

# Trafficking in Indian Country Part 2

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August 28, 2014



# Objective Review

## Trafficking in Tribal Country Part 1

- Developed a knowledge of the cultural considerations when working in Indian Country
- Developed a knowledge of jurisdictional considerations for working in Indian Country
- Developed a knowledge of some of the barriers when addressing crimes in Indian Country
- Identified generational trauma as a major contributor to Native American Communities' extremely high rates of poverty, depression, substance abuse, child abuse, and violent victimization

# Performance Objectives

Participants will be able to:

- Learn the importance of identifying the trafficker and reasons why they prey on Native American women and children.
- Recognize the unique challenges and barriers of trafficking cases in Indian Country.
- Understand the victim-centered approach during the investigation.

# Sex Trafficking in the United States

- Approximately 300,000 children are at risk of being prostituted in the U.S. (U.S. Department of Justice, 2010)
- 1 in 3 teens on the street will be lured toward prostitution within 48 hours of leaving home (National Runaway Hotline)
- The average age of entry into prostitution for a child victim in the U.S. is 13-14 years old (U.S. Department of Justice, 2010)
- A pimp can make up to \$200,000 per child each year and the average pimp has 4 to 6 girls (National Center for Missing and Exploited Children)
- Fewer than 100 beds are available in the U.S. for underage victims (Health and Human Services)

# Sex Trafficking Defined

- Form of modern-day slavery
- Recruiting, enticing, harboring, transporting, providing or obtaining either:
  - An adult for commercial sex by force, fraud or coercion
  - A juvenile for commercial sex, regardless of means
- Sex trafficking is considered a “hidden crime” as it is perpetrated in alleys, massage parlors, pornography production houses, etc....

# Debbie's Story



# Debbie's Story

- 15 year old Debbie is the middle child of a close-knit Air Force family and a straight “A” student
- One day Debbie's friend Bianca drove up to her house in a Cadillac with two older men
- As Debbie gave Bianca a hug, Bianca pushed Debbie into the car
- Debbie was tied up and tape was placed over her mouth and eyes
- She was driven around the streets of Phoenix for hours, and taken to an apartment which was 25 miles from her home
- Debbie was threatened with a gun and dragged to a room where other men arrived and she was gang raped
- After a sleepless night, she was talked to about prostitution and forced again to have sex

# Debbie's Story

- Debbie was taken to an apartment where she was placed in a dog kennel for several days
- An ad went on Craigslist and shortly after the ad ran, men began arriving at the apartment demanding sex from her
- Debbie was told by her captors they would “go” after her family
- She felt as though she had no other choice so she complied
- Debbie was forced to have sex with at least 50 men and was held captive at gunpoint and kept in a dog cage for more than 40 days
- Police located the apartment through “tips” and found Debbie who was tied up and crushed into a drawer under a bed



# Debbie's Story

- Phoenix Police along with FBI's Innocence Loss Initiative aided in the capture of Debbie's traffickers
- Debbie was reunited with her family
- The captors were charged with kidnapping and sexual assault
- Debbie's family put their home up for sale and moved away from Phoenix



# Native American Statistics

- The selling of indigenous women and children for sexual purposes has been an ongoing practice since the colonial era
- 96% of Native American Women respondents who had been a victim of rape or sexual assault experienced other physical abuse as well (Journal of National Center 2008)
- During a physical assault, Native American Women were more likely to be injured than women of all other groups and more of these injuries needed medical care (U.S. Department of Justice 2008)
- Most Native American women will not report because of belief that nothing will be done (Maze of Injustice: Amnesty International 2007)

# Susan's Story



# Susan's Story

- Susan is a Native American girl from a tribe in Canada
- Susan's parents were married until she was about 6 years old
- Her mother was an alcoholic and her father is diagnosed with schizophrenia
- One day the family woke up and her mother was gone, Susan did not see her again until she was 10 years old
- Susan's mother was part of a program which took Native Children away from their families to be raised by non-natives
- She remembers her dad being a good dad, who sent her to a private Christian School to learn a trade of some sort

# Susan's Story

- As her father aged, his health worsened
- Susan's maternal grandmother had 12 children and 11 were taken away
- Susan was the only Native American in her school, her friends lived in mansions and she lived what she described as a shack
- She felt as though she did not belong and was expelled
- Susan was sent to public school and the kids there appeared to be bad influences
- Susan met up with her mother again who was still drinking and it became easy to steal beer and money from her

# Susan's Story

- Susan gained lot of freedom to do as she pleased
- The summer she turned 13, she started going to house parties
- Susan and her friends soon met Jay who was about 26 years old and took them to a woman's house where they could live
- One day Jay told the girls "I can auction off your virginity, and you can bring me lots of money"
- Susan told Jay "no" and he beat her, so she partied with the woman that owned the house, she got drunk and let the woman's son have sex with her

# Susan's Story

- The next day she started working for Jay
- The woman dressed her up in a short skirt and did her make-up, her long hair was placed in a ponytail on top of her head
- Jay dropped the girls off at a street corner
- Susan remembers telling her friend “no one is going to pick us up we look like little girls” and just two minutes later a car drove up
- The first night she made \$180.00, even after Jay took his cut, this was the most money Susan had ever had in her pocket
- Soon Jay was not giving her any money

# Susan's Story

- Susan began to keep her own “trick list” and she broke loose
- She made a deal with the woman that owned the house that she would pay her rent in exchange for living there
- Jay ended up getting HIV/AIDS so she went solo
- During this time Susan went missing twice out of state, both times no one knew she was missing
- Susan's family was AWOL and no posters existed
- Susan was on the streets for two years when she found a program that sent her back to school



# Vulnerability

- Today, many Native American women and girls who are trafficked into prostitution are runaways from a home as a result of abuse, neglect, substance abuse, or lack of opportunity on impoverished reservations
- Traffickers deliberately target homeless and or poverty-impacted Native American women and children who are desperate to meet their survival needs for what is known as “survival sex”
- Traffickers specifically target Native American girls because they feel that they’re versatile and can be posted online as Hawaiian and Asian

# Vulnerability

- Most Native American women enter prostitution as minors as young as 12 years old
  - According to federal law, prostituted persons under the age of 18 are automatically considered sex trafficking victims
- Native American women and girls trafficked into prostitution may have previously experienced some sort of sexual or physical abuse
- History of family and personal drug and alcohol abuse

# Historical Trauma

- Trafficking is not part of traditional native culture- traditional native ways view women as sacred
- Native women believe colonization introduced prostitution to this country as they were forced to trade sex for food for their children
- The boarding school era of abuse took a toll on native people. This disconnect between native and non-native is the reason it is sometimes difficult to work together
- Native children still represent the highest numbers of children in foster care placement (US Department of Justice)

# TODAY

- Tribes are familiar with sexual assault/DV programs in place; however, most tribal members and law enforcement have limited knowledge of sex trafficking
- Native women are the only group who are predominately assaulted by men outside their race
- Research/statistics on trafficking with regard to Native American women is scarce
- Native women of all ages continue to tell their stories of how they were brought from tribal communities to urban areas
- Often involves crossing state lines (tribes) for the Native American victim

# Understanding Grooming



# Initial Recruitment Behavior

- Most perpetrators are non-native
- The trafficker/pimp will use his smooth subtleness by approaching young girls at house parties on reservations or at pow-wows and manipulate their victims beginning with an initial period of false love and affection, “boyfriend”
- For many young native girls it’s the first time there is a strong male present in their lives
- Sensitive to emotional state/Create “special” relationship
  - “Your family doesn’t care about you, I can be your family”*
  - “We can build this business together and make a lot of money”*

# Initial Recruitment Behavior

- The victim is encouraged to stay away from home, eventually leading to her not returning home or to her community at all
- This initial period is critical to attaining long-term mind control targeting minors “youthful appearance”
  - ◆ Warmth, gifts, compliments, and sexual and physical intimacy
  - ◆ Elaborate promises of a better life, fast money, and future luxuries
  - ◆ Purposeful and pre-meditated targeting of vulnerability (e.g. runaway/throwaway status)

# Seasoning Behavior

- Once isolated from all sources of support, the trafficker will “break down” the victim
- Traffickers aim to achieve complete control over the victim’s identity involving force, fraud, and coercion- using “guerilla” methods
  - Beating, slapping, whipping
  - Sexual assaults
  - Gang rapes
  - Threats to harm or kill family members
  - Emotional abuse-verbal insults
  - A great amount of shame



# Seasoning Behavior

- Boiled down to its very essence, MONEY is often times the primary motivating factor driving a “pimp’s” behavior
  - Rent money “just one time”
  - Owe me money for staying with me
- In urban areas, women/girls under the pimps control are being sent to recruit native girls at parties, youth programs, and relative’s homes

# The Legal System



# Gaps in Legal Protections

- According to Federal Law, sexually trafficked minors are automatically considered victims, but trafficked adults are required to prove that the trafficker used force, fraud, or coercion to become eligible for victim services
- The U.S. Law also requires the victim to assist with prosecution of the trafficker “in every reasonable way”
- Successful prosecutions become difficult because defense will use evidence to demonstrate a victim’s “voluntary participation”

# Gaps in Legal Protections

- Some states have passed state laws criminalizing sex trafficking but each have their own set of criteria identifying victimization
  - In the state of Arizona if you do not know the age of the victim was 15,16, or 17 - the penalties are not as severe
  - AZ Attorney General's office is pushing for tougher laws and more victim services before the Super Bowl in 2015
  - The ultimate goal for Arizona is to go hard after the trafficker and also work with the victims
  - FBI's "Operation Cross Country" descended on AZ truck stops, prostitution spots, and casinos in the Phoenix, Tucson, Yuma, Mesa and Chandler areas
  - Recovered 5 children, and 52 adults



# Trafficking Victim's Protection Act

- Passed in 2000 and reauthorized in 2003, 2005, 2008 and 2010
- Intended to change the structure of U.S. anti-trafficking efforts at home and abroad
- The Act classified a “victim-centered” approach expanding criminal statutes, increasing criminal penalties, and creating victim assistance programs
- Establishes a 3 prong approach: prosecution, protection, and prevention
- VAWA covers DV, sex assault, and stalking not sex trafficking
- At this time no Tribe has a statute criminalizing sex trafficking

# The Investigation



# Hypothetical

- A patrol officer pulls over a van on a traffic stop on the reservation
- The officer observes the van is occupied by young women who appear to be afraid of the driver
- How would you characterize this situation?
- Who would you report the situation to?



# The Tribal Officer

- Patrol is unique to the type of community every reservation is different
- They are overworked with little manpower and low pay
- Everyone knows everyone so noticing is easy
- They see signs: men who stuff girls into a car, girls on the casino security cameras moving from room to room, strippers who come from out of town to dance at parties, girls who come to school with new iPods, jewelry
- They see the native girls who are leaving bars with different men different times... but it doesn't prove anything
- Crimes committed on tribal land are often low priority for deputies and sheriffs



# Jurisdiction Barriers

- Investigations of sex trafficking involving Tribal reservations are complicated due to jurisdictional issues
- There is a lack of coordinated efforts with the multiple surrounding jurisdictions
- Federal government has jurisdiction over all major crimes
- PL 280 mandates transfer of criminal jurisdiction on Tribal lands to state governments
- This complexity has tremendous impact on effective identification of native victims
- Jurisdiction related prosecutorial failures



# Jurisdiction Case Scenario

# Jurisdiction Case Scenario

- While on patrol a Tribal police officer locates a young girl on the side of the road, the child is all of 16 years old and she is non-Indian and not a member of the Tribe
- The child tells the officer she has been raped
- The Tribal officer completes a pre-interview to determine if defendant was Indian, she advises he was
- The officer then proceeds to take her to the police station on the reservation where she can be interviewed by an investigator

# Jurisdiction Case Scenario

- While in the interview with the investigator, the victim states she is a runaway and met an acquaintance who lived on the reservation
- On this night she was at a bar in town and a subject bought her drinks then took her to his camper, where she saw several men and women engaging in sex
- At this point one of the men forced himself on her and raped her
- The investigator clarified and asked the victim if any of the men who raped her were Indian
- The victim answered “no”

# Why does this matter?

- If the girl's rapist was an enrolled member of the Native American tribe, the investigator has every right to continue
- As the victim struggles through her interview and recalls her story the men who raped her are white and Hispanic
- The right to investigate and prosecute now belongs to the state
- The victim is now taken off the reservation and the county deputy is called to take over

# Law Enforcement Failures

- There is a failure to identify sex trafficking victims
- Most Native American victims do not view themselves as victims thus making encounters with law enforcement often negative and hostile
- Native victims report that law enforcement and prosecutors are often quick to stereotype them as alcoholics and question their credibility (HHS 2008)
- The cultural norm of not looking elders in the eye raises suspicion
- Lack of resources, tribal law enforcement officers, and BIA personnel dedicated to investigating trafficking
- Lack of tracking of statistics
- FBI response times

# Indicators of Risk

- Continuous runaways
- Homelessness
- Prior Sexual Abuse/foster care/ICWA
- Gang involvement
- Withdrawal from family and friends
- Involvement with drug/alcohol abuse
- Deterioration of performance in school
- Unexplained possession of gifts and money
- Secrecy concerning whereabouts

# Victim–Centered Investigation

- No longer criminal
- Recognize that victims of sex trafficking are often traumatized
- Native American victims are likely experiencing serious physical and psychological harms
- Other sources of aid must be rendered to these victims to gain trust in order to obtain useful evidence
- Customary approaches for intervention often are not effective in creating trust as these victims do not perceive themselves as victims
- Disturbingly, native girls are trafficked by their friends and family who have been prosecuted themselves



# Effective Approach

- First responders and service providers should listen and be genuine
- Build a rapport
- Provide appropriate referrals that are comfortable for the victim
- Allow the victim to disclose involvement when they are ready
- Be patient
- Try to utilize peer outreach workers for juveniles if possible
- Language – “Street Jargon”
- Have some understanding of the victim’s Tribal community
- Do not lose sight of the victim-centered approach
- Different dynamic than that of a forensic interview

# Venues



# Sex Trafficking Venues

- Residential Brothels
- Girls commonly may see as many as 4 men per hour (every 15 minutes) totaling 48 men in a given 12 hour day
- Usually “closed networks”



# Sex Trafficking Venues

- Strip Clubs
- Found in dramatically high numbers near tribal reservations
- Club managers in these areas will often pass dancers on to pimps
- During hunting and fishing seasons



STR, AFP/Getty Images



# Sex Trafficking Venues

- Escort Services
- Pimps will typically arrange appointments, and monitor the escort taking the earnings

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# Sex Trafficking Venues

- Ships
- Harbors are listed as a site for the trafficking of Native women from northern reservations
- People assume that trafficking always places victims across international borders
- Canada indigenous women are trafficked across the US border



# Sex Trafficking Venues

- Fake Massage Businesses

Mostly adult women who are offered legal jobs then forced into prostitution



# Sex Trafficking Venues

- Street Prostitution
- Young girls are expected to earn a nightly quota, usually ranging from \$500-\$1000 or more which is provided to the Pimp  
(Polaris Project)
- Native American Girls are taken from their tribal community and forced into urban areas,





# Sex Trafficking Venues

- On-line Sites
- Websites solicit sex
- Native American girls are versatile and they can post them as an exotic ethnicity
- Gangs are now utilizing sites



# Sex Trafficking Venues

- Casinos located on Tribal Land
- The Casino atmosphere may attract sex trafficking more than some other places
- The culture of gambling and drinking can lead itself to criminal activity
- Truck Stops – Interstate 5 that runs from Los Angeles to British Colombia, during the 2010 Olympics
- “Lot Lizards”



# Sex Trafficking Venues

- Man Camps- Oil Fields of Montana, North and South Dakota
- Girls trafficked starting at age 12
- Native girls are sold for \$20
- Doubling and Tripling numbers of sexual assaults, DV, and Sex Trafficking
- Lack of monitoring and registration of Sex Offenders



# Recommendations

- Appropriate training is important given the unique dynamics of these types of cases
- Multi-jurisdictional Training for all providers and surrounding police agencies
- Training for Tribal police officers, investigators, and prosecutors
- Native leaders must take initiative in raising awareness
- Culturally specific legal and victim services incorporating traditional counseling services need to be created
- Financial support is crucial
- Housing for the Native American trafficked victim- shelter providers are not trained to serve this population

# Story Review

## Debbie

- Close knit family
- Good student
- Straight A
- Kidnapped force raped by gang
- Friend assisted
- Parents reported
- Had sex with 50 men

## Susan

- Broken family
- Only NA at her private school
- Expelled from Private school
- At 13 went to 1<sup>st</sup> house party
- Friend assisted
- Met pimp, 1<sup>st</sup> “John”
- Walking streets

# Story Review

## Debbie

- FBI Involved
- Family involved
- 40 days in captivity
- Moved away with family

## Susan

- No police involvement
- Went missing twice out of state
- two years
- Found a program



# Remember...

- Native American families will not admit their daughter is in a sex trade
- There are so many reasons why Native American victims do not come forward
- A lot of Native American women will continue to suffer silence due to judgment of others...
- Despite the many obstacles, it is possible for tribal and state systems to work together effectively for the benefit of victims and communities



Valerie Bribiescas and daughter Shauna  
*Thank you*





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