

GROUPTHINK

DISCUSSION KEY

Note: Following are discussion points that help facilitate various conflicting opinions surrounding the Groupthink statements.

1. The “bottom” should be charged for his/her role (along with the pimp) for the trafficking of the child.

Opinions on this topic vary from city to city, and certainly amongst investigators, prosecutors, service providers and survivors. There is no one-size-fits-all answer for this grey area but it’s important for attendees to see both sides of the coin and to acknowledge that all “bottoms” are first and foremost victims.

2. If a minor “willingly” engages in commercial sex acts, states that he/she “chose” to do so, or acknowledges no third party control, the minor should be charged as a delinquent for prostitution or related offenses.

Anyone under 18 years of age involved in the commercial sex trade is a victim of sex trafficking and should be treated as one. Minor victims should never be charged with prostitution-related offenses, regardless of whether they self-identify as victims or have/acknowledge a trafficker.

3. Penalties against the trafficker, buyer or facilitator should be less severe if a minor “willingly” engaged in the commercial sex act, or states that he/she “chose” to do so.

Minor victims of sex trafficking rarely see themselves as victims and will often give the impression they like this lifestyle. This mentality quickly melts away when victims are placed in safe shelter and provided appropriate services. Charges or penalties against the perpetrators should never be based on how the child perceives their situation or victimization.

4. Victims will heal as long as their basic needs are met (security, shelter, clothes and food). Specialized care is not imperative.

Service and shelter programs vary from state to state and there is not one single “most successful” program for trafficked youth. However, the most successful programs are those that provide specialized care for trafficked youth (not just basic necessities), with programs or therapy models that can be tailored for each child’s needs.

5. Survivors are an essential component of program, policy and training development.

Survivor-informed programming, outreach and policies have been instrumental in the success of most, if not all, anti-trafficking initiatives. Survivors can offer a perspective unlike any other individual and should be included, when possible, in decisions that impact trafficked or at-risk youth.

6. Whether the sex buyer had knowledge of the minor's age should be a factor when considering charges or sentencing for sex buyers.

Penalties for soliciting prostitution are not severe enough to deter the crime overall, allowing an increase in demand for paid sexual services. Studies show that sex buyers prefer "young" females or males, often showing reckless disregard for the age of the victim.

7. The best way to successfully prosecute a case is by relying on victim testimony.

While the victim's testimony is an essential component, the prosecution should make every effort to secure a successful outcome without relying on it. Victims of trafficking are severely traumatized and can often be unreliable or uncooperative witnesses. They may crumble when forced to face their traffickers in court or recant if they feel unsafe. The most successful prosecutions are victim-centered, collaborative efforts incorporating therapeutic support for the victims involved.

8. Juvenile detention is the best alternative if other protective placement cannot be located.

While detention or criminalization is never the best solution for a victim, many cities and states don't have the infrastructure in place to provide a protective placement option during the course of investigation and prosecution. Many victims resort to running away from their placements when they don't feel safe. If detention placements are necessary, professionals should make every effort to provide additional wraparound support and services for the victim(s) involved.

9. If one agency can meet the needs of the victim, collaboration is less important or unnecessary.

It is highly improbable that one agency can meet the unique needs of every victim in their care. Trafficking cases are resource-intensive and require collaboration during the course of recovery, investigation, prosecution and therapeutic care. Victims will build trust in their system of care when they see that all professionals are working together with a united front to provide the safety net they need.

10. Bringing charges or threatening to bring charges against victims is an appropriate tactic to ensure their cooperation in the investigation and prosecution of the traffickers.

Minor trafficking victims often present with emotional and behavioral issues as a result of their trauma. They may be unruly, insolent or uncooperative during the investigation and prosecution. This behavior should be viewed as a defense/survival tactic. Instead of strong-arming the victim, investigators and prosecutors should try new tactics for building rapport, or seek to collaborate with service providers and NGOs for support. When possible, the case should move forward as the victim is ready to do so.