



Human Trafficking within the Criminal Justice System:¹

Traffickers identify and exploit individuals who are vulnerable and who are accessible to them; in particular, the criminal justice system (CJS) can create and exacerbate vulnerabilities for those with criminal charges, leaving them open to exploitation by human traffickers. In addition, victims' involvement in the CJS is often due to other vulnerabilities, including substance use disorders, mental health challenges, and other Adverse Childhood Experience ("ACE") factors.² Traffickers may:

Identify incarcerated individuals who have not secured release on bail or bond, and place money on their "books" to initiate a relationship or begin to develop trust and dependency. This could include paying or offering to pay money owed for court fees, bail, attorneys' fees, etc.

Put themselves in a position of power. Whether the individual is incarcerated or not: the trafficker may work for a bail company or the courts, they may pay a person's bond and be able to revoke it, or they may threaten to alert someone else who has power to jeopardize the individuals's freedom.

Convince the individual that they cannot secure a legitimate job or housing due to their criminal record, and offer to compensate them off the books or provide housing.

Insist on immediate repayment for any of the above whenever the victim displays a lack of compliance to foster a sense of instability.

¹ For more information on offender tactics targeting incarcerated individuals, see webinar by Jane Anderson, *From Jail to Bail To Sale: Human Trafficking Within the Criminal Justice System*, AEQUITAS, <https://www.youtube.com/watch?v=hmw1gYQI3aU> (Uploaded January 2023)

² *Understanding How Adverse Childhood Experiences (ACEs) Can Affect Children*, KAISER PERMANENTE, <https://healthy.kaiserpermanente.org/health-wellness/health-encyclopedia/he.understanding-how-adverse-childhood-experiences-aces-can-affect-children.acm1499> (last visited February 6, 2025)



Vet programs that exist within your court system and consider how they may create vulnerabilities and/or impact victims of trafficking:³

Are there any specialty courts (e.g., mental health court, drug court, trafficking court) offered by the local court system?

What diversion programming does the local court system offer?

Who runs these programs?

What are the admission requirements or criteria for these courts and programs?

What must someone do to succeed or fail within the program? Who makes this decision?

What happens when someone fails? Who makes that decision?

Use effective strategies to identify and investigate human trafficking when victims have involvement with the CJS:

- Train and empower court and jail personnel to identify and report suspicious circumstances;
- Implement monitoring systems to help identify recruitment and grooming within jails and prisons; and
- Train pre-trial services and probation to identify human trafficking and implement trauma-informed practices if they are monitoring at-risk or potential victims of trafficking.

³ Developing an ongoing relationship between the prosecutor's office and these programs and courts is crucial; building these partnerships allows actors within the criminal justice system to identify victims who might otherwise go unnoticed, and communicate when possible exploitation has been identified.



Strategies for preventing human trafficking within the CJS:

Train judges, court personnel, prosecutors, defense attorneys, probation officers, jail personnel, and prison personnel

Ensure that all individuals involved in the sentencing, jailing, and bailing processes are aware of the threat of exploitation that individuals with criminal charges face and are trained to identify potential indicators that an individual who is incarcerated is being exploited or is at threat of becoming exploited.

Monitor any jail phone calls or visits

Monitoring jail phone calls and visits for signs of exploitation or trafficking during interactions with callers/visitors can help prevent trafficking from occurring once the individual who is incarcerated is released.

Support jail programs to raise awareness about human trafficking and support victims who are incarcerated

Educating individuals who are incarcerated about what trafficking looks like and the warning signs that someone in their life is trying to exploit them is one of the best ways to reduce the jail-to-sale pipeline.