

CHANGING ACTIONS TO CHANGE HABITS
SPECIALIZED DOCKET
C.A.T.C.H.

Human Trafficking

vs.

Prostitution

Defendant-Victim Paradigm Shift

Judge Paul M. Herbert

Franklin County Municipal Court
Columbus, Ohio

Supported by funds received from the
Franklin County Commissioners Office
Columbus City Council
and
Franklin County ADAMH Board

A Changed Perspective

- Judge Herbert's Perspective

- Realization in Court

Defendant #1

- 31 soliciting charges
- Felony theft
 - 6 month prison sentence
- 8 drug paraphernalia charges
- 4 charges of resisting arrest

Defendant #2

- 11 soliciting charges
- Possession of drugs
- Resisting arrest charge
- Disorderly conduct charges
- Drug paraphernalia charges

Defendant #3

- 30 soliciting charges
- Felony theft
- Robbery
 - 3-15 year prison sentence

Defendant #4

- 9 soliciting charges
- 4 drug paraphernalia charges
- Felony possession of drugs

Defendant #5

- 3 soliciting charges
- 2 falsification charges
- Trafficking in drugs
 - Athens judge sentenced her to C.A.T.C.H.

Defendant #6

- 4 soliciting charges
- Felony possession of drugs
- 4 drug paraphernalia charges
- Came to court and asked to be slated

Defendant # 7

- 9 soliciting charges
- Aggravated burglary
- Escape
- Absconder
- FTA Capias
- Drug paraphernalia
- Criminal trespass

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- Responsibility to learn what influences, forces, or processes a woman goes through in order to sell what is most personally precious to vile strangers.
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The Criminology of Prostitution

- ____ of women entered prostitution before the age of ____
 - Attorney General says average age in 2010 now _____
 - ____% of women entered prostitution before their ____th birthday
 - ____% of prostitutes who entered prostitution as _____ were _____
 - 1.68 million American children run away every year.
 - 72% of these juveniles suffer from _____ abuse.
 - Develop a dissociative personality regarding normal intimacy and boundaries.
-

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women and girls being sold by a person

- Attorney General estimates _____ US children are at high risk for trafficking into the sex industry each year
-

Human Trafficking vs. Prostitution

- Prostitution is defined:
 - Ohio Revised Code 2907.24:
 - No person... shall **engage in sexual activity for hire**.
 - Effective date 2,000 B.C.
 - Worlds oldest profession, or worlds oldest oppression?
- Human Trafficking is defined:
 - Ohio Revised Code 2905.32:
 - (A) No person shall recruit, lure, entice, isolate, harbor, transport...another person knowing that the person will be compelled to **engage in sexual activity for hire**, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.
 - (B) ... "Compelled" does not require that the compulsion be openly displayed or physically exerted. The element of "compelled" has been established if...the victim's will was overcome by force, fear, duress, or intimidation.
 - Effective date 6-27-2012.

- Pimp Interview
- *State of Ohio v. David Nelms*.
 - Nelms coerced women into prostitution by "taking advantage of their drug addictions and withholding their drugs until they complied with his demands." Attorney General Mike DeWine.

Based upon comprehensive
assessment...percentage of women charged
with prostitution who also qualify as human
trafficking victims:

_____%

"Investigate every prostitution
case like it is an ____."

-
- Human Trafficking is defined:
 - Ohio Revised Code 2905.32:
 - (A) No person shall recruit, lure, entice, isolate, harbor, transport...another person...
 - (B) ...Compelled does not require that the compulsion be openly displayed or physically exerted. The element of compelled has been established if...the victim's will was overcome by force, fear, duress, or intimidation.
 - Law School fact pattern....
 - Close tie between _____ and human trafficking...so be sure to ask the right questions...
-

Prostitute?
Domestic Violence Victim?
Human Trafficking Victim?

- All of the above...



WATCH VIDEOS

- Bishop "Magic" Don Juan
 - Human trafficking transaction
-

Driven by high profit and little enforcement.

- Fastest growing crime in United States. Will surpass _____ within _____ years.
- Estimated sex trafficking is a \$ _____ per year industry.
- \$ _____ to \$ _____ per woman per day.
- Some say the _____ and _____ were driven by the pornography industry.
- "The great thought of captains, owners, consignees, and others, was to make the most money they could in the shortest possible time. Human nature is the same now as then." Fredrick Douglass, August 17, 1871, recalling the Atlantic slave trade...

How Human Trafficking might appear in State Courts

- 6 Most Common Types of Charges
 - 1)
 - 2)
 - 3)
 - 4)
 - 5)
 - 6)
- Domestic Relations/juvenile/child custody issues.
- "Prostitution is the most misunderstood criminal enterprise in America" Sgt. Don Hoier..Las Vegas P.D.

How are they vulnerable?

- " _____."
- _____ for "modeling," "acting," or "dancing" opportunities.
- _____ Malls, school functions, parties.
- _____: social media, chat rooms, profile-sharing sites. NEW: KIK!!! (search warrant 12 yr old).
- _____ exploitation.
- Promises of _____ and _____.

Sarah Kruzan

WATCH VIDEO

How to Detain

- Once lured in, they must be detained.
 - Relationships quickly move from "friendship" to "love" (sexual), then to "business."
- Use wartime, cultist, and terrorist prisoner control tactics.
 - Emotional, physical, sexual violence.
 - Drugs and economic dependence.
 - Isolation from friends, family, public to eliminate ability to build supportive social networks.
 - Fathering a child to further tighten control.
 - Filing charges against women and having them jailed.
- Re-identification: new identity (stage name), remove identity documents...to further limit a victim's ability to escape.

Where are they sold?

~~~~~ **Beautiful Brown eyed Brittany !** ~~~~~ - 21 report ad  
posted: May 8, 2011, 07:18 PM

**Reply:** [click here.](#)

Hey Guys, I'm Brittany and I'm 21 years old. I have brown hair and brown eyes. I weigh 115 lbs. very petite and pretty. I will be available all week to meet new people and experience new things. Call me anytime to hear more about me or just to talk. I can't wait to hear from you! ~~contact me here~~

Poster's age: 21

- Location: Columbus
- Post ID: 6909657 columbus

[Email this ad to a friend](#)



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### Typical pathway woman/girl might take to criminal justice system

- CHILD ABUSE. ➡ RUNAWAY ➡ HOMELESS
- COERCIVE PIMP... ➡ PROSTITUTION... ➡ COURTS

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### Results: Devastating

- Most communities are \_\_\_\_\_ to treat the multiple complex needs of this population:

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### Recognizing a Human Trafficking Victim

- In the company of a significantly \_\_\_\_\_ man. Individual may introduce as a family friend, relative, supporter, coach.
- Exhibits \_\_\_\_\_ or \_\_\_\_\_ behavior...acts withdrawn. Answers to questions seem coached.
- Unexplained absences from school, or inability to attend school regularly.
- Bruises or other physical trauma.
- Runs away from home. They \_\_\_\_\_ to you.
- Special marked \_\_\_\_\_.
- \_\_\_\_\_ change in attire, behavior, material possessions.

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## Recognizing a Human Trafficking Victim

- Inability/fear of making \_\_\_\_\_.
- Makes references to frequent \_\_\_\_\_.
- \_\_\_\_\_ distress such as depression, anxiety, panic-attacks, confusion, phobias, disorientation, self-inflicted injuries.
- Shows signs of \_\_\_\_\_.
- Increasing engagement with criminal justice system...delinquent.
- Inappropriately \_\_\_\_\_.
- Makes references to sexual situations that are beyond age specific norms or references to commercial sex industry.

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## 7 reasons why they might not identify as a Human Trafficking Victim

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)

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## How do we respond to a victim? Trauma-Informed Care

- Trauma: results from an event, series of events, or set of circumstances experienced by an individual physically or emotionally harmful or threatening and has lasting adverse effects on the individual's functioning and psychological, social, emotional well-being.
- Understanding that people's feelings, behaviors, and symptoms are adaptations/strategies to survive...real protection unavailable...person's \_\_\_\_\_ are overwhelmed.

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- Best understood as \_\_\_\_\_ to \_\_\_\_\_ and are logical in context of trauma...challenging for justice experts their behavior.
- People do \_\_\_\_\_ to survive their experience and pain.
- Trauma reactions often \_\_\_\_\_ or \_\_\_\_\_ as symptoms of \_\_\_\_\_.
- Hyper-vigilance...dissociation...intrusive thoughts/feelings...avoidance...reenactment...

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## Trauma-Informed Response Building Trust

- Your interaction sets tone...critical. Treat them like a victim of violent crime.
- You do NOT need to know all the details...do not cast judgment. "No Shame Zone."
- Look at them in the eyes with care and concern, and listen...indicating they are important, valued, and worthy.
- Never promise anything you can't deliver.
- Focus on safety...emotional and physical.
- Transparent, consistent, flexible...

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## Trauma-Informed vs Traditional Justice Response

- |                                                                    |                                         |
|--------------------------------------------------------------------|-----------------------------------------|
| • What's happened in your life? What's happened to you?            | • What's wrong with you?                |
| • Understand the impact of trauma on individual.                   | • Punitive.                             |
| • Understand trauma reactions and ways reactions can be expressed. | • Who's the criminal? Who's the victim? |

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Trauma-Informed  
vs  
Traditional Justice Response

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- |                                                             |                                   |
|-------------------------------------------------------------|-----------------------------------|
| • Understand reactions are normal in context of experience. | • Power and control.              |
| • Removing pathology.                                       | • Defendants mandated to service. |
| • Safety as priority.                                       | • Safety as priority.             |
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Additional Thoughts

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- Awareness of what said in open court.
  - Confidentiality.
  - Interacting with challenging defendant/victims:
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Global Search for Solutions

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1999 Sweden changed law:

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## Solutions:

### *Exit Strategy*

- C.A.T.C.H. Court begins
  - Provide 2 year intensive probation and services to help victims exit prostitution
  - Establishment of comprehensive community based treatment to help women exit prostitution
    - Amethyst, Maryhaven, and Freedom ala Cart
  - Recognize prostitution as VIOLENCE and EXPLOITATION against women and girls

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## Solutions

- Court session every week to report progress...key ingredient
  - Women helping women, learn to use voice, held accountable
  - Process starts with an attorney referral and clinical assessment.
  - Staffing process...everybody brought to the table.

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## Solutions

- Clients reporting to staff every day. In treatment.
  - Need a lot of support...but the difference between them and most other defendants...they want the help and are grateful (glasses, clothes to reconstructive surgery)
- Curfew, stay-away zones, drug testing, counseling, needs being met
- People, places, things: triggers for trauma victims

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# Expungement

- ORC 2953.38 ...expungement of records for human trafficking victims.
- Person proves by a \_\_\_\_\_ they participated in the crime as a result of being a \_\_\_\_\_ they are entitled to a complete destruction of those records for convictions of:
  - 1)
  - 2)
  - 3)

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## Human Trafficking Solutions

**Exit Strategy**  
CATCH  
CHAT House  
Treatment  
Jobs  
Mentors  
Volunteers

**END DEMAND**  
Prosecute  
Public Awareness  
Prevention

Legislative  
Policy

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## How much does it cost to do nothing?

Known cost per year... (based upon average of 3,000 women)

|                                                                  |                |
|------------------------------------------------------------------|----------------|
| 1. _____                                                         | \$1,315,071.00 |
| 2. Municipal Court Judges, Public Defenders, Prosecutors, Clerks |                |
| 3. _____                                                         | 2,600,000.00   |
| 4. _____                                                         | 388,242.00     |
| Subtotal \$ _____                                                |                |

Unknown Costs  
Prenatal neonatal birth and delivery  
Failed drug treatment  
Columbus Public Health...cost of STDs  
Children Services  
Guardianship/Juvenile Court  
Foster Care (\$1,000 per month per child)/Adoption  
Neighborhood decline...reduction in tax revenue...home values

Staffing costs for CATCH \$ \_\_\_\_\_

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## CATCH Results

*Evaluation Study of a Criminal Justice Reform Specialty Court-  
CATCH Court. K. Miner Romanoff (2015)*

- \_\_\_\_\_% of women accepted into CATCH no new criminal charges. (reduced arrests overall)
- \_\_\_\_\_% felt \_\_\_\_\_ in the program.
- Most helpful part of success: \_\_\_\_% staff, \_\_\_\_% Judge.
- \_\_\_\_\_% of graduates were either employed, volunteering, or enrolled in educational programs of vocational training.

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## Defendant #6

- CATCH graduate.
- Reunited with teen son, increased visits with daughter
- Volunteers at home for runaway girls...recently offered job

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## Defendant #4

- CATCH graduate
- Reunited with mother and daughter
- Leads opiate groups for adults and youth

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### Defendant # 3

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- 346 days sober
  - Process of reunification with daughter
  - C.A.T.C.H. "recruiter"
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### Defendant #1

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- 192 days sober
  - Recovery most important goal now
  - Family support reunification
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### Defendant #2

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## Defendant #5

- CATCH graduate
- Reunited with family and son
- Emergent leader
- Hired by court

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## Defendant #7



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- Leads meetings in women's prison
- Runs AA/NA meetings
- Employed by charity to help trafficking survivors
- C.A.T.C.H. Court graduate

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## Watch Video

The women of the CATCH program have over \_\_\_\_\_ days sober!



## Contact Information

- C.A.T.C.H. staff 614-645-7098
- Central Ohio Rescue and Restore
  - 24 hour hotline 614-285-4357
- National Hotline 1-888-373-7888
- [Polarisproject.org](http://Polarisproject.org)
- [herbertp@fcmclerk.com](mailto:herbertp@fcmclerk.com)