncle"; "Auntie"
- Affect
  - Eye contact, facial expression
- Working with Interpreters
  - All this hard work may not make it past the translation

INTERVIEWING CHILD TRAFFICKING SURVIVORS: DEVELOPMENTAL CONSIDERATIONS

AGE AND DEVELOPMENT: YOUNG CHILDREN

- Young children/preschoolers: highly dependent on approval from significant adults.
  - Crucial for interviewer to provide empathic attention
- Much more sensitive to contextual cues and perception of adult expectations
  - More vulnerable to suggestion and answering in ways to please adult interviewer
  - More likely to offer reliable information when talking about events that are part of or related to their own interests and everyday experience
  - Saying, "Were you at your house when you were supposed to be at school?" in a stern tone may indicate to a child that the answer should be "no."

AGE AND DEVELOPMENT: YOUNG CHILDREN

Young children/preschoolers:

- Have difficulty with negatives – "*Didn't* she take care of you?"
- Have difficulty with pronouns
- Respond better to concrete examples that ask them to *demonstrate* versus articulate. "Show me where you are hurt" vs. "Tell me about how she hurt you."
- More often define terms in simple, action-oriented ways: "Mother" = "She takes care of me."
- Use words for time, kinship, distance, size, etc. before they understand their meaning: "We left my aunt's house yesterday." (when in fact it was weeks ago)
- Do best with simple sentences – Subject. Verb. Object.
- Won't tell you they don't understand or what that question really means
- May confuse own history with television and/or friends' experiences

AGE AND DEVELOPMENT: 6-10/11 YEAR OLDS

- Vocabulary and communication skills and concepts continue to advance, but…
  - Still may have problems processing complex questions and abstract concepts
  - Continue to make errors with passives, the difference between "ask" and "tell" and pronoun references (the latter is especially true for non-English native speakers)
  - Not mature at organizing detailed narratives in linear fashion
  - Many still believe that adults speak the truth/may be eager to please adults

AGE AND DEVELOPMENT: ADOLESCENTS (11-18)

- May or may not have acquired adult narrative skills, especially if compounded by trauma, educational gaps, unattached/unaccompanied.
- More focused on "here and now" versus time as historical concept
- Reluctant to acknowledge they don't understand, or ask for clarification of a word, phrase, or question

INTERVIEWING CHILD TRAFFICKING SURVIVORS: TRAUMA-INFORMED INTERVIEWING

Trauma and Children – Establishing Trust in the Interview

Employing a “trauma-informed” approach to interviewing a child who is a victim of a crime.

1. Transparency
2. Predictability
3. Client Control
4. Reliability
5. Proactive Support
6. Patience

INTERVIEWING CHILD TRAFFICKING SURVIVORS

TECHNIQUES, TACTICS, AND TIPS

Q: Who is Tim?

A: He's my advocate.

Q: What's an advocate?

A: Someone who prays and has sex with you.

(Baladerian, 1993)

Did you tell your aunt you didn't want to come to the United States after she told you would join your other cousins working at a restaurant in New Jersey? Do you remember what she told when you told her you didn't want to work at the restaurant?

What is wrong with this inquiry?

CLASS EXERCISE

Q: "So, I know this could be something that might be embarrassing to talk about, but, when you were traveling to the United States from Mexico, did you experience any sexual abuse?"

Q: "Is it true that your uncle and aunt have asked you to be a caregiver for your cousins almost every day instead of allowing you to go to school?"

How can you improve upon these questions?

CONTROVERSIAL & SENSITIVE TOPICS

- What do I do if the child doesn't want to talk about their abuse?
- What do I do if the child is protecting their trafficker?
- What do I do if the child doesn't want to talk about their exploitation?
- What do I do if I feel that the child is too distraught or incapable of participating in an interview?

INTERVIEW TACTICS

- Rapport building in a limited period of time
- Explaining roles/responsibilities – what information is confidential? What will be shared?
- Framing and stating WHY you're asking particular question
- Simple, short questions and statements
  - Non-leading, trauma, developmentally and culturally informed - HUMILITY
- Be comfortable with silence
- Distinguishing between essential facts/information vs. what you want to know – we ALL make this mistake.
- Empowerment through choices – identify some examples/tactics

INTERVIEW EXERCISE

1. Review the case brief
2. Consider your roles
3. Strategize your questions
4. Reality check – 20 minutes!!!! What?!?
5. Judges role-playing Adriana
6. KKW – “floater”

RESOURCES

Six Principals for Questioning Children, Anne Graffam Walker, December 2014, American Bar Association, available at https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-33/december-2014/six-principles-for-questioning-children/

Handbook On Questioning Children: A Linguistic Perspective (Book)
By Anne G Walker and Julie Kenniston. New edition applies linguistics to the critical task of communicating accurately with children in the legal system. Pertains to forensic interviewing, testifying, and questioning. Available at https://www.americanbar.org/products/inv/book/213559/

Child Development and Child Interviewing Techniques 101 (Presentation) December 13, 2017 Brandon Roché, Senior Staff Attorney, Children's Immigration Law Academy. Available at https://www.cilacademy.org/wp-content/uploads/2018/03/CILA-Child-Development-101.pdf
-Note: this presentation has a rich list of resources in last slides.

RESOURCES

A Practical Guide to Interviewing Potential Human Trafficking Victims
Researchers identified and described best practices for law enforcement interviewing of trafficking victims, based on the literature. Nov, 2024
Available at: https://nij.ojp.gov/topics/articles/practical-guide-interviewing-potential-human-trafficking-victims

Overcoming Disclosure Reluctance in Youth Victims of Sex Trafficking: New Directions for Research, Policy, and Practice, Lavoie J, Dickerson KL, Redlich AD, Quas JA.. Psychol Public Policy Law. 2019 Nov;25(4):225-238. doi: 10.1037/law0000205. Epub 2019 Jul 25. PMID: 32103880; PMCID: PMC7043240.Available at https://pmc.ncbi.nlm.nih.gov/articles/PMC7043240/