

Minutes
Commission on Improving the Status of Children in Indiana
Wednesday, November 19, 2014, 10:00 a.m. – 2:00 p.m.
Indiana Government Center South, Conference Room A

Members Present: Dr. Jerome Adams, Indiana State Health Commissioner, Indiana State Department of Health; Christine Blessinger, Acting Executive Director, Division of Youth Services, Indiana Department of Correction; Mary Beth Bonaventura, Director, Indiana Department of Child Services; Lilia Judson, Executive Director, Division of State Court Administration; Sean Keefer, Deputy Chief of Staff for Executive Branch Agencies, Senator Tim Lanane; Larry Landis, Executive Director, Indiana Public Defender Council; Susan Lightfoot, Chief Probation Officer, Henry County Probation Department; Kevin Moore, Director, Division of Mental Health and Addiction, Family & Social Services Administration; David Powell, Executive Director, Indiana Prosecuting Attorneys Council; Representative Gail Riecken; Chief Justice Loretta Rush, Indiana Supreme Court; Greg Zoeller, Attorney General.

Commission Staff Present: Amber Holland, Indiana Supreme Court; Jeff Bercovitz, Anne Jordan, Angela Reid-Brown, Indiana Judicial Center; Ruth Reichard, Mike Commons, Indiana Supreme Court, Division of State Court Administration.

1. Welcome and Introductions. Chief Justice Rush opened the meeting and announced Dr. Jerome Adams, Christine Blessinger, and Sean Keefer as new members of the Commission. Dr. Adams, Ms. Blessinger, and Mr. Keefer introduced themselves.
2. Approval of Minutes from the September 17, 2014 meeting. The minutes from the September 17, 2014 meeting were approved.
3. Human Trafficking in Indiana Presentations.
 - a. **Greg Zoeller, Attorney General and Abigail Kuzma, Deputy Attorney General.** Attorney General Zoeller stated the Indiana Protection for Abused and Trafficked Humans (IPATH) task force was created by a federal initiative in 2005 through the Department of Justice and funded by a federal grant in 2006. Attorney General Zoeller became co-chair of IPATH along with the U.S. Attorney for the Southern District of Indiana in 2009.

Attorney General Zoeller said most people often think of human trafficking as something having to deal with foreign citizens, but this is a common misconception. Human trafficking occurs when traffickers use force, fraud, or coercion to control other people for the purpose of engaging in commercial sex or forcing them to provide labor services against their will. Children under eighteen can be victims without the need to prove force, fraud, or coercion.

Attorney General Zoeller said he is also involved in human trafficking on the national level. He reported the National Association of Attorneys General (NAGG) focused the 2011-2012 year on ending human trafficking across the country.

NAGG created the Pillars of Hope campaign. The campaign is built upon four pillars that play an instrumental role in getting ahead of the human trafficking problem. Pillar 1) Making the Case, Pillar 2) Holding Traffickers Accountable, Pillar 3) Mobilizing Communities to Care for Victims, Pillar 4) Raising Public Awareness and Reducing the Demand. The Attorneys General from all of the states each pledged that they would go back to their respective states and try to implement these pillars. Attorney General Zoeller was asked by the NAGG to become the advocate for Pillar 4, Raising Public Awareness and Reducing the Demand.

Indiana's "Don't Buy the Lie" anti-demand campaign has been replicated by many states. The campaign was first developed for the 2012 Super Bowl held in Indianapolis.

The NAAG Human Trafficking Standing Committee is working to amend the federal Communications Decency Act so that states will become empowered to sue Internet advertisers (for "escort" ads). The Committee is also working to investigate and promote best practices for combatting trafficking at the state level, legislative priorities, anti-demand efforts, and establishing alliances with partner agencies and non-governmental organizations.

Attorney General Zoeller stated there is an increase in the demand for commercial sex services surrounding large sporting events or conventions such as the Super Bowl. He described the training and outreach efforts conducted in advance of the 2012 Super Bowl. He said two human trafficking victims were identified and recovered during that time.

Attorney General Zoeller summarized Indiana's human trafficking laws: Senate Bill 4-2012 removed the requirement to prove force, threat of force, or fraud in human trafficking cases where the victim was under the age of 16; Senate Bill 509-2013 raised the age for which prosecutors no longer have to prove force, threat of force, or fraud in the human trafficking case from 16 to 18; House Resolution 12-2014 urged the study of trafficking of children on the Internet and the legal issues related to regulating adult services advertisements; Senate Bill 291-2014 gave the office of the attorney general the same authority as a law enforcement agency to access and maintain information regarding violations of the human trafficking statutes; and, it permits the attorney general to assist with the investigation and prosecution of a violation of state human trafficking laws.

Attorney General Zoeller said there are a number of groups who rank states based on the state's human trafficking laws. In 2014, Shared Hope International rated Indiana as a "C." To improve this ranking, Shared Hope recommended that Indiana's laws increase the penalties for purchasing sex with a minor and implement a "safe harbor" (legal immunity) provision for minors. In 2014, Polaris ranked Indiana as "Tier 1." To improve that ranking, Polaris recommends that Indiana pass enabling legislation creating the human trafficking task force, post the

national human trafficking hotline number, and enact laws implementing safe harbor provisions for minors and vacating the convictions of victims.

Attorney General Zoeller identified some of the IPATH members. In addition to the Indiana Attorney General, members include the U.S. Attorney's office, Indiana State Police, Marion County Prosecutor's office, Indiana Prosecuting Attorneys Council, Indianapolis Metropolitan Police Department, FBI, Homeland Security, Indiana Department of Child Services, Neighborhood Christian Legal Clinic, and the Julian Center.

Attorney General Zoeller reported that human trafficking is the second-largest and fastest-growing criminal industry in the world. Eighty-three percent (83%) of sex trafficking victims are U.S. citizens. Historically, victims are young girls who suffer abuse at home, then at a young age (usually between 12-14 years old) run away. These girls are then picked up by their boyfriend/pimp and are trafficked through their eighteenth birthday. After turning 18, the victims generally become prostitutes, which makes them subject to criminal prosecution, and most become addicted to drugs. Their average life expectancy is 35. Attorney General Zoeller challenged the media to tell these women's stories, and said referring to prostitution as "the world's oldest profession" minimizes these truths.

Approximately 1 million children are exploited by the commercial sex trade worldwide each year, and up to 300,000 American youth are at risk of becoming victims of commercial sexual exploitation. Attorney General Zoeller said the Commission on Improving the Status of Children (CISC) should focus its efforts on the youth who are at risk of becoming victims. Common factors for youth at risk of becoming victims include juveniles, runaways, and social media. He mentioned two federally prosecuted human trafficking cases and three cases prosecuted in Indiana. The most difficult aspect of prosecuting these cases involves uncooperative victims. Chief Justice Rush indicated that these victims often present in court as offenders in shoplifting and drug cases, and are missed because the screening that they undergo is too shallow. The victim/offenders are unable to obtain counseling because they lose their Medicaid eligibility while they are in custody.

In 2010 there were 800,000 people who were considered trafficked across international borders. The federal government estimates that human trafficking generates as much as \$150 billion annually worldwide.

Ms. Kuzma reviewed some of the online advertisements and social networking tools used to sell and recruit victims. Of the approximately 100 online sites, Backpage.com is the largest; academic studies have confirmed that its ads include trafficked minors. She discussed the federal Stop Advertising Victims of Exploitation (SAVE) Act pending before Congress. Ms. Kuzma said it is possible to enact a state-law version of this legislation, which would empower the Attorney General's Consumer Protection office and that would not conflict with the FCC's

jurisdiction. She also described a case that is currently pending and set for trial in March, 2015. Many times, human trafficking itself is not charged because of the circumstances of the case. Ms. Kuzma remarked that the two most common characteristics of the victims she's seen are that they are survivors of trauma, and that they have had involvement with DCS. The more outreach she does with DCS, the more tips she receives. She would like to train all first responders about human trafficking.

- b. **David Powell, Executive Director, Indiana Prosecuting Attorneys Council.** Mr. Powell stated child pornography is tied to human trafficking. He reviewed Indiana's child exploitation and possession of child pornography statutes. He said prosecutors would be proposing age enhancements to the statutes during the next legislative session. He asked the CISC to support the legislation. Dr. Adams asked why there is such a discrepancy in the severity levels between child rape, and filming/facilitating child rape. Mr. Powell replied that possession of the images could arguably be charged higher, but it is often difficult to identify the actual child and thus the child's age.
- c. **Marti MacGibbon, Survivor.** Ms. MacGibbon is an inspirational speaker, certified addiction treatment professional, author, and a survivor of human trafficking. She shared her experience of being exploited, abused, and traumatized as a child and subsequently becoming a victim of human trafficking as an adult. She spoke to the Commission to communicate the profound effects of trauma on a life, and how transformative trauma-informed care can be.

She thinks what happened to her as a child made her vulnerable to being trafficked as an adult. Her vulnerabilities included a history of childhood sexual abuse, poverty, desperation, and a distrust of authority. She never told her parents about her victimization because she wanted to protect her family.

Ms. MacGibbon reported she was sexually abused by a teacher and his roommate at age 14. She started using drugs and later ran away from home. As she was only 14, a runaway, and traumatized, she formed a traumatic bond with her exploiters on account of her vulnerability. At some point she was given drugs by an older man who later took nude pictures of her. At 17 she had a seizure and was taken to a psychiatric institution, where she was sexually abused while a patient at the institution. She did not report any of these incidents.

Ms. MacGibbon became a victim of human trafficking in the 1980s as an adult. Her trafficker was a woman who owned an escort service and offered her an opportunity to earn money. She was given a one-way ticket to Japan, and upon arriving, was taken prisoner by the Japanese mafia. She was eventually able to escape with the help of a Hong Kong smuggler. She did not report what happened to her after she returned to the U.S.

Ms. MacGibbon, who is a member of a national network of survivors, said they feel strongly that safe harbor provisions are a best practice and will help undo the trauma bond. She said all children need trauma-informed care from the moment they are brought into the system; they frequently will not self-identify as victims, and may not even admit that to themselves. She also stated everyone who works with children needs to understand the trauma bond and how trauma manifests itself in children. Ms. MacGibbon also commented that Medicaid saved her life, because it finally gave her access to counseling.

- d. **Skyler Whittington, Human Trafficking Task Force Officer, Indiana State Police; and Tracy McDaniel, Human Trafficking Coordinator, Julian Center.** The speakers began by showing a video to the Commission from Shared Hope International. Tracy McDaniel reported approximately eighty percent (80%) of human trafficking victims have been involved with the child welfare system. Many victims are runaways and children who have spent time in foster care—all human trafficking victims have a “golden thread of vulnerability.”

Trooper Whittington discussed Operation Cross-Country. This was a three-day undercover Internet sting led by the FBI. Three juveniles were recovered and a juvenile prostitution ring based out of Chicago was identified as a result of the sting. In the last six months, there have been two traffic stops along I-70 that recovered two trafficked males from Guatemala, who had been sold to pay off their parent’s debts in Guatemala.

Ms. McDaniel described a victim of human trafficking from Carmel, Indiana with whom she has been working the past year. She said the penalties for human trafficking are not high enough and encouraged everyone to check out the “John School,” an education and diversion program for men arrested for buying sex. These men are typically married, with children and “respectable” jobs. They understand neither the dynamics of human trafficking, nor the public health issues involved in prostitution. She further shared that, out of 38 victims she has served, 34 were U.S. citizens. Backpage.com has code words for children, and it is not uncommon for parents and foster families to traffick their own children. When she sees the victims, they are often defiant; being trafficked was not their “worst day”; rather, their worst day came when they witnessed domestic violence, or were molested by a relative. In other words, trafficking was not their initial traumatization.

Trooper Whittington suggested the CISC should look at the work being done in Fairfax County, Virginia. This county has established a website called Justaskva.org, and developed a mandatory curriculum to teach kids in grades 6-12 about human trafficking. It is a model response to human trafficking from a jurisdiction that had a large juvenile operation within its own high school.

He said human trafficking is not just in the rough parts of our cities. Many leads he gets are regarding parents or foster parents prostituting their own kids. He

recommended focusing on prevention, providing resources, treatment, and focusing on anti-demand.

These speakers closed with two final comments: first, sexting is a gateway to trafficking; second, there is a very high demand in Indianapolis, and traffickers are bringing people into the city to satisfy that demand.

- e. **Dr. Lisa Elwood, Licensed Clinical Psychologist, University of Indianapolis.** Dr. Elwood specializes in trauma, post-traumatic stress disorder (PTSD), and interpersonal violence. Trafficking victims are commonly vulnerable and are highly distressed individuals. Victims are often targeted because of their low self-esteem, lack of consistent relationships, and low oversight. Victims are often very challenging to work with and may not want help. Many victims have prior trauma experiences. Childhood sexual abuse in particular is linked to sex trafficking. These victims are desensitized to sexual activity, which makes them more vulnerable. Traffickers use emotional, physical, and sexual abuse to maintain control over victims. Dr. Elwood emphasized two main points: victims of trafficking are highly traumatized and highly distressed individuals; and, victims of trafficking are very challenging to work with and often decline help.

One study of human trafficking found victims to be depressed, anxious, suffer from PTSD, and have suicidal ideations. Victims are often “vulnerable targets”; their traffickers did not randomly choose them from the streets. Instead, Dr. Elwood believes there is a link between child sexual abuse and sex trafficking. Childhood exposure to trauma makes it harder for these individuals to respond healthily to stress. They have less introspective ability. These parts of their brains are not as well-developed. So, victims are often functioning in a survival mode, living by rules and beliefs developed from their own experiences rather than generally accepted standards. Victims often continue behaviors that helped them survive even after changing environments. Even the most dysfunctional behaviors or beliefs were at one point useful. Trauma-informed care recognizes that there is a reason for victims’ current behaviors and beliefs.

Victims of trauma may develop trauma bonds (e.g. Stockholm Syndrome), in which the victim may develop strong, positive feelings towards the perpetrator. The victims may see themselves in a relationship with the perpetrator, and victims may not be interested in cooperating. They may deny that they are being harmed, may resist help, and may try to return to abuser after being rescued. Trafficking victims are often reluctant or unable to provide needed information. Trauma bonds may lead them to want to protect their abuser; victims may be involved in illegal behavior and want to protect themselves; and, they may not have the information they need to implicate the primary offender. The use of substances may interfere with their ability to remember, or even to identify their current surroundings. Dr. Elwood observed that it is easy to have empathy for trauma victims who internalize their fear, stress, etc.; but, those who act out, lie, and steal are also acting from trauma.

Trafficking victims should be considered from a trauma-informed lens and be considered victims rather than perpetrators. It is important for service providers to be trauma-informed. Early treatment or prevention services of high-risk youth could reduce the availability of vulnerable youth. Additionally, authorities must recognize that girls will often recruit other girls who are in vulnerable situations. Once identified, having appropriate treatment resources available, perhaps as alternatives to incarceration, will be essential.

Chief Justice Rush asked Dr. Elwood where children should go if they are victimized in a foster care or group home setting. Dr. Elwood replied that first, we must address the issues that make them vulnerable and concentrate on prevention, risk reduction, and demand reduction. At the same time, these children need long-term care, and they will cycle in and out of recovery (as victims of domestic violence often do) before achieving success.

Heather Kestian, Collaborative Care Field Director, Department of Child Services (DCS). Heather Kestian works with older youth, ages 10 ½ to 21 years. She reported DCS became involved with IPATH in 2013. DCS has attended several policy and protocol meetings over the past year to better work with service providers and identify issues related to human trafficking. DCS has developed a policy that outlines the agency's response to human trafficking in Indiana as it relates to child welfare. The new policy became effective on November 1, 2014. DCS employees participate in human trafficking trainings held throughout the state.

Ms. Kestian reviewed a list of human trafficking child indicators as found in the DCS child welfare policy. These indicators include: child may not be able or willing to speak on his or her own behalf, child may not be able to speak English, child may not have access to identification and/or travel documents, child may not attend school or has large gaps in his or her education history, child may have a heightened sense of fear and distrust of authority, child may have engaged in prostitution or commercial sex acts, child may have a significantly older boyfriend or girlfriend, child may be a runaway, and/or child may be in a public place and found in possession of drugs/alcohol.

Ms. Kestian reviewed a list of human trafficking child indicators that may be found in the home (including biological family home, group home, residential facility, foster care home, and relative placement home). During each home visit, the family case manager (FCM) will observe for the following potential signs of human trafficking: the child's home lacks personal effects or the child has a small room that is different from the rest of the house; the child may be unaware of the location of his or her home due to multiple moves or the human trafficker may lie to the child about his or her whereabouts; the child may be isolated and have no relationships outside of the home; and/or there may be multiple, unrelated people living in the home.

Ms. Kestian referred to recently enacted federal legislation that addresses child welfare and sex trafficking. H.R. 4980, the federal Preventing Sex Trafficking and Strengthening Families Act, was signed into law on September 29, 2014. She said the

Child Abuse and Neglect Hotline (1-800-800-5556) sends all tips related to human trafficking to IPATH-humantraffickingtip@atg.in.gov. She also stated human trafficking is not referenced in the CHINS statute. DCS must establish legal sufficiency for the CHINS petition based on the CHINS statute and the facts of the case. In cases where DCS finds human trafficking and abuse or neglect has occurred, a CHINS petition may be filed.

Chief Justice Rush asked Ms. Kestian if she was encountering human trafficking, and if so, to what extent. Ms. Kestian replied that she has encountered the problem, and it has been eye-opening. She did not previously recognize the issue because she had not been aware of the red flags. Now, however, she estimates that she receives word of such cases from FCMs at least once a week. The Chief Justice then asked whether DCS is partnering with local probation departments and detention centers to screen children who enter the system via a JD case for trafficking and also to assess their need for other services. Ms. Kestian stated that she is working with Don Travis to identify the 10- to 14-year-olds who are victims now, before they become the 16- to 17-year-old offenders of tomorrow. As the Chief mentioned the average age of children in CHINS cases is 6 years of age, Ms. Kestian stated that it is important to employ collaborative, trauma-informed care for all of the children. Director Bonaventura noted that DCS provides the same services to JD children as they do for JC children; they do not see a distinction. David Powell opined that he does not believe trauma assessments are being conducted on children who are runaways or truants. Susan Lightfoot stated that the behavior of the JD children is definitely the result of traumatization; however, it is difficult to detect, assess, and treat. She noted that human trafficking was a topic at a recent JDAI meeting, and that probation officers will be trained to screen for it. The Chief asked whether there is a tool/best practice for such screening, and Ms. Kestian replied that they are developing an addition to the assessment the FCMs perform; states with good materials include Connecticut, Florida, and Georgia.

A general discussion of available treatment followed. Ms. McDaniel said that there were few facilities nationally and statewide offering treatment for victims of human trafficking. Girls in this situation often refer to themselves as “runners,” for good reason. For that reason, Ms. McDaniel suggested locating the treatment facilities in rural areas. The Attorney General said that he has always focused on the demand side, but has noticed that DCS’s involvement in 2013 has made a big difference. Dr. Elwood stated that we need to refine our approach to treatment in this area. Ms. MacGibbon suggested that agencies work with survivor-led services whenever possible, and noted that California enacted a law (Senate Bill 1165) in 2014 mandating trauma-informed sex trafficking prevention education in middle schools and high schools. This is a positive development, because the education passes along necessary information and creates a culture within the schools that is trauma-informed. Rep. Riecken offered to look into amending the CHINS statute to add human trafficking, and to inquire about mandatory training of educators to identify child abuse, including trafficking. Dr. Adams noted that there are gaps in medical education regarding these issues, and asked Trooper Whittington to not overlook boys as victims of both sex and labor traffickers. Other Commission members agreed this may be a gap in screening and detection. Ms. Kuzma stated that Purdue is developing a database for IPATH, and Attorney General Zoeller reiterated the need for the legislature to statutorily create IPATH so is sufficiently funded and staffed.

Larry Landis spoke for public defenders, who are frustrated with their inability to identify survivors. There are few resources for interviewing them appropriately and then advocating for their interests. Dr. Elwood stated that this is not uncommon; survivors' narratives are often confused and inconsistent, and it can take years for them to be able to think clearly about what happened. David Powell observed that prosecutors, law enforcement officers, and public defenders need a core curriculum on human trafficking. Attorney General Zoeller indicated that IPATH has a screening tool. Sen. Lanane then mused about the financial rewards for the traffickers. Ms. McDaniel suggested calling the customers of sexually trafficked individuals "buyers" instead of "johns," and holding them more accountable. The Commission then paused the meeting briefly for a ten-minute lunch break, from 12:45 to 12:55 p.m.

f. **Chelsea Shelburne, Indiana University Robert H. McKinney School of Law, 2014 Fellow, Program on Law and State Government.**

Ms. Shelburne provided an overview of research she has conducted through her fellowship program on how states can better serve sex trafficking victims who enter the juvenile justice system through JD case filings.

4. Commission Discussion on Human Trafficking in Indiana-Next Steps. Attorney General Zoeller commented that one of the reasons Indiana is downgraded by some of the national organizations is because IPATH is not statutorily created and has no funding source. He said IPATH has been functioning as a coalition of willing people and has been able to get a lot accomplished without a lot of bureaucracy. He recommended studying the structure of other state networks to see what has worked and not worked before recommending IPATH become a statutorily created task force. Most states' task forces are state-funded.

The Chief Justice asked whether IPATH could produce training for prosecutors and public defenders in the field. Ms. Kuzma stated that IPATH has been looking at legislation in other states for ideas for safe harbor laws and for enabling legislation. As to which agency should recommend action, Ms. Kuzma suggested either a legislative committee or perhaps the Commission itself. Trooper Whittington reminded the group that the state already mandates training for law enforcement officers on human trafficking.

CISC members discussed establishing a multi-disciplinary work group. The work group should have similar membership of the CISC, but also include law enforcement, members of the gay/lesbian community, members of the minority and Hispanic communities, legislators, and service providers. David Powell moved to recommend IPATH create a multi-disciplinary work group to develop and submit recommendations to the CISC regarding best practices, legislation, and next steps. The motion passed. CISC members may forward recommendations as to who should serve on the work group to Attorney General Zoeller.

David Powell moved for the CISC to support legislation to amend the child exploitation and possession of child pornography statutes to include age enhancements. Chief Justice Rush abstained from the discussion and did not vote. After discussion, the motion failed.

5. Brief Report: Data Sharing and Mapping Task Force. Lilia Judson, Executive Director, Division of State Court Administration, Indiana Supreme Court; Julie Whitman, Vice President of Programs, Indiana Youth Institute.

Lilia Judson reported that the Task Force is continuing to collect data on the number of mental health and substance abuse providers and their locations. The Task Force is looking at data from the Division of Mental Health and Addiction (DMHA) and the Professional Licensing Agency (PLA). The data collected so far have been submitted to Connect2Help/211 to see if they can cross-match some of the service providers. The PLA has information on individuals who are licensed mental health and substance abuse providers as well as actual business entities. The Task Force will need to know if the CISC wants to obtain data on the individuals or the entities and how much effort and resources the CISC wants to commit.

Ms. Whitman reported on the data sharing activities. She reminded everyone that for the task force, data sharing means the sharing of case-level information, with appropriate protections for privacy, in order to answer policy and research questions. For instance, one of the questions from CISC is how do we know educational outcomes for vulnerable youth? Ms. Whitman said right now the task force does not have a way to answer that question, but as the task force was looking into that question, they came across an Information Sharing Certificate Program offered by Georgetown University. This is a four-day program specific to what the task force is trying to do. She reported that a team from Indiana has been accepted to the program and will be attending the training at Georgetown University in December. Indiana team members include herself, Doris Tolliver, who is the Chief of Staff at the Department of Child Services, and Michael Commons and Lisa Thompson, Indiana Supreme Court Division of State Court Administration.

Ms. Whitman described the Indiana Network of Knowledge (INK) program. INK is a statutorily created data sharing initiative, established last year. INK focuses on education and workforce data and is a partnership between the Department of Education, Commission for Higher Education, the Department of Workforce Development, and the Family & Social Services Administration. INK's enabling statute specifically excluded juvenile data and school disciplinary data from its consideration, but does not exclude child welfare data.

6. **Open Discussion.** Chief Justice Rush announced the CISC Executive Committee would meet on December 17, 2014 at 8:30 a.m. in the Supreme Court conference room. She invited all members of the CISC to attend the meeting.

Attorney General Zoeller said unlicensed day cares might be an issue the CISC may want to look at. Senator Lanane said he recently met with the Campaign to Improve Children's Health in Central Indiana, and suggested the CISC might want to invite them to a future meeting to give a presentation. Chief Justice Rush said the group should also be referred to the Infant Mortality and Child Health Task Force. Senator Lanane reported the Senate has established a Children and Family committee.

The Chief Justice reminded everyone that the Commission's next meeting, on February 18, 2015, will include reports and recommendations from all six task forces.