

# 40th Annual InterCourt Conference



## Session 1B: Do You Stay or Do You Go? Human Trafficking

Presenters: *Chelsea Gaffey*

March 14, 2024  
10:45 a.m. - 12:15 p.m.



THE SUPREME COURT *of* OHIO  
JUDICIAL COLLEGE

# Do You Stay or Do You Go?

Chelsea Gaffey, LSW- ODYS



*This project is supported by Cooperative Agreement No. 2017-VT-BX-K013 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.*

## Notes before we start...



Terminology used during this presentation



Note on self care



Questions



## Overview of Federal and State Laws



## Federal Legal Definition of Trafficking

As defined in the Trafficking Victims Protection Act (TVPA) of 2000, the legal definition of “severe forms of trafficking in persons” is:

- a) **sex trafficking** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age;  
-from 22 USC § 7102 (9)(A)
- or
- b) the recruitment, harboring, transportation, provision, or obtaining of a person for **labor or services**, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.  
-from 22 USC § 7102 (9)(B)

-The TVPA of 2000 was the first comprehensive federal law to address trafficking in persons. The TVPA was reauthorized in 2003, 2005, 2008, 2013, and 2017.



## Means: Examples & Definitions

Force: Physical assault, sexual assault, confinement

Fraud: An act of deception with criminal intent

Coercion: Threats of serious harm against any person; the abuse or threatened abuse of the legal process

Source: Salvation Army of Central Ohio



## How Trafficking Occurs

### ACTION

Recruiting  
Harboring  
Transporting  
Providing  
Obtaining  
Patronizing,  
soliciting, and  
advertising\*

\*Sex trafficking  
only

### MEANS\*\*

Force

Fraud

Coercion

\*\*Minors induced into  
commercial sex are  
human trafficking victims-  
regardless if force, fraud  
or coercion is present.

### PURPOSE

Commercial  
sexual  
exploitation

OR

Forced labor

Source: Polaris



## Ohio's Legal Definition of Trafficking

As defined by the Ohio Revised Code Section 2905.32 (Trafficking in Persons), Ohio's legal definition of human trafficking is:

"(A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain...another person knowing that the person will be **subjected to involuntary servitude or be compelled** to engage in sexual activity..."

"...For a prosecution under division (A)(1) of this section, the element "compelled" does not require that the compulsion be openly displayed or physically exerted. The element "compelled" has been established if the state proves that the victim's will was overcome by **force, fear, duress, or intimidation, or fraud.**"



## Trafficking in Gangs

- ▶ Youth may become gang-involved due to elements of force, fraud, and coercion
  - ▶ Consider exploitation of needs
- ▶ Gang-involved youth may be compelled to engage in activities for the economic benefit of gang leaders
- ▶ In some instances, gang-involved youth fit the definition of a labor trafficking victim

Federal Bureau of Investigation

Rizen, C. M. (2015). Are juvenile gang members victims of labor trafficking? Children's Legal Rights Journal, 35(2), pp. 162-176. Retrieved from <https://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1087&context=clrj>



## Activity: Do You Stay or Do You Go?



## How the Activity Works

- ▶ Presenters will read participants the background of a youth victim of domestic minor sex trafficking named Aaliyah.
- ▶ Each participant will do their best to imagine they are Aaliyah and will make decisions as if they are her.
- ▶ Presenters will read different scenarios to the participants, and each participant will make decisions based on each scenario, moving from location to location around the room.



## Points

- ▶ All participants are given the same number of points:
  - ▶ 6 money points
  - ▶ 8 goodwill points



## Locations

- ▶ After each scenario, participants will decide to stay at their current location or move to one of the other options.
- ▶ Once they choose a location, they remain there until given the opportunity to leave.
- ▶ Each location has a cost associated with it, and if participants choose to go there, they must deposit the associated money and goodwill points in the basket:
  - ▶ Jason's House - No Cost
  - ▶ Shelter - 1 Goodwill point
  - ▶ Aunt's House - 1 Goodwill point
  - ▶ Friend's House - 2 Goodwill points
  - ▶ Homelessness - 1 Money point



## Rules

- ▶ This exercise is done in SILENCE.
  - ▶ Presenters will not answer any questions or offer any clarification once the exercise begins.
  - ▶ PAY ATTENTION! Not every scenario will apply to every participant.
- ▶ Only move to locations you can afford. Be honest!



## Aaliyah's Story





# Scenario 1 - For Everyone

► Do you stay or do you go?

- A: Stay at Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Go to Friend's House - 2 Goodwill
- E: Become Homeless - 1 Money



# Scenario 2 - Only for those who stayed at Jason's house

► Do you stay or do you go?

- A: Stay at Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Go to Friend's House - 2 Goodwill
- E: Become Homeless - 1 Money



## Scenario 3 –

Only for those who did NOT  
stay at Jason's house

► Do you stay or do you go?

- A: Go to Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Go to Friend's House - 2 Goodwill
- E: Become Homeless - 1 Money
- F: Remain at Current Location - No Cost



## Scenario 4 –

Only for those who are at  
Jason's house

- Subtract 2 Money Points
- Do you stay or do you go?

- A: Stay at Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Go to Friend's House - 2 Goodwill
- E: Become Homeless - 1 Money



## Scenario 5 – Only for those at their Friend's House

- ▶ Subtract 1 Goodwill
- ▶ Do you stay or do you go?

- A: Go to Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Become Homeless - 1 Money
- E: Remain in Current Location - No Additional Cost



## Scenario 6 – Only for those who are homeless

- ▶ Do you stay or do you go?

- A: Go to Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Go to Friend's House - 2 Goodwill
- E: Remain in Current Location - No Cost



## Scenario 7 - For everyone who is NOT at Jason's

► Do you stay or do you go?

- A: Go to Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Go to Friend's House - 2 Goodwill
- E: Become Homeless - 1 Money
- F: Remain in Current Location - No Cost



## Scenario 8 - Only for those at Jason's House

► Do you stay or do you go?

- A: Stay at Jason's - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt's House - 1 Goodwill
- D: Go to Friend's House - 2 Goodwill
- E: Become Homeless - 1 Money



## Scenario 9 – Only for those at Jason’s House

► Do you stay or do you go?

- A: Stay at Jason’s - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Aunt’s House - 1 Goodwill
- D: Go to Friend’s House - 2 Goodwill
- E: Become Homeless - 1 Money



## Scenario 10 – Only for those at your Aunt’s House

► Do you stay or do you go?

- A: Go to Jason’s - No Cost
- B: Go to Shelter - 1 Goodwill
- C: Go to Friend’s House - 2 Goodwill
- D: Become Homeless - 1 Money
- E: Remain in Current Location - 1 Goodwill and 1 Money to help with groceries



## Scenario 11 - For those only at the shelter

- ▶ Do you stay or do you go?

- A: Go to Jason's - No Cost
- B: Go to Aunt's House - 1 Goodwill
- C: Go to Friend's House - 2 Goodwill
- D: Become Homeless - 1 Money
- E: Remain in Current Location - No Cost



## Scenario 12 - For everyone because life is unexpected

- ▶ If you cannot afford your current location, you must move to a different location you can afford.

- A: Jason's - No Cost
- B: Shelter - 1 Goodwill
- C: Aunt's House - 1 Goodwill
- D: Friend's House - 2 Goodwill
- E: Homelessness - 1 Money



## Scenario 13 - For those at your friend's house

- ▶ Do you stay or do you go?

A: Jason's - No Cost

B: Shelter - 1 Goodwill

C: Aunt's House - 1 Goodwill

~~D: Friend's House - 2 Goodwill~~

E: Homelessness - 1 Money

Your Friend's House Is  
No Longer An Option



## Scenario 14 - For those who are homeless

- ▶ Subtract half of your remaining money.
- ▶ Do you stay or do you go?

A: Jason's - No Cost

B: Shelter - 1 Goodwill

C: Aunt's House - 1 Goodwill

D: Homelessness - 1 Money



## Scenario 15 - For Everyone

- ▶ Do you choose to engage in commercial sex?

A: Yes - Gain 2 Money Points

B: No - No change



## Scenario 16 - For those who chose to engage in commercial sex

- ▶ Lose all remaining money.
- ▶ Do you stay or do you go?

A: Remain at Jason's - No Cost

B: Shelter - 1 Goodwill

C: Aunt's House - 1 Goodwill

D: Become Homeless - 1 Money





## Scenario 17 - For those who are at the shelter

- ▶ Lose 2 money points.
- ▶ Do you stay or do you go?

A: Stay at Jason's - No Cost

~~B: Go to Shelter - 1 Goodwill~~

C: Go to Aunt's House - 1 Goodwill

D: Become Homeless - 1 Money

The Shelter Is No Longer  
An Option



## Scenario 18 - For those at your Aunt's house

- ▶ Do you stay or do you go?

A: Go to Jason's - No Cost

B: Stay at Aunt's House - 1 Goodwill

C: Become Homeless - 1 Money



## Scenario 19 - For everyone because life is unexpected

- ▶ If you cannot afford your current location, you must move to a different location you can afford.

A: Jason's - No Cost

B: Aunt's House - 1 Goodwill

C: Homelessness - 1 Money



## Scenario 20 - For those at your Aunt's house

- ▶ Do you stay or do you go?

A: Go to Jason's House - No Cost

B: Become Homeless - 1 Money

C: Remain at Current Location - No Cost



# Scenario 21 - To Everyone

- ▶ Do you stay or do you go?

A: Jason's House - No Cost

B: Aunt's House - 1 Goodwill

C: Homelessness - 1 Money



## Activity Debrief



- ▶ How did it feel to make those choices?
- ▶ Why was the exercise conducted in silence?
- ▶ What factored into your decisions to stay or go?
- ▶ What kinds of resources could your agency offer someone like Aliyah?



## Department of Youth Services



PROVIDES TECHNICAL ASSISTANCE  
TO JUVENILE COURTS



OFFERS TRAININGS- IDENTIFYING  
AND RESPONDING, HT201, ODYS  
HTST



## Questions?

Chelsea Gaffey, LSW - *Juvenile Justice*  
*Human Trafficking Liaison - Ohio*  
*Department of Youth Services*  
[Chelsea.gaffey@dys.ohio.gov](mailto:Chelsea.gaffey@dys.ohio.gov)

