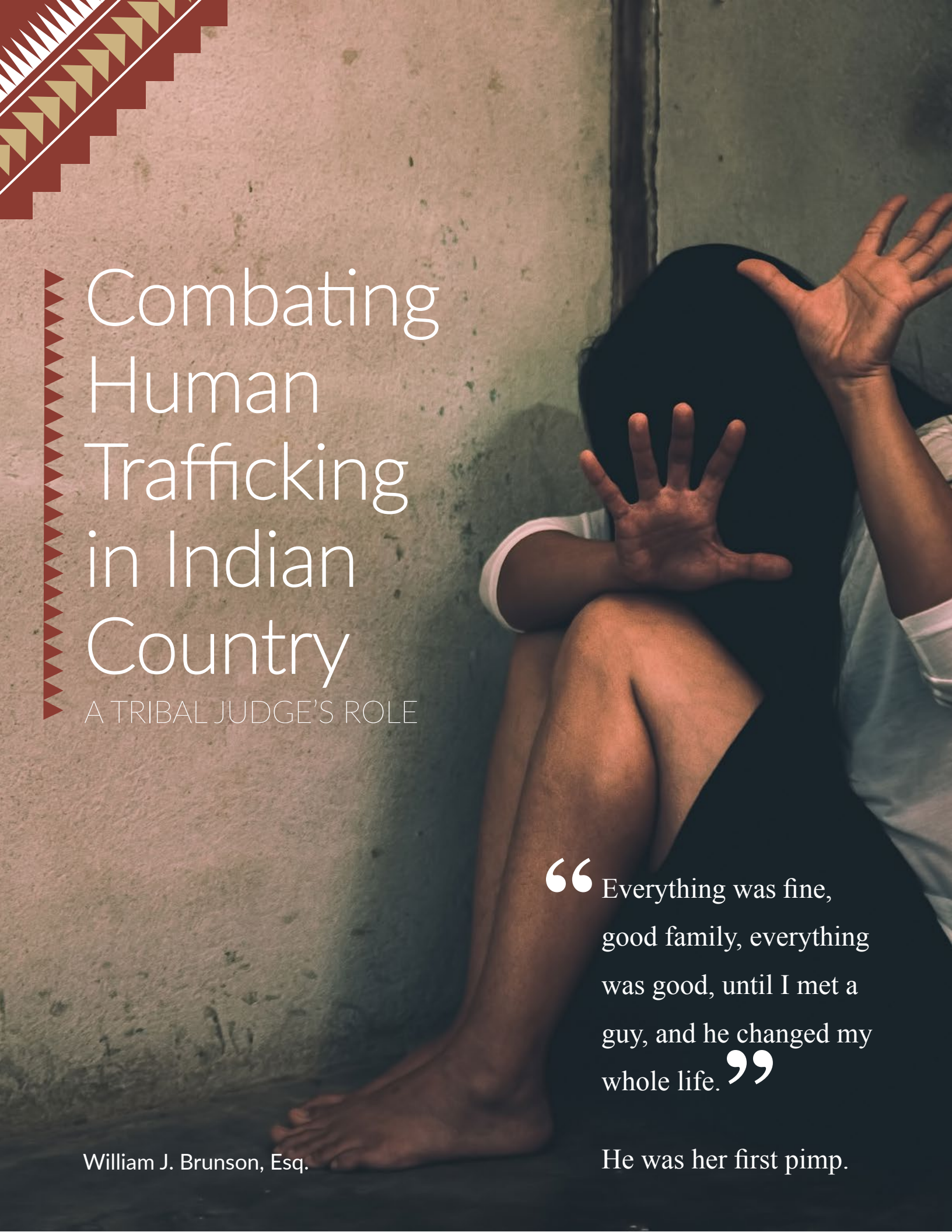
Combating Human Trafficking in Indian Country

A TRIBAL JUDGE'S ROLE



"Everything was fine, good family, everything was good, until I met a guy, and he changed my whole life."

He was her first pimp.

William J. Brunson, Esq.

A Tribal Judge's Role in Combating Human Trafficking in Indian Country

"I was growing up good," Jessica Smith says one afternoon in St. Paul, Minnesota, in a small apartment rental that is used by women struggling to get out of trafficking. "Everything was fine, good family, everything was good, until I met a guy, and he changed my whole life."

Smith, now 21, was one of many young Native American girls who have been seduced into sex trafficking by a romantic interest. Born in St. Paul to parents struggling with alcoholism and drug addiction, Smith was put up for adoption at the age of 2 and placed with a family she describes as good, stable, and loving. She spent the next 11 years having a normal childhood, she says, until she met that guy and fell in love.

"I didn't care about anything else, my friends, I stopped talking to them, and I started doing cocaine," she said. "It changed my life."

Smith moved to Duluth with him.

"I was really young, prostituting, doing drugs, selling drugs, he was making me do whatever he said at that time. I was trading money for sex, money for drugs, whatever he wanted me to do."

He was her first pimp.[1]

Human trafficking is present in all communities, including tribal communities. While it's impossible to tell how many people are trafficked because of the hidden nature of the crime, it's a problem that tribes confront. According to the United States Department of Justice, "[m]any have pointed to the overrepresentation of Native women in prostitution and the risk factors for trafficking that Native women and youth face, including prior sexual victimization, poverty, and homelessness, as indicators the problem is significant."[2] Likewise, the U.S. Government Accountability Office reports that 27 of 132 tribal law enforcement agencies "reported initiating investigations that they considered to have involved human trafficking" between 2014 and 2016.[3]

[1] Colleen Curry, *Breaking Free: Native American Women Tell How They Survived Sex Trafficking* (Mar. 2017), located at https://www.globalcitizen.org/en/content/breaking-free-native-american-women-tell-how-they (visited June 12, 2018).

[2] U.S. Dep't of Justice, *Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives* at 4, located at https://www.justice.gov/ovw/page/file/998081/download (Sept. 2017) (visited July 24, 2018).

[3] 22 U.S.C. § 1302(c) (2010).

Introduction

Tribal judges have a special role to play in combatting human trafficking. As of July 2018, few tribes have prosecuted human trafficking cases and even fewer tribal judges have presided over these cases in their courtrooms. Nevertheless, as more law enforcement and prosecutors receive training on bringing these difficult cases, tribal judges will confront these cases on a more regular basis. This is especially true for those tribes that have enhanced sentencing authority under the Tribal Law and Order Act of 2010.[4]

This monograph has five main parts. First, it defines "human trafficking." Second, it provides facts about human trafficking in Indian country or involving Native Americans. Third, it gives tribal judges information about signs they should look for to assess whether human trafficking is likely occurring. Fourth, the monograph provides how tribal judges can effectively respond to suspected human trafficking. Fifth and finally, the monograph provides resources that tribal judges can use to assist human trafficking victims.

What is "human trafficking"?

The Navajo Nation defines "Human Trafficking" as:

> the illegal recruitment, transportation, transfer, harboring, or receipt of a person, especially one from another country, with the intent to hold the person captive or exploit the person for labor, services, or body parts. Human trafficking offenses include forced prostitution, forced marriages, sweat-shop labor, slavery, and harvesting organs from unwilling donors.[5]

This definition may lead the justice practitioner to believe that human trafficking requires movement of the victim. After all, doesn't trafficking connote movement? With human trafficking, the victims either don't consent to their situations, or if they initially consent, that consent is rendered meaningless by the trafficker's actions. With smuggling, the majority of cases involve those who consent to being smuggled. With human trafficking, the ongoing exploitation of victims generates illicit profits for the traffickers. With smuggling, it involves a breach of the integrity of the nation's borders. Accordingly, trafficking need not entail the physical movement of a person, but it must entail the exploitation of the person for labor or commercial sex. With human trafficking, it can happen *within* any community, tribe, town, city, state, or country. With smuggling, it is always transnational.[6] Another way to think about it is that human trafficking is forced or coerced labor or labor obtained by fraud.

[4] 22 U.S.C. § 1302(c) (2010).

[5] 23rd Navajo Nation Council, *Resolution of the NNC CJY-48-17, Sec. 2(E)* (2017) (*quoting* Black's Law Dictionary (10th ed. 2014)).

[6] *See* U.S. Dep't of Health and Human Svcs., *Fact Sheet: Human Trafficking*, at http://www.acf.hhs.gov/trafficking/about/fact_human.html (visited July 26, 2018).

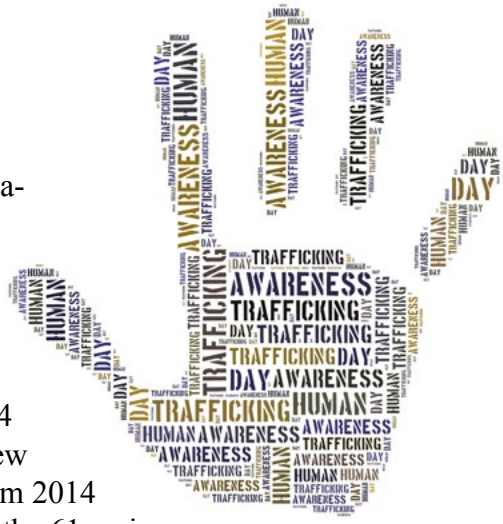
The U.S. Congress passed the Trafficking Victims Protection Act to combat the crime nationally. Under the T.V.P.A., Congress defined "severe forms of human trafficking" as follows:

The recruitment, harboring, transportation, provision, or obtaining of a person for:

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.[7]

Today, all states have their own human trafficking laws.[8] Many tribes have also passed human trafficking laws as well including the Eastern Band of Cherokee Indians, Fort Peck Tribe, Mandan, Hidatsa and Arikara Nation, Pascua Yaqui Tribe, Snoqualmie Tribe, Swinomish Tribe, and the Tulalip Tribe, among others.[9]

What are the facts about human trafficking in Indian Country or involving Native Americans?



Human trafficking exists in two primary forms: (1) sexual exploitation; and (2) labor. In July 2017, the U.S. General Accounting Office (GAO) issued a report detailing the impact of human trafficking in Indian country.[10] Of the 132 tribal law enforcement agencies (LEAs) that responded to the GAO's survey, 27 reported they initiated investigations they considered to have involved human trafficking between 2014 and 2016.[11] Twenty-two of the 24 tribal LEAs reported a total of 58 victims in that time range.[12] "Few major city LEAs reported they encountered human trafficking from 2014 to 2016 that involved Native American victims. Specifically, 6 of the 61 major city LEAs that responded to the survey reported initiating human trafficking investigations that involved at least one Native American victim during that period."[13] One major city LEA was a standout. Specifically, the Minneapolis Police Department reported 49 of the 60 total investigations and 70 of the 81 total victims between 2014 and 2016.[14] The report explained the phenomenon as follows:

[7] 22 U.S.C. § 1702(9) (2015). "The term 'sex trafficking' means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act." 22 U.S.C. § 1702(10) (2015).

[8] Nat'l Conf. of State Legislatures, *Human Trafficking State Laws*, located at http://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-laws.aspx (visited July 26, 2018).

[9] Tribes with laws prohibiting human trafficking, commercial sexual exploitation of minors or children, promotion of prostitution, and prostitution include the following: Eastern Band of Cherokee Indians Tribal Code § 14.-80.1; Fort Peck Tribal Code Title 7, § 214; Mandan, Hidatsa and Arikara Nation (See resolution 14-195-VJB – called Lauren's Law at https://tinyurl.com/MHA-HT); Pascua Yaqui Tribal Code § 130; Snoqualmie Tribal Code § 7.21; Swinomish Tribal Code § 4-03.070; and Tulalip Tribal Code § 3.25.020.

[10] U.S. General Accounting Office, *Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans* (July 2017), located at https://www.gao.gov/products/GAO-17-624 (visited July 27, 2018) (hereafter "GAO Report").

[11] *Id*. at 11.

[12] *Id*. at 12.

[13] *Id*.

[14] *Id*.

In meetings with officials from the Minneapolis Police Department, they stated that they made a concerted effort, starting in 2012, to meet with tribal elders and service providers who worked with the Native American population to demonstrate their willingness to investigate human trafficking crimes. The officials stated that, following those meetings, the number of human trafficking crimes involving Native American victims that were reported to the department increased.[15]

It is likely that this showing of good faith generated trust in the nearby tribes that their reports would be taken seriously. Alternatively, a poor relationship between the Native American community and a local police department may preclude referrals of human trafficking crimes.[16]

Almost 50 percent of tribal LEA respondents (60 of 132) reported they believed human trafficking was occurring on tribal land in their jurisdictions beyond what had been reported.[17]. Officials from two tribal LEAs told the GAO that in their experience some victims don't come forward to report their victimization because they are embarrassed or feel ashamed.[18] "Several survey respondents also indicated that they suspect there is more human trafficking than what has been reported to them because of the presence of casinos on their land (14 of 60)."[19] One tribal LEA explained the tribal casino hotel may be used as a venue for sex trafficking.[20] Others (13 of 60) suspected that sex trafficking may be occurring as part of some of the drug crimes they investigate.[21] Unfortunately, one county LEA told the GAO that officers may not recognize that human trafficking is taking place, particularly when it occurs alongside another crime like drug trafficking.[22]

15 *Id.*

16 *Id.* at 14.

17 *Id.*

18 *Id.*

19 *Id.*

20 *Id.*

21 *Id.*

22 *Id.*

Unfortunately, some victims are reluctant to participate in investigations. The GAO found the following reasons as "somewhat common" or "very common":

- The victim fears retaliation from the trafficker (17 of 18);
- The victim is traumatized (16 of 18);
- The victim does not see herself or himself as a victim (16 of 18);
- The victim distrusts law enforcement (14 of 18);
- The victim is sentimentally attached to the trafficker (13 of 18);
- The victim is underage and does not want to return home (10 of 18); and
- The victim is addicted to drugs (17 of 18).[23]

Other factors may be that a social stigma exists with reporting crimes to the police among Native Americans, a poor relationship exists between the Native American community and the local police department, the victim is involved in either taking or selling illicit drugs, and/or the victim may be discouraged by family from cooperating with an investigation or prosecution.[24]

Labor trafficking can occur in any type of industry. There have been reported cases in the following occupations: hospitality (e.g., bell staff, front desk clerks, kitchen staff, restaurant or casino staff, marketing, and servers); domestic work (e.g., child care, cleaning, cooking, elder care, gardening, other household work); restaurant and food service (e.g., bussers, chefs, cooks, kitchen staff, servers); construction; agriculture and ranching (e.g., farmworkers, caring for domestic animals, working in packing plants, orchards and nurseries); health and beauty services (e.g., hairstyling, braiding, massage therapy, manicures, pedicures, skin care); manufacturing (e.g., garment industry such as sewing, assembling, pressing, packing apparel, food processing such as slaughtering, preserving, canning and packing good for distribution); bars and clubs (e.g., dancers, hostesses, servers); and sales crews, peddlers, and begging rings.[25]

[23] *Id*. at 15 (citations omitted).

[24] *Id*. at 14-16.

[25] Nat'l Human Trafficking Resource Ctr., *Labor Trafficking Cases by Industry in the United States*, located at https://humantraffickinghotline.org/sites/default/files/Labor%20Trafficking%20Cases%20by%20Industry%20in%20the%20US%20Fact%20Sheet%20FINAL_1.pdf (visited July 29, 2018).

What signs should tribal judges look for to assess whether human trafficking is occurring?

Tribal judges should be on the lookout for human trafficking if the community in which they serve has the following characteristics[26]:

- Historical trauma and cultural loss
- Significant poverty and/or economic isolation/dependence
- High rates of adverse childhood experiences in the population
- High numbers of homeless and runaway youth
- High rates of family surveillance and involvement with child welfare system
- High rates of exposure to violence (direct and/or indirect, through domestic, intimate partner violence)
- High rates of personal or family/caregiver addiction to substances
- Low levels of police or law enforcement presence
- Influx of a transient, cash-rich workforce

Other indicators of vulnerability to sex trafficking may "include individuals that are exposed to child abuse (including child sexual abuse) and neglect, sexual assault, substance abuse, runaways, homelessness, extreme poverty, and those with a cultural disconnect."[27] Furthermore, "sex traffickers often target vulnerable populations subject to social discrimination such as Lesbian, Gay, Bisexual, Trans*, Queer/Questioning, Intersex, and Two-Spirit (LGBTQ/2) individuals."[28]

[26] NCAI Policy Research Ctr., *Human & Sex Trafficking: Trends and Responses across Indian Country* 4 (Spring 2016), located at http://www.ncai.org/policy-research-center/research-data/prc-publications/TraffickingBrief.pdf (visited July 29, 2018).

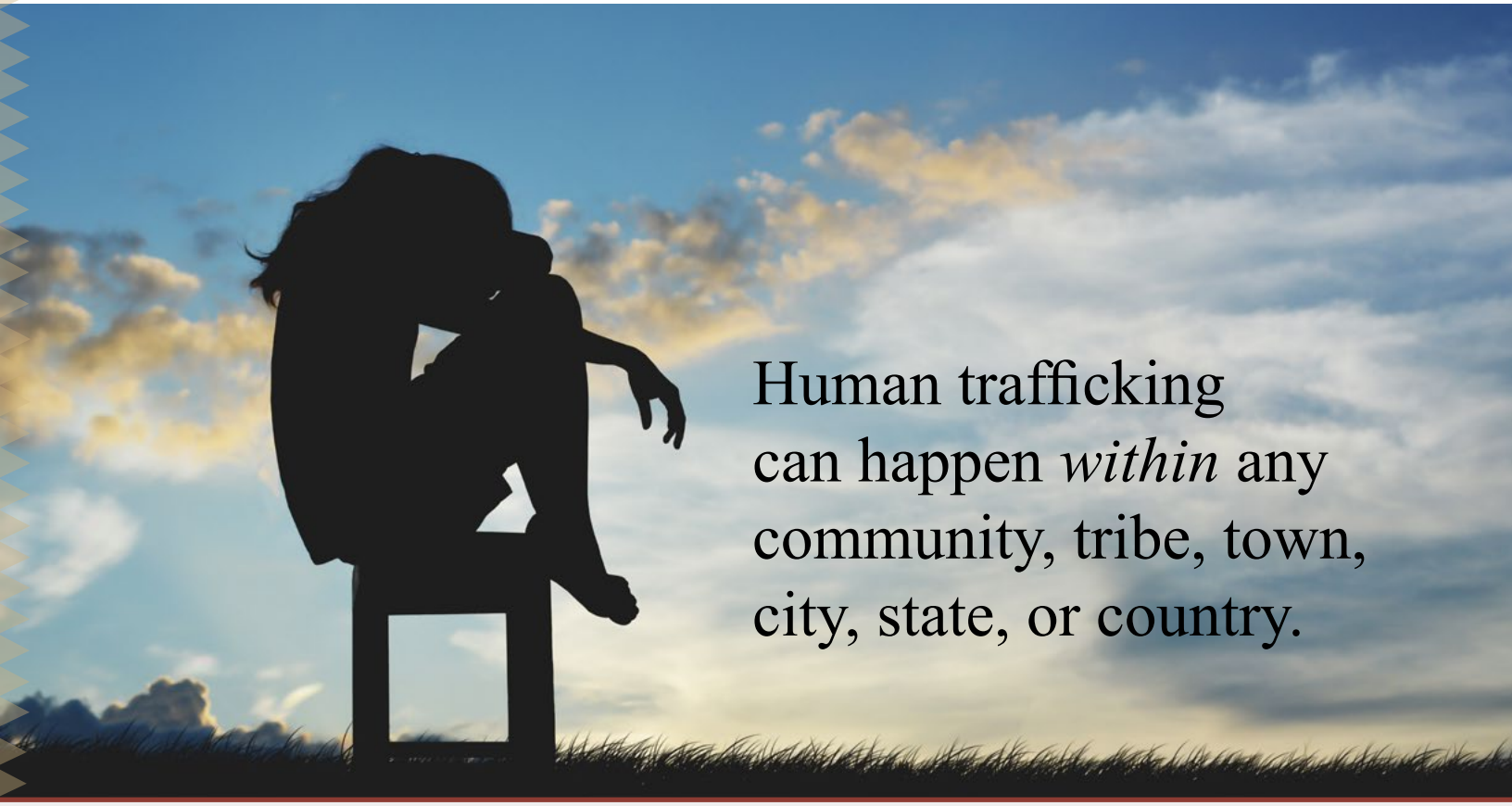
[27] Tribal Law & Policy Inst., Sex Trafficking in Indian Country: Victim/Survivor Resource Book 8 (Sept. 2016) (citations omitted).

[28] *Id.*

In court proceedings, tribal judges should look for the following facts as indicators that human trafficking is occurring.[29] The suspected victim . . .

- Is not free to leave or come and go as he/she wishes
- Is in the commercial sex industry and has a pimp / manager
- Was recruited through false promises concerning the nature and conditions of his/her work
- Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture
- Is not in control of his/her own money, no financial records, or bank account
- Is not in control of his/her own identification documents (ID or passport)
- Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating)
- Lacks knowledge of whereabouts and/or of what city he/she is in
- Lacks a sense of time

The suspected victim may also live where there are high security measures present in either the work and/or living locations (e.g., opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.).[30]



[29] *Id*. at 8.
[30] *Id*.

Other signs of human trafficking may include the following[31]:

- Living with employer
- Branding (tattoos)
- New unexplained jewelry and/or clothing
- "Boyfriend" who is controlling
- Poor living conditions or multiple people living in a cramped space
- Inability to speak to individual alone
- Inconsistencies in retelling of events, scripted or "rehearsed" responses
- Unpaid or paid very little
- Change in appearance
- Numerous sexually transmitted diseases (STDs) and pregnancies

The victim may exhibit the following types of behavior in court[32]:

- Exhibits fear, depression, paranoia or anxiety
- Discusses sexual situations that aren't age appropriate
- Uses slang that is only used in sex industry
- Refers to pimp (boyfriend) and associates as "family"
- Socializes/stays in motels/hotels that are zones for prostitution
- Has a history of repeat runaway incidents
- Is always in the company of or dates older men
- Evidences an attachment to a cellular phone
- Has unexcused absences from school
- Has difficulty providing year of birth (especially minors).

As a best practice, tribal judges should use these red flags or signs to ask more questions in court (if the circumstances allow), question the attorneys or advocates, or work with court staff after the proceeding.

[31] Miami-Dade State Attorney's Office, *Signs of Human Trafficking*, located at http://www.miamisao.com/services/human-trafficking (visited July 29, 2018).

[32] *Id*. (*Behavior Signs*).

How can tribal judges effectively respond to suspected human trafficking?

If a tribal judge suspects that human trafficking is occurring in an individual case (although it was not a focus of the court interaction), a judge may take a few actions. The judge can instruct court staff to provide a card (with contact information for the National Human Trafficking Hotline) to the suspected victim after court.[33] If there are suspected traffickers in the courtroom, court staff should provide the card in a surreptitious manner.[34] In many cases, it is better for a victim to make the decision when to reach out for help because calling on the person's behalf may put the individual in danger.[35] The hotline victim advocates prefer to speak with the victim themselves because the advocates can speak with them about their individual issues and provide them with next steps.[36] The victims are generally better able to describe their situations than the judge or court staff.[37]

Taking into consideration the caveats discussed above, the judge can also either contact the National Human Trafficking Hotline (NHTH) directly or have the court staff do so to report suspected trafficking. The hotline has four options for reporting:

1. Call the NHTH at 1-888-373-7888: Anti-Trafficking Hotline Advocates are available 24/7 to take reports of potential human trafficking. (NOTE: If it's not an emergency, the wait times can be relatively long).
2. Text the NHTH at 233733. Text help or info.
3. Chat with Anti-Trafficking Hotline Advocates at http://www.humantraffickinghotline.org/chat.
4. Submit a tip online through the anonymous online reporting form at https://humantraffickinghotline.org/report-trafficking.

If the judge suspects that the victim is in immediate danger, the judge or the staff should call 911.

Once the NHTH receives the call, the advocate will assess the situation and determine appropriate next steps.[38] Depending upon the state in which the trafficking is occurring, the NHTH can provide referrals to agencies that can assist the victim.[39] The advocate may believe that it's important to immediately contact law enforcement. In doing so, the NHTH has amassed a database of law enforcement agencies that have been trained on appropriately investigating human trafficking cases.[40] The advocate will provide a report to law enforcement.[41] Law enforcement will either investigate the case itself or refer it to tribal law enforcement.[42]

[33] Interview with Lavontte Gardner, Hotline Supervisor, Polaris, via telephone (July 26, 2018). On NJC's cloud, tribal judges will find a card they can print out that provides information on how to contact the human trafficking hotline.

[34] *Id.*

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *Id.*

[42] *Id.*

In cases involving children under the age of consent, the procedures are different. Because children cannot consent to sex, the NHTRC would immediately contact law enforcement.[43] Adults may not be victims; they need to express what they want.[44]

In addition to sex trafficking, the NHTH also handles labor trafficking. The rate of contacts differs depending upon the season.[45] Typical contacts involve minors who are begging, traveling crews selling magazines and newspapers, au pairs, and migrant workers.[46] As discussed previously, however, tribal judges should be aware that trafficking can occur in any industry.

In addition to paying closer attention in individual cases, a tribal judge may wish to set up procedures for managing human trafficking cases in the tribal justice system. Tribal judges can advocate for the tribe to use screening and assessment tools to determine whether human trafficking is occurring**.** **"**Screening and assessment can help to identify victims of trafficking, gain a full picture of their victimization experiences, understand their individual comprehensive service needs, and monitor progress toward recovery and improved well-being over time."[47] The screening and assessment will help the tribal court in case planning and service delivery.[48] Further, if the tribal court utilizes screening and assessment at key periods, it can provide insights to caseworkers and help the court monitor progress toward recovery and improved well-being outcomes.[49] This will allow the tribal court to adjust intervention strategies as needed.[50] "Given the high levels of trauma and increased social-emotional needs among trafficking victims, screening and assessment instruments can be important tools for working with this vulnerable population."[51]

Judges also will want to work with court staff in identifying what resources are available to the tribe in a community mapping exercise. Community mapping is a planning tool that helps the planner identify resources, assets and potential partners in the community. An example of a community map for tribal courts is provided below.

43 *Id.*

44 *Id.*

45 *Id.*

46 *Id.*

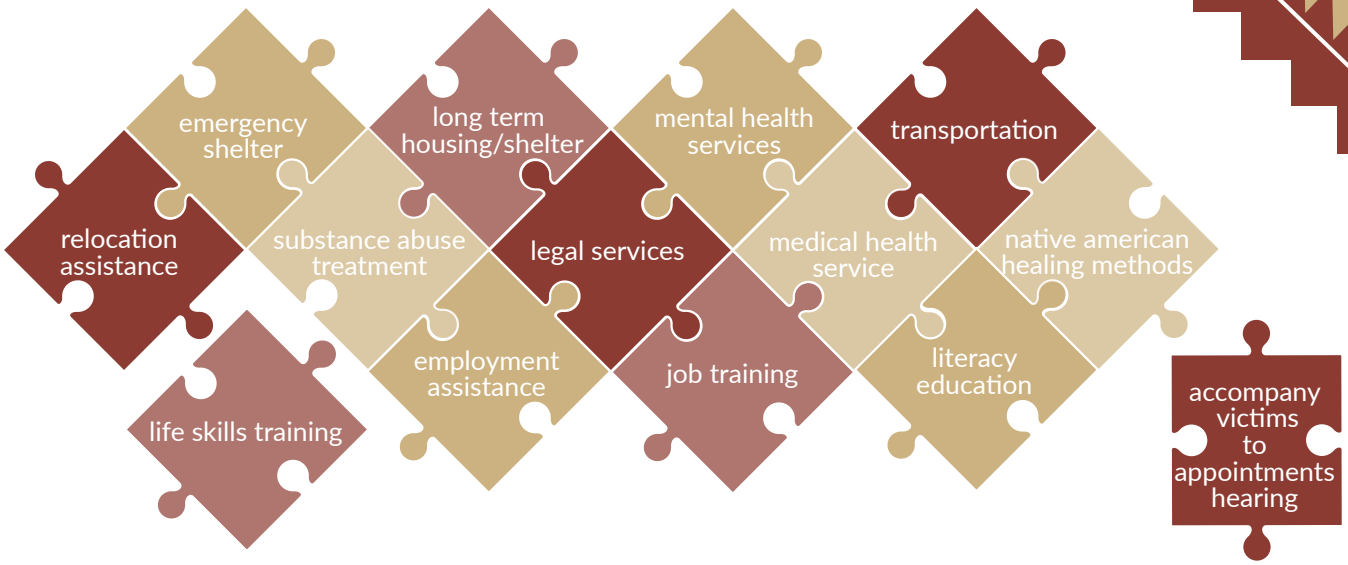
47 U.S. Dep't of Health & Human Svcs., Admin. for Children, Youth and Families, *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States* 8 (2013), located at https://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf (visited July 31, 2018).

48 *Id.*

49 *Id.*

50 *Id.*

51 *Id.*



Human trafficking victims are likely going to need the following types of services: emergency shelter; long term housing/shelter; medical health services; transportation; accompanying victims to appointments or hearings; relocation assistance; substance abuse treatment services; legal services; mental health service; Native American healing methods; life skills training; employment assistance; job training; and literacy education.[52] Once the community mapping has been completed, it is prudent to establish long-term relationships with service providers both government and non-profit, and with law enforcement (tribal, state, and federal).

Tribal judges may be able to work with or persuade tribal councils to ensure that any tribal sex trafficking laws place a greater emphasis on identifying and helping sex trafficking victims.[53] Judges may also want to advocate for human trafficking training for all criminal justice system professionals including prosecutors, law enforcement, and defense attorneys or advocates. Likewise, tribal judges should ensure that all victim service providers receive human trafficking education as well.

In many parts of the country, therapeutic courts are used for veterans' criminal cases, drug addiction, drugged driving, and mental health, among other specializations. Tribal judges should consider the creation of a specialized docket that is equipped to identify victims of trafficking. Indeed, many tribes support Healing to Wellness courts.[54] These same principles could be used to support human trafficking victims. In doing so, the most important element is to ensure all human trafficking victims have a central case manager.[55] "Having a central case manager was viewed by service providers and law enforcement as a *critical* service not only for victims but also for other service providers and agencies involved in a trafficking case."[56]

[52] GAO Report, *supra* note 9, at 21.

[53] Toko Serita, *In Our Own Backyards: The Need for a Coordinated Judicial Response to Human Trafficking*, 36 N.Y.U. L. & Soc. Change 635, 656 (2013) (While Judge Serita makes a number of excellent recommendations for use in New York, most of the recommendations can be applied to Indian Country).

[54] See Tribal Law & Policy Inst., *Tribal Healing to Wellness Courts*, located at http://www.wellnesscourts.org (visited July 29, 2018).

[55] U.S. Dep't of Health & Human Svcs., Study of HHS Programs Serving Human Trafficking Victims Final Report (Dec. 2009), located at https://aspe.hhs.gov/system/files/pdf/75966/index.pdf (visited July 27, 2018) (unfortunately, the study doesn't specifically address Indian Country. Nevertheless, all U.S. citizens are eligible for the programs).

[56] *Id*. at vii (emphasis added).

What resources are available to assist human trafficking victims?

In creating a human trafficking victim focused court, tribal judges need to know the impacts that human trafficking has on victims. In Minnesota, researchers interviewed 105 Native women in prostitution for approximately 1.5 hours each, administering four questionnaires that asked about family history, sexual and physical violence throughout their lifetimes, homelessness, and symptoms of post-traumatic stress disorder (PTSD) and dissociation.[57]

In addition, they asked about the women's use of available services such as domestic violence shelters, homeless shelters, rape crisis centers, and substance abuse treatment.[58] The researchers asked the women about the extent to which they connected with their cultures, and if doing so helped them or not, and whether they experienced racism and colonialism.[59]

They found the following with regard to the mental and physical health impacts the women faced:

1. **79%** of the women had been sexually abused as children by an average of four perpetrators
2. **48%** had been used by more than 200 sex buyers during their lifetimes
   16% had been used by at least 900 sex buyers
3. **92%** had been raped
4. **52%** had PTSD at the time of the interview (a rate in range of combat veterans)
   71% had symptoms of dissociation
5. **72%** suffered traumatic brain injuries in prostitution
6. **84%** had been physically assaulted in prostitution

Accordingly, (1) – (6) above will likely necessitate mental health counseling. PTSD can be a particularly difficult mental health issue to solve, so in-patient care may be necessary. (5) and (6) may require hospital services as well.

With regard to (1) and (2), a number of researchers have found there is a direct correlation between child sexual abuse and later human trafficking. "[V]ictims of child sexual abuse may begin to engage in sexual activity at earlier ages than nonvictims."[60] Earlier sexual activity also is associated with increased risk for truancy, dropping out of school, running away, and gang membership.[61] Each of those actions has been associated with commercial sexual exploitation and sex trafficking of minors.[62]

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[57] Melissa Farley, Sarah Deer, *et al.*, Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota 3 (2011).

[58] *Id.*

[59] *Id.*

[60] *Risk Factors for and Consequences of Commercial Sexual Exploitation and Sex Trafficking of Minors* in Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States 82 (Ellen Wright Clayton, Richard D. Krugman, and Patti Simon eds., 2013) (citations omitted).

[61] *Id.*

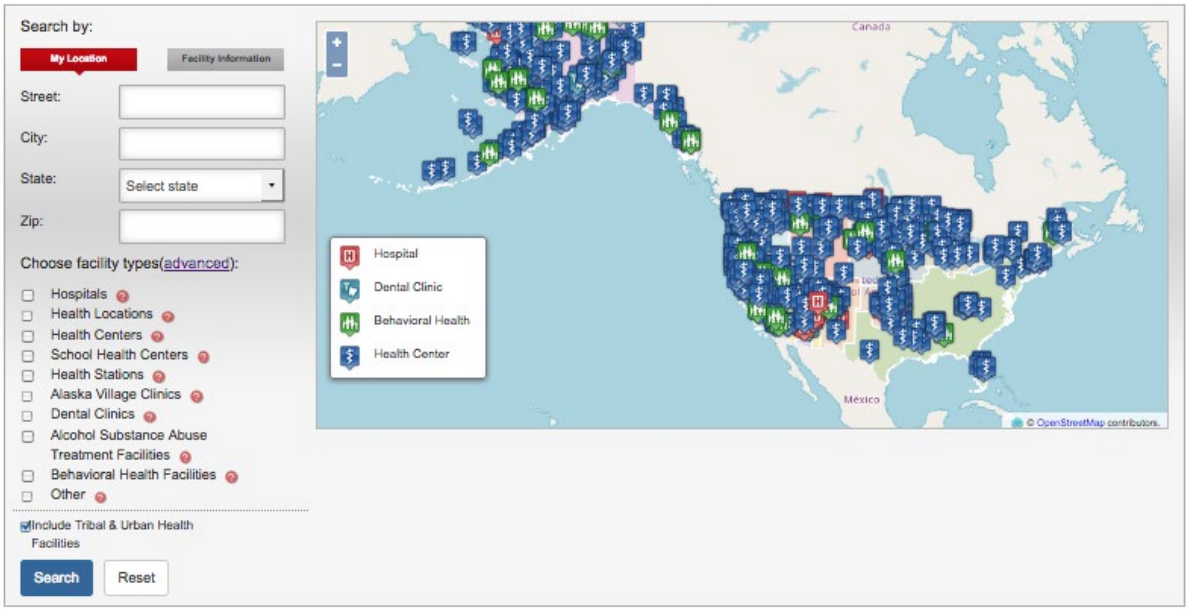
[62] *Id.*

Likewise, several studies have found sexually abused adolescents are likely to have higher levels of alcohol and drug abuse, risky sexual behaviors, depression, trauma, anxiety, suicidality, and poorer self-worth.[63] Children and adolescents who experience abuse and/or neglect may use drugs to cope with their home life or to relieve symptoms of depression.[64] In older adolescents, researchers found child abuse to be associated with heightened sexual risk taking and heightened risks for other adverse behavioral outcomes.[65]

Adolescents with a history of child maltreatment were at least 25 percent more likely to experience problems with juvenile delinquency, teen pregnancy, low academic achievement, drug use, and symptoms of poor mental health compared to those without such a history.[66] Together, these could increase the risk for commercial sexual exploitation and sex trafficking of minors.[67]

With this large variety of negative life experiences and trauma, the victims of sex trafficking will likely require many services. For instance, the National Human Trafficking Hotline allows the court to search using the following search criteria: (1) gender; (2) nationality; (3) age; (4) type of trafficking (e.g., labor, sex); (5) service needed (list below is illustrative); (6) opportunities and training (e.g., training, volunteer opportunities, outreach/awareness); and (7) specialized competency (e.g., LGBTQI individuals, American Indians and Alaska Natives, people with disabilities).

The Indian Health Services site's search engine[68] is pictured below. It contains a larger variety of local resources, and the court can include tribal and urban health facilities in the search[69]:



Below, the monograph compiles a list of the most likely services that human trafficking victims will need and pinpoints the sites that can provide resources for the needed services.

63 *Id.*

64 *Id.*

65 *Id.*

66 *Id.*

67 *Id.*

68 Indian Health Svc., *Find Health Care*, located at https://www.ihs.gov/findhealthcare (visited July 31, 2018).

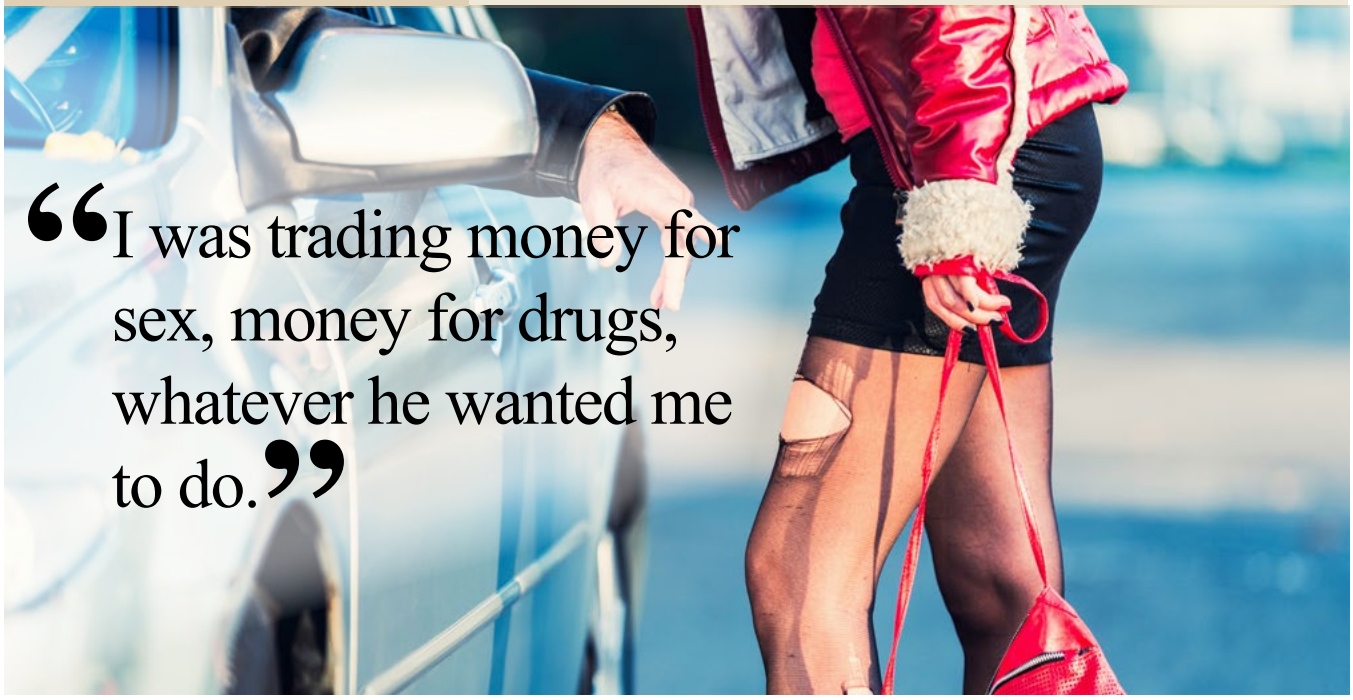
69 *Id.*

SERVICES	PROVIDERS
Addiction treatment / services	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; Indian Health Services: https://www.ihs.gov/findhealthcare; Substance Abuse and Mental Health Services Administration: https://findtreatment.samhsa.gov, (800) 662-HELP (4357)
Advocacy, human trafficking	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Case management	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Childcare	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Clothing	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Crime victim compensation	National Association of Crime Victim Compensation Boards: http://www.nacvcb.org/index.asp?sid=6
Crisis services	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Dental services	Indian Health Services: https://www.ihs.gov/findhealthcare
Domestic violence	The National Domestic Violence Hotline: 1-800-799-SAFE (7233); Domestic Violence State Resources: https://www.justice.gov/ovw/local-resources
Education / job training	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
English, basic education	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help

SERVICES	PROVIDERS
Expungement or vacating a record	American Bar Association Survivor Reentry Project: https://www.americanbar.org/groups/domestic_violence/survivor-reentry-project.html
Family planning	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Family reunification	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Food	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
GED preparation	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Health care	Indian Health Services: https://www.ihs.gov/findhealthcare/#; National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Housing, emergency	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; OVC/BJA-Funded Human Trafficking Services: https://ovc.ncjrs.gov/humantrafficking/map.html
Housing, transitional and long-term	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Interpretation / translation	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Job preparation / retention services	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Legal services, criminal	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory

SERVICES	PROVIDERS
Legal services, immigration	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; https://ovc.ncjrs.gov/humantrafficking/map.html
Mental health treatment	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; Indian Health Services: https://www.ihs.gov/findhealthcare; Substance Abuse and Mental Health Services Administration: https://findtreatment.samhsa.gov; (800) 662-HELP (4357)
Parenting education	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Postsecondary education	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Post-traumatic stress disorder (PTSD)	Indian Health Services: https://www.ihs.gov/findhealthcare; National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Repatriation	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Referral services	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; Office for Victims of Crime: https://ovc.ncjrs.gov/humantrafficking/map.html
Sexual abuse or assault	Indian Health Services: https://www.ihs.gov/findhealthcare; IHS Sexual Assault Nurse Examiners (SANE); National Sexual Assault Hotline: (800) 656-HOPE (4673)
Shelter, emergency	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; Office for Victims of Crime: https://ovc.ncjrs.gov/humantrafficking/map.html
Suicide prevention	Suicide Prevention Lifeline: 1-800-273-8255 or chat at https://suicidepreventionlifeline.org/chat

SERVICES	PROVIDERS
Survivor leadership	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory
Therapy	National Human Trafficking Hotline: https://humantraffickinghotline.org/training-resources/referral-directory; https://www.ihs.gov/findhealthcare
Tribal healing methods and services	Indian Health Services: https://www.ihs.gov/findhealthcare
Victim assistance	National Association of VOCA Assistance Administrators: http://www.navaa.org/link_matrix.html
Vocational counseling	National Career Development Association: https://www.ncda.org/aws/NCDA/pt/sp/resources
Vocational rehabilitation	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Vocational training	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help
Work assistance / stipends	U.S. Health & Human Services, Office of Family Assistance: https://www.acf.hhs.gov/ofa/help



Of the 105 American Indian/Alaska Native Minnesota women subjected to commercial sexual exploitation in Minnesota[70]:

- 80% had used out-patient substance abuse services. Many felt that they would have been helped even more by in-patient treatment;
- 77% had used homeless shelters;
- 65% had used domestic violence services; and
- 33% had used sexual assault services.

Their most frequently stated needs were for individual counseling (75%), peer support (73%), housing, and vocational counseling (both 66%).[71]

Many of the women felt they owed their survival to Native cultural practices, and most wished for Native healing approaches to be integrated with mainstream social services.[72] "The Administration for Native Americans affirmed that cultural safety and the use of women's circles, sweat lodges, and other culturally appropriate practices are critical to healing." [73]

Conclusion

Tribal judges need to be proactive if they want to curb the incidence of human trafficking in the communities in which they serve. Human trafficking has been proliferating under the surface for more than a century, and it will continue to do so unless tribal judges act, along with their criminal justice colleagues.

Tribal judges should not only exercise their position power,[74] but perhaps more effectively, they should become experts[75] on the topic and educate others about the dangers of continued proliferation. The fact that they took the time to educate themselves about this scourge should lead other community leaders and elders to want to do the same. Tribal judges should also use their referent power[76] to make changes in their own tribes (when applicable) and in the tribes that they serve.

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[70] Garden of Truth, *supra* n. 51, at 3.

[71] *Id.*

[72] *Id.*

[73] NCAI Policy Research Ctr., *Human & Sex Trafficking: Trends and Responses across Indian Country* 9 (Spring 2016) (*citing* Health & Human Svcs., Admin. for Children & Families, Admin. for Native Americans, *Recognizing and Responding to Human Trafficking among American Indian, Alaska Native and Pacific Islander Communities* (Information Memorandum) (Jan. 29, 2015), located at http://www.acf.hhs.gov/programs/ana/resource/information-memorandum-on-human-trafficking-among-american-indian-alaska-native-and-pacific-islander-communities (visited July 31, 2018).

[74] Position power is "[t]he authority/ influence that is given to the individual who possesses an office or is given a position." The Law Dictionary, located at https://thelawdictionary.org/position-power (visited July 31, 2018).

[75] Expert power is the "[i]nfluence due to expertise. It changes behaviors in individuals or an organization based on past knowledge in an area." The Law Dictionary, located at https://thelawdictionary.org/expert-power (visited July 31, 2018).

[76] "People with referent power have an ability to influence others because they can lead those others to identify with them. In this case, the person who provides the influence is (a) a member of an important reference group -- someone we personally admire and attempt to emulate; [and/or] (b) a charismatic, dynamic, and persuasive leader . . . ." U. Minn. Libraries Pub., 7.2 *Obedience Power and Leadership* in Principles of Social Psychology (2010), located at http://open.lib.umn.edu/socialpsychology/chapter/7-2-obedience-power-and-leadership/#stangorsocial_1.0-ch07_s02_s02_t01 (visited July 31, 2018).

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(800) 25-JUDGE (255-8343)