

CONSIDERING A DEDICATED DOCKET FOR JUVENILE HUMAN TRAFFICKING? A TRIUMPHANT AND TURBULENT TALE OF AN OHIO COURT'S RESPONSE

FRANKLIN COUNTY JUVENILE COURT
EMPOWERMENT DOCKET
Abeyanca Officer Morgan BommerGunn
Magistrate Larry Sanchez
Magistrate Lorneyl Stroud

HISTORY OF EMPOWERMENT DOCKET

- First dedicated docket for victims of human trafficking was held on May 8, 2014
- Mag. Sanchez presided over the dedicated docket once a month
- In 2015, Mag. Stroud joined after the numbers necessitated a dedicated docket twice a month
- Since it's inception, more than 70 youths (boys & girls) have been served
- 21 youths have successfully completed the program
- Comparison to other counties

SAFE HARBOR

The Safe Harbor Statute, O.R.C. 2152.021(F), was passed to assist juveniles in overcoming their exploitation and trauma rather than punishing them.

Statute strives to protect child trafficking victims

Designed to redirect child victims of trafficking out of the juvenile justice system and to receive necessary support services

If your client is charged with solicitation, loitering to solicit, or prostitution, your client **automatically qualifies** for diversion under the statute.

If your client is charged with an offense not listed above but there is reason to believe that he/she is a victim of human trafficking and the charge is related to his/her victimization, then the juvenile qualifies for safe harbor.

Note: In cases where the child is charged with a delinquency, and the delinquency charged can be related to the child's trafficking, the child may be eligible for Safe Harbor.

If Prosecutor objects, you MUST hold a hearing.

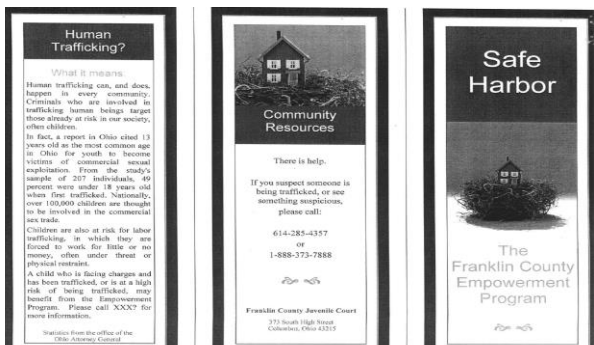
FRIGHTENING STATISTICS


- ▶ 1 in 3 runaway children are lured into prostitution within 48 hours of running away ¹
- ▶ The average age of entry into prostitution is 12-14 ²
- ▶ 244,000 American children are estimated to be at risk of child sexual exploitation ³
- ▶ 1.2 million children are trafficked each year globally ⁴
- ▶ 800,000 people are trafficked across international borders each year ⁵
- ▶ Since 2003, the FBI has successfully rescued 3,400 children from sex trafficking
- ▶ Estimated 199,000 instances of sexual exploitation in U.S. annually

DID YOU KNOW THAT IN OHIO:

It's possible to hide victims of international trafficking within growing minority and immigrant populations in Ohio. Victims work in different sectors throughout the state of Ohio and the U.S.. They are concentrated in industries like agriculture, construction, domestic work, restaurants, and textiles.

"The human trafficking microscope was turned on Ohio, and particularly Toledo, in 2005 when a federal sting in Harrisburg, Pa., broke up a sex-trafficking operation involving 177 girls and women. Seventy-seven of the victims were from the Toledo area, including a 10-year-old."





Q & A

What is Safe Harbor?
Safe Harbor is an Ohio law that lets parents put minor children in charge to help them get out of a bad situation. The law says that if the child can join the foster care program, the child can be taken out of the family to help in a crisis.

When does Safe Harbor apply?
The Employment Program works with the child's family to get the child out of a bad situation. It also has a Safe Harbor program. The child can be taken out of the family to help in a crisis. The child can be taken out of the family to help in a crisis.

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Safe Harbor and the Empowerment Program

In 2012, Ohio passed the Safe Harbor law. Using the law, the Franklin Employment Program created the Empowerment Program. This Program is a part of the Safe Harbor law. The Program has experienced some kind of commercial sexual activity, or has been in a bad situation. The Employment Program connects children with placement, supervision, and services. Human trafficking can take many forms. Court staff have been trained to identify cases that have red flags for human trafficking. Once a case is identified, the child is given the option of participating in the Empowerment. Once a program is going straight to trial on their charges.

The Empowerment Program meets once a month, usually on the second Thursday of every month, at 1:30 p.m. before Mag. Sanchez. It meets once a month, usually on the second Thursday of every month, at 1:30 p.m. before Mag. Sanchez. It meets once a month, usually on the second Thursday of every month, at 1:30 p.m. before Mag. Sanchez.

The Magistrate can make many orders that the child must follow. During the time in the Empowerment Program, including:

Duties:
Home, order case, group home, residential treatment facility, or in rare cases, detention.

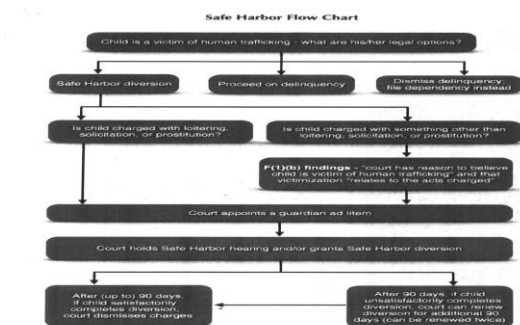
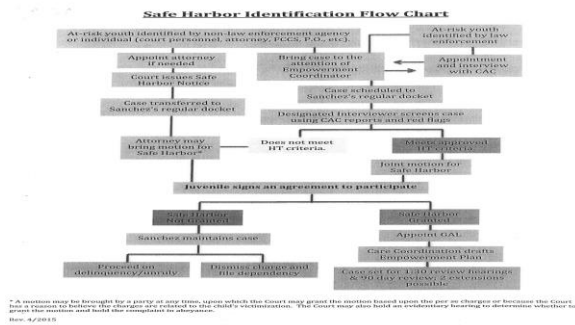
Supervision:
Children in the Empowerment Program are linked with Case Coordination, not probation.

Services:
Counseling, medical treatment, GED classes or school attendance, case management, and other programming that will help the child succeed.

The Empowerment Program can last for up to 9 months. After the child has done a good job of following orders and completing the program, their charges may be dismissed and expunged.

What happens in the court?
The child will be expected to follow the court's orders. The child will be expected to follow the court's orders. The child will be expected to follow the court's orders. The child will be expected to follow the court's orders. The child will be expected to follow the court's orders.

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Safe Harbor Diversion and the Empowerment Program	
<p>The Safe Harbor law was passed to assist juvenile victims in overcoming their anguishes and trauma rather than punishing them for it. However, this law merely provides that a child is entitled to supervision, services, and placement. It does not create the opportunities of court therapy, treatment, or the Harbor County Juvenile Court has created the Empowerment Program to provide victims of human trafficking. This program will support victims in addition to their tailored services, supervision, and residential treatment.</p>	
Supervision	<p>Safe Harbor holds the complaint in abeyance while the child is provided diversion activities. For this reason, the Court Coordinator must have information on the child's progress and ensure they are making progress.</p>
Placement	<p>Secure participants may live in need of a residential facility. Safe Harbor participants receive orders for residential facilities that offer trauma-informed care and trafficking-specific counseling services. Participants may include both secure and non-secure facilities.</p>
Services	<p>Safe Harbor participants also receive case management from counselors, a social worker that specializes in providing support to juvenile trafficking victims. They will also receive other Safe Harbor in relation to completing an Empowerment Court Order and being on hold of services unique to them and their future goals. These may include education, employment, substance, and mental health services. The goal is to help the participant through a crisis life with positive goals, to help building life or future confidence, and to empower them for life.</p>
Empowerment Program Goals	<p>The Empowerment Program consists of tailored services and goal setting conducted by Court Coordinators, Counselors, and staff with a specialty program run by the Court. At these sessions, the Court will hear from parties regarding the conditions and services ordered by the child and will determine whether to continue under Safe Harbor or to proceed upon the complaint. Empowerment Hearing dates are typically scheduled on the second Thursday of the month, though they are subject to change.</p>

I THINK MY CLIENT QUALIFIES, WHAT SHOULD I DO?

- 1) Advise the prosecutor that you intend to proceed under Safe Harbor
- 2) File a Motion for Safe Harbor
 - 1) The motion hearing will be scheduled before either Magistrate Sanchez or Magistrate Stroud
- 3) Prepare for a Contested Hearing unless offense automatically qualifies child under Safe Harbor Statute
- 4) If client is on Probation and you obtain information that he/she is a victim of human trafficking, file a motion to have the child considered for the Empowerment Program

OVERVIEW OF COURT

NON ADVERSARIAL
PLAYERS
GOALS

NOTE: Build a Coalition

TREATING CHILDREN AS VICTIMS, NOT DELINQUENTS

EXPUNGEMENT
DISMISSALS
WRAP AROUND SERVICES

CHALLENGES TO REHABILITATION

- ▶ Reluctant to self-identify as a victim
- ▶ Relapse
 - ▶ For many years, this is the way they knew how to survive. Victims frequently run back to their traffickers
- ▶ Brainwashed
 - ▶ Not to trust law enforcement
 - ▶ Not to trust service providers
- ▶ Loyalty to trafficker/pimp
 - ▶ Trauma bonds
 - ▶ Stockholm Syndrome

CAREFUL MONITORING

BY WHOM?

COORDINATED STRATEGY TO GOVERN PROGRAM RESPONSES AND PARTICIPANT COMPLIANCE

TRADITIONAL PROBATION

- ▶ Trauma Informed Care
- ▶ Once Monthly Communication with service providers
- ▶ Set list of court contracted services
- ▶ Violation if not compliant
- ▶ Violation filed if breaking the rules of probation

ABEYANCE PROGRAM

- ▶ Trauma Focused Treatment
- ▶ Weekly communication with service providers
- ▶ Some fluidity with services: contracted or grant based
- ▶ No violation if not compliant: compliance takes longer
- ▶ Violation for specific issues*

PROBATION V. ABEYANCE: DIFFERENCE IN PROGRAMMING AND RULES

In Franklin County, we work with a variety of agencies that provide services to our clients

- ▶ Court contracted services: pre-existing and developing new contracts
- ▶ Grant-based programming for specific services for victims of trafficking
- ▶ Gracehaven/Salvation Army
- ▶ Crime and Trauma Assistance Program @ Mt. Carmel West

Seeing what contracts other agencies have:

- ▶ CPS may have better trauma informed than probation/court services for outpatient care
- ▶ Ask for help: you don't get what you don't ask for
- ▶ Community groups can provide funding and unique opportunity

COMMUNITY PROGRAMMING

- ▶ Hierarchy of diversion/probation:
 - ▶ Teen Court/Diversion
 - ▶ Care Coordination
 - ▶ Electronic Monitor (temporary)
 - ▶ General Probation (6 month term)
 - ▶ Intensive Probation (1 year term)
 - ▶ Alternative to Commitment Probation (ATC)
- ▶ We have the ability to place clients from all these programs into the Empowerment Program
- ▶ If an Empowerment youth is on probation, their charges are not held in abeyance, however:
 - ▶ Probation violations may be held in abeyance
- ▶ Youth have the opportunity of having probation end early when they participate in the Empowerment Program
- ▶ Upon successful completion of Empowerment Probation, their charges (including felonies) can be expunged/sealed/Rule 29 Dismissal
- ▶ Clients have the same therapeutic opportunities as Safe Harbor clients

EMPOWERMENT PROBATION (POST-ADJUDICATION)

- ▶ Youth placed in residential treatment facilities, which are the same ones we use for juvenile offenders
- ▶ Trouble identifying facilities with resources and staff allocated to this issue
- ▶ Claims of "trauma-focused"
- ▶ Facility appropriateness
- ▶ CPS finds placement, court has little say regarding placement (not a 4-E court)
- ▶ Understanding the residential risks of Empowerment clients (AWOL)
- ▶ Taking a leap of faith with clients
- ▶ Challenges on points of view about our clients ("sexually acting out" vs. trafficked)

RESIDENTIAL FACILITIES FOR THERAPEUTIC TREATMENTS

PROFESSIONALLY

- ▶ Limited group of people
- ▶ Intensive work load
- ▶ Wider knowledge base
- ▶ Internal politics
- ▶ Limited understanding from other professionals that are higher up the ladder

PERSONALLY

- ▶ Burn-Out
- ▶ Secondary Trauma
- ▶ Longer, atypical hours
- ▶ Attention needed after hours
- ▶ Self-Care is key

CHALLENGES FOR WORKERS

MONITORING AND EVALUATION OF
PROGRAM GOALS AND
EFFECTIVENESS

CONTINUING EDUCATION TO
PROMOTE EFFECTIVE PROGRAM
PLANNING AND IMPLEMENTATION
