Overcoming Reluctance and Increasing Intelligence Gathering from Victims of Trafficking

Rachel Dianiska
Department of Psychological Science
University of California, Irvine

Conference to Combat Human Trafficking
July 24, 2024
PROBLEM: How can we improve prosecution of perpetrators of sex trafficking?
Victim identification is key to intervention and prosecution
What do we know about victims?

- Significant histories of adversity exposure
- Using sex to survive
- Evasive and hostile toward authorities
- Hiding in plain sight
- Regularly encounter wide ranges of laypersons and professionals
Project Goals

Document trends in criminal prosecutions of trafficking and characteristics of successfully prosecuted cases.

Evaluate effective approaches to identifying and obtaining evidence from suspected victims of trafficking.
Project Approach

Surveys
- Laypersons, healthcare workers, school psychologists, law enforcement

Content Analysis
- Actual victim interviews, appellate case opinions, trial transcripts
Prosecution Trends

- What actually happens in criminal cases, especially those that are successful?
Analysis of California Appellate Cases

Criminal cases of sexual abuse or trafficking of a minor that went to trial
N = 1,617 (84 trafficking)

Resulted in a guilty verdict
N = 1,365 (76 trafficking)

Appealed guilty verdict with written opinion available
N = 1,071 (41 trafficking)

Sexual abuse with adolescent victims
N = 262 (41 trafficking)

Summaries of written legal opinions
- Reason for appeal
- Facts of the case (salient, key components)
- Legal analysis

WHAT DID WE CODE?
→ Victim details (age, background, cooperativeness)
→ Victimization details (manipulation techniques, discovery)
→ Case details (types of evidence)
Analysis of California Appellate Cases

<table>
<thead>
<tr>
<th>TRAFFICKING</th>
<th>ADOLESCENT SEXUAL ABUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>41 cases</td>
<td>59 cases</td>
</tr>
<tr>
<td>59% only one victim</td>
<td>50% only one victim</td>
</tr>
<tr>
<td>Total victims = 67 (94% female)</td>
<td>Total victims = 85 (90% female)</td>
</tr>
<tr>
<td>Ages 11-17 (M = 15.35)</td>
<td>Ages 11-17 (M = 13.65)</td>
</tr>
</tbody>
</table>

Quas, Mukhopadhyay, Winks, Dianiska, & Lyon, (2023)
Analysis of California Appellate Cases

- Are trafficking victims uniquely uncooperative?
# Analysis of California Appellate Cases

<table>
<thead>
<tr>
<th>How discovered?</th>
<th>TRAFFICKING (N = 67)</th>
<th>ADOLESCENT SEXUAL ABUSE (N = 85)</th>
</tr>
</thead>
<tbody>
<tr>
<td>% victim disclosure</td>
<td>22%</td>
<td>80%*</td>
</tr>
<tr>
<td>% police identification</td>
<td>65%*</td>
<td>3%</td>
</tr>
<tr>
<td>% report from others</td>
<td>13%</td>
<td>17%</td>
</tr>
<tr>
<td>Mentioned victim <strong>uncooperativeness</strong></td>
<td>N = 23*</td>
<td>N = 6</td>
</tr>
<tr>
<td>Mentioned victim <strong>delinquent behavior</strong></td>
<td>N = 44*</td>
<td>N = 15</td>
</tr>
<tr>
<td>Mentioned <strong>early adverse experiences</strong></td>
<td>N = 18*</td>
<td>N = 9</td>
</tr>
<tr>
<td>Mentioned <strong>caregiver support</strong></td>
<td>N = 5</td>
<td>N = 39*</td>
</tr>
</tbody>
</table>

Quas, Mukhopadhyay, Winks, Dianiska, & Lyon, (2023)
Analysis of California Appellate Cases

- What evidence is featured prominently in successful trafficking cases?
### Analysis of California Appellate Cases

<table>
<thead>
<tr>
<th></th>
<th>TRAFFICKING (N = 67)</th>
<th>ADOLESCENT SEXUAL ABUSE (N = 85)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic evidence</td>
<td>78%*</td>
<td>27%</td>
</tr>
<tr>
<td>Prosecution expert</td>
<td>68%*</td>
<td>37%</td>
</tr>
<tr>
<td>Defense expert</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Defendant confession</td>
<td>15%</td>
<td>27%</td>
</tr>
</tbody>
</table>

Quas, Mukhopadhyay, Winks, Dianiska, & Lyon, (2023)
Summary – Prosecution Trends

- Successfully prosecuted cases often contain *uncooperative* minor victims
- *Electronic evidence and prosecution experts* particularly valuable
Surveys

- Which professionals encounter potential and actual victims?
- Do those professionals recognize risk? And, if so, how do professionals respond?
Professionals Who Encounter Potential CSEC

- Healthcare providers (EMTs, Firefighters, Clinic and ER Nurses)
  - 68-88% of former victims report having encountered healthcare while being exploited

Chisolm-Straker et al., 2016
What do these professionals know?
Surveys: Laypersons and Healthcare Professionals on the Frontline

- **Laypersons**
  - Vignettes
    - Adult man with a minor in a hotel.
    - Highly suggestive of but did not explicitly state trafficking.
    - Varied age (13, 17) and gender of victim.
  - Was there a crime?
  - Is youth responsible for the situation?

- **Firefighters, Emergency Room Nurses/Physicians**
  - Vignettes
    - Scenarios common to profession.
    - Alluded to but did not say trafficking.
  - What is happening?
  - What would you do?
Surveys: Laypersons and Healthcare Professionals on the Frontline

- Laypersons
  - 61% said a crime occurred
  - 40% said child sexual abuse
  - 8% said trafficking

  Nearly 50% partly blamed the victim, especially older teen, for being in situation

- Firefighters, Emergency Room Nurses/Physicians
  - 95% recognized adolescent risk
  - Only 7% said trafficking
  - 78% said collect more information
  - 30% EMTs said follow up not their responsibility

Laypersons and Healthcare Professionals
  - Some recognize risk and criminal activity
  - Failure to recognize common trafficking victim characteristics

What about law enforcement?
Surveys: Law Enforcement

- $N = 189$ federal, state, and local law enforcement
  - 18.5 years of experience
  - 94% field experience; 77% received sex trafficking training
- Vignettes about interviewing trafficking victims
  - Varied victim age (13, 17) and cooperativeness (cooperative or not)
  - Indicate how victim should be questioned
- Additional questions
  - Knowledge of adolescence, trafficking, and interviewing
  - Interviewing and Prosecution Challenges

Dianiska, Luna, Winks, Quas, & Redlich (2023)
Luna, Dianiska, Winks, Redlich, & Quas (2023)
When you are interviewing a minor, what characteristics of the interviewee would lead you to believe the minor may be a victim of sex trafficking?
## Survey Results: Law Enforcement

<table>
<thead>
<tr>
<th>Background Characteristics</th>
<th>Behavior During Interview</th>
<th>Physical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Another person in charge of minor or their belongings (25%)</td>
<td>Evasiveness, hostility (36%)</td>
<td>Evidence (cell phone, fake id) (21%)</td>
</tr>
<tr>
<td>Unstable home (runaway, homelessness) (23%)</td>
<td>Age-inappropriate sexual knowledge/behavior (18%)</td>
<td>Tattoos or branding (12%)</td>
</tr>
<tr>
<td>Isolation from social support (13%)</td>
<td>Appearance (malnourished, clothing type) (17%)</td>
<td></td>
</tr>
<tr>
<td>Prior maltreatment (13%)</td>
<td>Distrust in/lack of respect for law enforcement (13%)</td>
<td></td>
</tr>
<tr>
<td>Delinquent/criminal behavior (13%)</td>
<td>Behavioral indicators (lack of eye contact, crying) (13%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Inconsistent disclosures (7%)</td>
<td></td>
</tr>
</tbody>
</table>

Dianiska, Luna, Winks, Quas, & Redlich (2023)
What questioning strategies would you use?

Luna, Dianiska, Winks, Redlich, & Quas (2023)
Perceived challenges to interviewing suspected trafficking victims

Distrust of authorities
Evasiveness in interview
Minor "wants" to be prostitute
lack of corrob evidence
Not enough information for interview

Dianiska, Luna, Winks, Quas, & Redlich (2023)
How do you overcome these challenges?

52% Establish relationship to build trust, comfort
“Make [the victims] feel comfortable, show support. They need to see that you care more about them than their trafficker does.”

38% Attend to Safety and Basic Needs
“making them feel safe and also having a secured plan for where the minor can go if they ‘give up’ the pimp”

10% Reinforce that minor is a Victim
“treating them as a victim and offering them a way out”
What do law enforcement do in actual interviews?
1. **Analyzing forensic interview transcripts** from closed sex trafficking investigations with adolescent victims

2. **Sharing the results with practitioners** to improve current practices and training when working with victims
What do we know about how reluctant are youth in general when asked about negative experiences?

- **Development**
  - Period of identity exploration and formation
  - Increasing exposure to new friends and situations
  - Opportunities to try new behaviors, especially with peers
  - Greater feelings of and desire for autonomy

- **Disclosures**
  - Depend on peers for support and validation so do not want to betray their trust
  - Fear of punishment or of failure to meet expectations
  - Feelings of responsibility for choices/behaviors
  - Mistrust in adults’ motives
Addressing Needs Might Need to Come First

● With high-risk adolescents, trained interviewers stress importance of context
  ○ Comfortable and safe
  ○ Immediate needs
    ■ Food, sleep, shelter
    ■ Medical (STD, pregnancy)
  ○ Planning beyond the interview
Other strategies that take into account the basics of adolescent development

1. Trust-Relationship Building
2. Autonomy/Control
3. Peer Relationships

- During rapport, go beyond open-ended questions & share personal information
- Stress self and peer protection & safety in the future
- Give adolescents control over process (order of topics)
- Address basic needs (sleep, food) Recognize what is important
How are interviewers doing when interviewing trafficking victims?

- Transcribed interviews from:
  - 34 DHS interviews (THANK YOU)
  - 14 state/county law enforcement interviews

- Coded
  - Question-Answer
  - Interviewer Rapport & Support
  - Victim Responses
    - Evasiveness
    - Content
Disclosure Trends

- 12 victims **denied** victimization
- 36 victims **disclosed** victimization, most commonly:
  - Runaways forced in exchange for drugs/housing \((n = 7)\)
  - Online/social media \((n = 6)\)
  - Familial \((n = 7)\)
  - Prostitution \((n = 12)\)
    - More victims mentioned prostitution in police \((n = 10)\) than federal \((n = 2)\)
Types of questions asked

- Open-Ended
  “What happened after that?”

- Yes/No, Forced Choice
  “Did he say anything at that time?”

- Leading
  “That was with your mom’s permission, right?”
Federal asking more “best practice” questions (open-ended), police asking more “non-recommended” questions (yes/no forced choice)

Still moderately high number of leading questions in both (federal later in interview)
Instructions, Rapport Building, & Support

Explanations
Instruction
“I really want to learn all about that and, I want to hear from you about what happened”

Positive Reinforcement
Support
“You’re helping me understand, you’re doing a good job explaining things to me.”

Personal Background
Rapport
“Where do you go to school?”

Open-ended Narrative
Rapport
“Tell me about what happened, from the start.”

Cued Invitation
Rapport
“You mentioned that he’s got a temper. Tell me about his temper.”
Instructions, Rapport Building, & Support

- **Instructions**
  - 20% HSI vs. 15% Police
  - Most frequent: explanations

- **Rapport**
  - 21% HSI vs. 8% Police
  - Most frequent: personal background questions, open-ended narratives

- **Support**
  - 4% HSI vs. 2% Police
  - Most frequent: reassurance and positive reinforcement

Dianiska, Simpson, Kim, Lyon, & Quas (2024)
Victim Responding (e.g., evasiveness)

- Coded for forms of reluctance, & evasive and sassy responses
- Linked to Interviewer rapport & support

Under-informative

*Q: Who was there?*
  *A. People.*

Control shift

*Q: Do you have a middle name?*
  *A. Not that I’d like to share.*
Victims are somewhat evasive in both interviews, more often in police interviews.
Interview Topics

- Risk Background
- Nonviolent Manipulation
- Trafficking Logistics
- Obtaining Specifics
- Non-Risk Background
- Violent Manipulation
- Sexual Activity
Police interviews focused slightly more on a few charge-related content topics.

<table>
<thead>
<tr>
<th>Topic</th>
<th>HSI Proportion</th>
<th>Police Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material goods</td>
<td>17%</td>
<td>24%</td>
</tr>
<tr>
<td>Psychological</td>
<td>14%</td>
<td>20%</td>
</tr>
<tr>
<td>Control of money</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Planning and execution</td>
<td>8%</td>
<td>5%</td>
</tr>
<tr>
<td>Other crime details</td>
<td>36%</td>
<td>64%</td>
</tr>
</tbody>
</table>

Nonviolent Manipulation

Violent Manipulation

Logistics
Summary – Law Enforcement

- Recognize risks and challenges to victim reporting
  - Training on victim history, evasiveness, and appropriate questioning tactics needed

- Federal HSI interviewers appear more victim focused than local enforcement
  - Different background interviewer training, different types of victims
  - Greater emphasis on rapport building and open-ended prompts

- State/local law enforcement go right to the “heart” of the charges and direct questions to legally relevant details
  - More reluctant victims
Thank you!

Rachel Dianiska
Research Fellow
University of California, Irvine
rdianisk@uci.edu