

# TRIBAL AND TRAFFICKING Webinar Series





MECP supports state and local law enforcement officers, child protection personnel, prosecutors, medical providers, child advocacy center professionals, and other criminal justice practitioners in developing and strengthening their responses to child victimization.

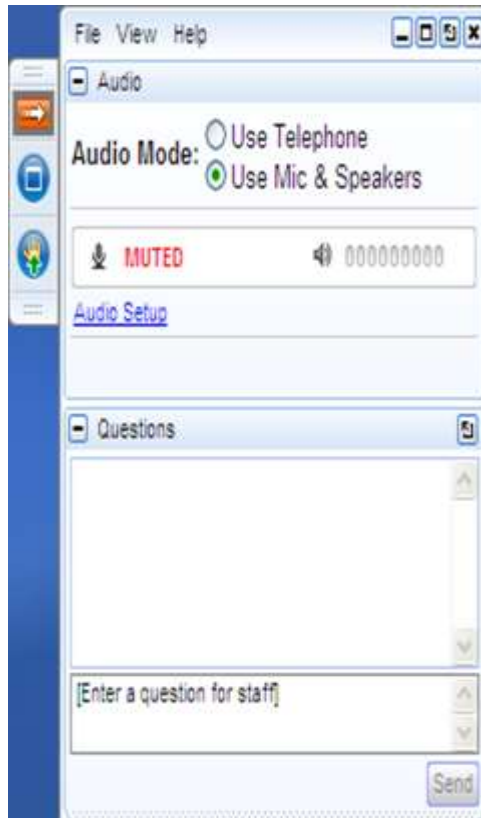
mecptaining@fvtc.edu  
[www.mecptraining.org](http://www.mecptraining.org)  
[www.ncjtc.org/MECP](http://www.ncjtc.org/MECP)  
1-888-347-5610



The mission of the AMBER Alert Training and Technical Assistance Program is to safely recover missing, endangered, or abducted children through the coordinated efforts of law enforcement, media, transportation, and other partners by using training and technology to enhance response capacities and capabilities and increase public participation.

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# Webinar Housekeeping



## **Audio Support:**

- Use Telephone or Mic & Speakers
- Check 'Audio Setup' for problems
- All callers will be on mute throughout the webinar

## **To ask a Question:**

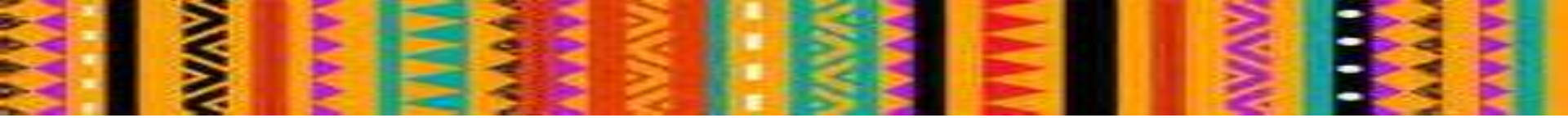
- Type a question in the box; click Send
- Questions will be addressed during the Q & A portion of the webinar

# TRIBAL AND TRAFFICKING: CHILD VICTIMS



**PRESENTER:**

**Dianne Barker Harrold, Attorney and Indian Country Consultant**



## **STATISTICAL OVERVIEW-National Indian Child Welfare Association**

### **Problems Facing American Indian Children and Families**

Today, 5.2 million American Indians and Alaska Natives (AI/AN) live in the United States—making up 1.7 percent of the total population.

The AI/AN population is young, with 31.6 percent under the age of 18, compared with 24 percent of the total population (SOURCE: 2010, Census). There are alarming statistics on AI/AN youth in almost every risk area. Native youth are very vulnerable to victimization.

American Indian/Alaska Natives have the highest rate of poverty of any other racial group in the nation. (SOURCE: U.S. Department of Commerce).



# **Native Children: Trauma and Its Effects<sup>1</sup>**

## ***What is Trauma?***

**Trauma is defined as “an event, or series of events, that causes moderate to severe stress reactions. Traumatic events are characterized by a sense of horror, helplessness, serious injury, or the threat of serious injury or death...affecting those who suffer injuries or loss.”**

- ☀ Compared to their non-Indian peers, AI/AN children are 2.5 times more likely to experience trauma.**
- ☀ AI/AN children experience a rate of child abuse and neglect of 11.4 per 1,000 children, compared to the rate for all children of 9.1 per 1,000.**
- ☀ Alcohol abuse, related to child abuse and neglect, is more likely to be reported for AI/AN families.**
- ☀ Violence is more likely to be reported among AI/AN families, both as an element of abuse and/or neglect and in general.**
- ☀ Adult AI/AN men are incarcerated at a rate of 1,571.2 per 100,000, compared to 981.1 of all men, making it more likely that AI/AN youth live with the trauma of having an incarcerated parent.**

<sup>1</sup>Trauma-Informed Care-Fact Sheet-National Indian Child Welfare Association-April 2014




## **REPORTING CHILD ABUSE IN INDIAN COUNTRY**

**FEDERAL CODES:**

**18 U.S.C §1196**

**TITLE 25-INDIANS, CHAPTER 34, Sections 3201-3210**

**INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION**

- 1. MANDATORY REPORTING OF CHILD ABUSE -personnel with knowledge or reasonable suspicion that a child was abused in Indian Country or that actions are being taken or will be taken that would reasonable be expected to result in the abuse of a child, must immediately report such abuse or action to the local child protective services or local law enforcement.**
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## **TRAFFICKING AND STRENGTHENING FAMILIES ACT OF 2014 (House Resolution 2980)**

This legislation is not specific to tribal areas; however, it is focused on state child welfare agencies and Federal Health and Human Services Agency (HHS) but could apply to some tribes who are in Public Law 280 states.


Main provision of this Act are as follows:

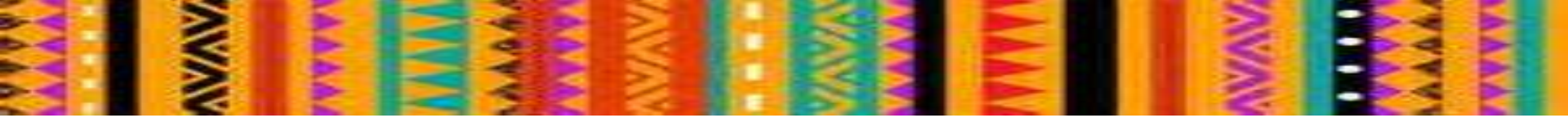
- A. Identifying and Protecting Children and Youth who are victims or at risk of sex Trafficking which includes collecting data.
- B. Improving Opportunities for Children in Foster Care and Supporting Permanency
- C. Establishment of a National Advisory Committee on sex trafficking of children and youth in the United States.
- D. Improvement of adoption incentives and Extending Family Connection Grants  
Protecting Children and Youth at Risk of Sex Trafficking

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## MANDATED REPORTERS


**Federal Law requires that the following personnel report abuse:**

- ✿ **HEALTH CARE PROFESSIONALS** which includes physicians, surgeons, dentists and dental hygienists, chiropractors, nurses, optometrists, medical examiners, emergency medical technicians, paramedics, etc.
  - ✿ **EDUCATION PERSONNEL** which includes teachers, school counselors, teachers aids and assistants, school bus drivers, school administration, supervisors of child welfare, truancy officials.
  - ✿ **CHILD CARE PERSONNEL** such as child day care workers and day care facility workers, Headstart teachers, public assistance workers, residential home workers, and social workers.
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- 🐾 **MENTAL HEALTH PERSONNEL** which includes psychiatrists, psychologists, psychological assistants, and marriage, family and child counselors.
  - 🐾 **LAW ENFORCEMENT PERSONNEL** which includes law enforcement officers, probation officers, juvenile rehabilitation or detention facility workers, and employees of public agencies responsible for enforcing statutes and judicial orders.

**FAILURE TO REPORT CHILD ABUSE IS A CRIME**

**Failure to immediately report the abuse of a child in Indian Country or actions being taken or that would reasonably be expected to result in abuse of a child in Indian Country to local child protective services or local law enforcement is a Federal Crime.**





## **INTERFERENCE WITH A REPORT OF CHILD ABUSE IS A CRIME**

**It is a federal crime for any supervisor or person in authority to hinder or prevent a mandated reporter from making a report that a child was abused in Indian Country or actions being taken or will be taken that would reasonably be expected to result in the abuse of a child in Indian Country.**

## **IMMUNITY FROM LIABILITY AND CONFIDENTIALITY**

**Any mandated reporter who reports, in good faith, the abuse of a child based upon their reasonable knowledge and belief is immune from civil or criminal liability for making the report. The identity of any person making the report will not be disclosed with the consent of the reporter. Although a tribal, state or federal investigative or social services agency may have to provide the information to a court or other agency as needed to move forward with prosecution or investigations.**



## **ISSUES IN INDIAN COUNTRY**

- ☛ **Lack of services such as minimal law enforcement or no child welfare services**
- ☛ **Lack of knowledge and understanding about child abuse and trafficking**
- ☛ **Lack of knowledge about mandatory reporting**
- ☛ **No tribal code which addresses child abuse or trafficking**
- ☛ **Generational Trauma**
- ☛ **Reasons some people don't report:**
  - 1. Shocked or frightened by what they see or hear**
  - 2. Some doubt themselves and feel they are overreacting**
  - 3. "It's not my child so it's none of my business."**
  - 4. "If I make a report I won't be able to remain anonymous."**
  - 5. Some think that only professionals can handle these issues**
  - 6. Fear of retaliation or intimidation by the offender**



## **INDIAN COUNTRY JURISDICTION ISSUES**

**Whether it is child abuse or human trafficking, jurisdictional issues can cause problems and possibly impact how offenders are prosecuted and providing justice and relief to victims.**

- \*Public Law 280 States**

- \*Checkerboard jurisdictions**

- \*Federal, state and tribal jurisdictions**

- \*Federal, state, and tribal law enforcement, prosecutors, and victim services and wide variation of their roles**

- \*Federal, state and tribal collaborations**





## **Tribal Jurisdiction of non-Native Offenders on Tribal Lands**

**Tribes do not have jurisdiction over non-Native Offenders on tribal lands.**

**Violence Against Women Reauthorization Act of 2013 included some limited tribal jurisdiction against non-Native perpetrators of domestic violence. <sup>2</sup>**

**Crimes that are covered under VAWA 2013 are domestic Violence, dating violence and criminal violations of protection orders.**

**Crimes that are not covered are those committed outside of Indian Country, Crimes between two non-Indians; crimes committed by a person who lacks sufficient ties to the tribe such as living or working on its reservation and child abuse or elder abuse that does not involve the violation of a protective order.**

# AS TRAFFICKING CONTINUES TO INCREASE-STATES ARE BEGINNING TO RECOGNIZE THE NEED TO PASS LAWS IN ADDITION TO FEDERAL TRAFFICKING LAWS<sup>5</sup>



# HUMAN TRAFFICKING

**FACT:**

Human Trafficking is the fastest growing criminal industry in the world, second only to the Drug Trade.

**NOT FOR SALE!!!!**






## **HUMAN TRAFFICKING**

**Human trafficking is a form of modern day slavery. Laws against human trafficking are generally divided into two categories, labor trafficking and sex trafficking.**

**Federal Human Trafficking laws related to slavery, involuntary servitude, forced labor, etc., are found at Title 18 United States Code Sections 1581-1590.**

**Sex Trafficking of Children or by Force, Fraud or Coercion is 18 USC 1591. Section 1591 criminalizes sex trafficking which is defined as causing a person to engage in a commercial sex act under certain statutorily enumerated conditions. A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. The specific conditions are the use of force, fraud or coercion or conduct involving persons under the age of 18. The punishment for conduct that either involves a victim who is under the age of 14 or involves force, fraud or coercion is any term of years of life. The punishment for conduct that involves a victim between the ages of 14 and 18 is 40 years.**





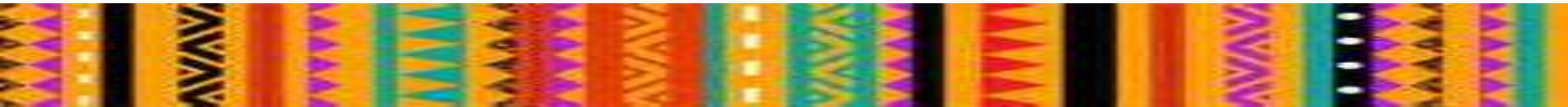
# **HUMAN TRAFFICKING**

**Child Trafficking includes many different activities:**

- \*Buying and selling babies or little children**
- \*Kidnapping children to sell them**
- \*Sex trafficking/Sexual Exploitation**
- \*Adolescent/Teenagers are often trafficked for slavery/labor trafficking as well as sex trafficking**

**According to the US Department of Justice and FBI, at least 300,000 youth in the United States are at risk of being trafficked. The average age of sex trafficking victims when they are first sold is between 11 and 14 years.**

**A misconception is that many believe human trafficking is mainly a foreign issue but the truth is Human Trafficking happens in the United States, as well as in foreign countries and sometimes trafficking victims are taken out of the United States to foreign countries.**





## **PHYSICAL AND MENTAL CONSEQUENCES OF SEX TRAFFICKING<sup>3</sup>**

**Sex trafficking is a complex problem because the victims experience both physical and psychological harm. The traffickers use physical violence as a way to dominate and control their victims. Some of the tactics they employ include starvation, beatings, rape, and gang rape. Also, the traffickers are not the only ones to perpetrate violence. Victims also experience violence and harm from the people who are purchasing the sex acts, also known as “johns”. These violent acts pose numerous health risks for victims. They might experience broken bones, concussions, burns, or brain injury.**

**Understanding the physical and psychological harm that sex trafficking inflicts will help in providing the care and support that the victims so desperately need.**



**Beyond the physical effects for sex trafficking, many victims experience psychological and various mental health effects <sup>4</sup>**

**Post-Traumatic Stress Disorder (PTSD)**

**Depression**

**Disconnection from feelings and flat affect**

**Anxiety disorders**

**Self-blame**

**Hopelessness, helplessness**

**Nightmares – dreams of rapes, sexual assaults, physical abuse**

**Anger and anger management issues**

**Suicidal ideation and attempts**

**Paranoia**

**Stockholm Syndrome**

**Spiritual disruption**

**Self-care issues**

**Sleeping issues**

**Dissociative disorders**

**(conditions that involve disruptions or breakdowns of memory, awareness, identity or perceptions, generally caused by psychological trauma)**

## CULTURALLY APPROPRIATE SERVICES

### Definition Of Culture

Culture is the learned and shared knowledge, beliefs, traditions, and customs used to interpret experiences and to generate what is considered to be appropriate behavior





Cultural competency is necessary for effective crime victim services

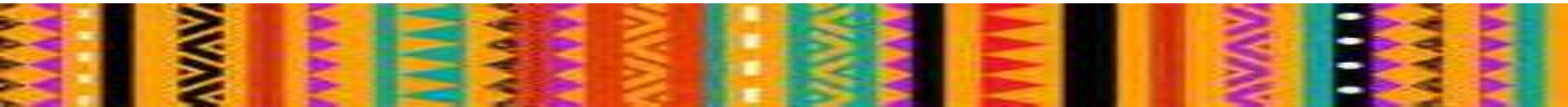
Every service delivery encounter is cross-cultural

Diversity of Tribes-no 2 are alike-no cookie cutter approach

Service Providers should develop and maintain cultural humility

Victims need our understanding, support and **respect**

Culturally appropriate services to those in need will assist in healing, as all crime victims need to heal and move forward in their lives





# **TRIBAL CULTURE**

**Singing, dancing, drumming and music**

**Healing Ceremonies**

**Healing in the Arts**

**Spiritual Healers**





**Sweat Lodge** is a dome shaped tent and is used for ritual healing, cleansing and purification by means of steam produced by pouring water over hot stones.

**Smudging** is a cleansing ceremony which removes any bad feelings, negative thoughts, bad spirits or negative energy. Smoke is created by burning cedar, sage, sweet grass or herbs depending on the particular healing or the tribal custom



**TRIBAL POW WOW -UNITED  
KEETOOWAH BAND OF CHEROKEES IN  
OKLAHOMA**



**TRIBAL ELDERS AND YOUTH SINGING AND  
DRUMMING AT NEWTOK, ALASKA NEAR THE  
BERING SEA**

# COMMUNITY EDUCATION AND OUTREACH



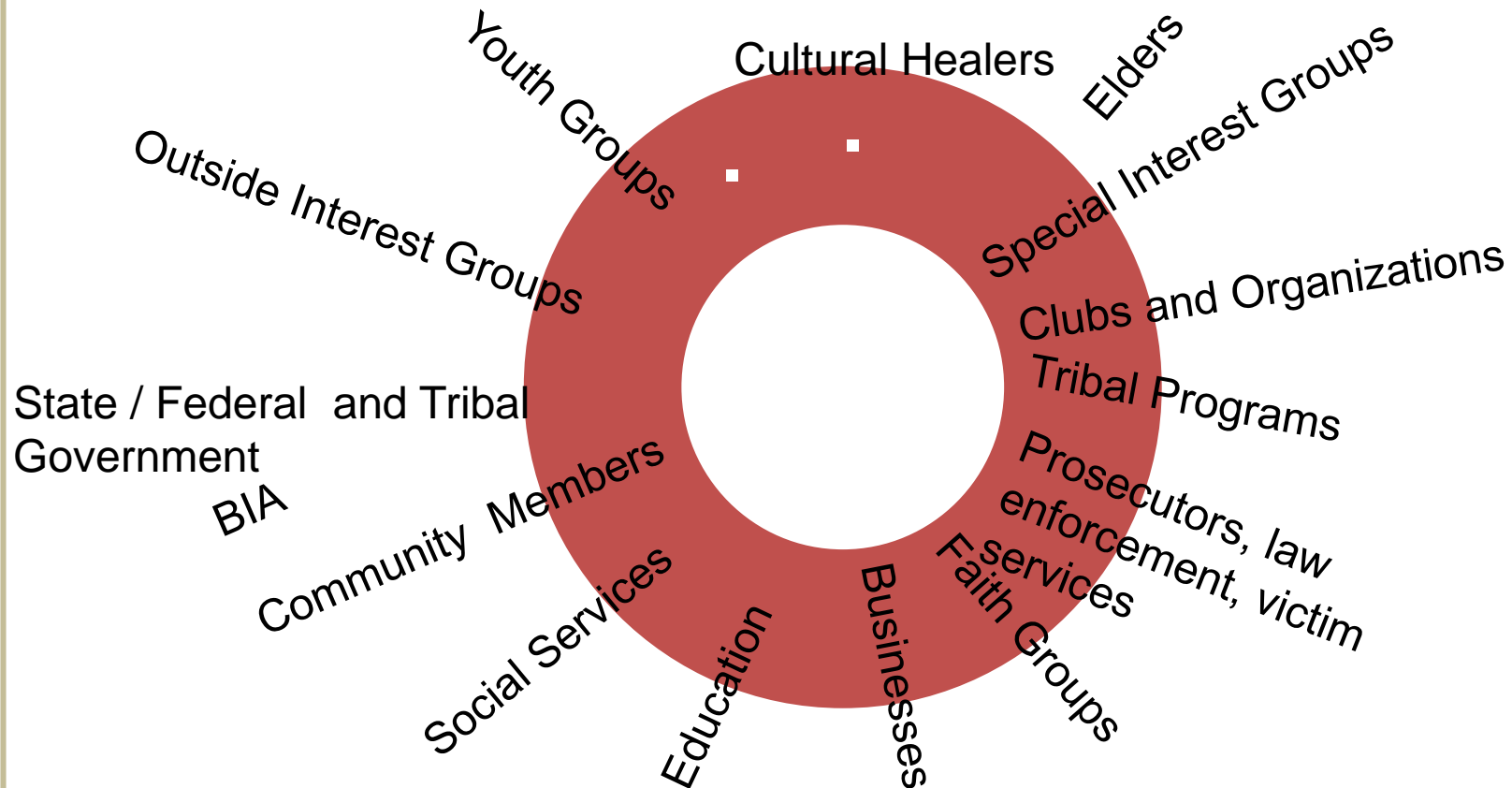


## **COMMUNITY EDUCATION AND OUTREACH BENEFITS**

- 👤 Educating the community to build awareness and understanding of issues such as crime victimization, child abuse, human trafficking, etc.**
- 👤 Provide education and procedures on reporting these crimes and information of resources**
- 👤 Builds relationships with collaborative partners such as law enforcement, prosecutors, victim services, and various service providers and federal, state and tribal entities and helps to create multi-disciplinary teams (MDTs)**
- 👤 Community Education and Outreach also builds community support**

# *Gathering people:* The Circle of Community

Community Members



**April is**



**Prevent Child Abuse  
Awareness Month**

**APRIL**

National Child Abuse  
Prevention Month



## SAMPLES OF TRIBAL COMMUNITY OUTREACH ACTIVITIES



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**Lac Courte Oreilles Band of Lake  
Superior Chippewa Indians**

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**Lac Courte Oreilles Band of Lake Superior Chippewa Indians in Hayward, Wisconsin, is hosting a Child Abuse Awareness Month Event in April of 2015 which they are calling “A Call to Action to the Community.”**

# CHOCTAW NATION OF OKLAHOMA



# NATIVE VILLAGE OF BARROW/ARCTIC WOMEN IN CRISIS

## Barrow, Alaska



# CONFEDERATED TRIBES OF WARM SPRINGS WARM SPRINGS, OREGON



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## RESOURCES

**National Human Trafficking Resource Center-Polaris Project -  
funded by US Department of Health and Human Services (HHS)**

[www.polarisproject.org](http://www.polarisproject.org)

**Office for Victims of Crime**

[www.ovc.gov](http://www.ovc.gov)

**Native American Children's Alliance**

[www.nacalliance.org](http://www.nacalliance.org)

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**National Indian Child Welfare Association**

[www.nicwa.org](http://www.nicwa.org)

**Indian Country Child Trauma Center/Center on Child abuse and Neglect University of Oklahoma Health Sciences Center**

[www.icctc.org](http://www.icctc.org)

**AMBER Alert TTA Program**

<https://www.ncjtc.org/AmberAlert/>

**Missing and Exploited Children's Program**

<http://www.mecptraining.com/>



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## **PRESENTER**

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QUESTIONS

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**Thank You Wado!**

Wado is Cherokee for thank you

