



Prosecuting Sex Traffickers: Trial Preparation



Moderator - Melissa Blasing

Project Coordinator

AMBER Alert Training and Technical Assistance Program
National Criminal Justice Training Center
of Fox Valley Technical College



Webinar Information

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AMBER Alert Training and Technical Assistance Program

Mission

To safely recover missing, endangered, or abducted children through the coordinated efforts of law enforcement, media, transportation, and other partners by using training and technology to enhance response capacities and capabilities and increase public participation.

During the Webinar

- All attendees will be muted.
- If you desire to ask a question, please use the questions section of the GoToWebinar dialogue box, typically on the right side of your screen.
- Questions will either be answered directly by a panelist or asked to the presenter who will answer during the Q & A portion of the presentation.

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Poll Questions

- Poll questions may be asked during the webinar.
 - They are asked so we can better understand the audience and provide the most useful information to you.
- As they will only be open a short period of time, please respond promptly.



POLL OPTION: Which of the following best describes your role?

- Investigator (Law Enforcement, CPS)
- Prosecutor, Attorney
- Forensic Interviewer, Social Worker, Child Advocacy Center
- Medical, Mental Health
- Other (type your role in the question box)





Brooke Grona-Robb
brobb001@yahoo.com
214-519-3578

- Deputy Chief – Crimes Against Children Division; Dallas County
- 17 years – Assistant District Attorney
- 12 years - Prosecution involving human trafficking and child exploitation
- Presenter at numerous conferences addressing child exploitation



Prosecuting Sex Traffickers: Trial Preparation



POLL OPTION: Have you ever been involved with the prosecution of child sex trafficking (CST) cases, in any capacity?

- Involved with more than 5 cases that have gone to trial
- Involved with less than 5 cases that have gone to trial
- Involved, but trial was pled or dismissed before trial
- Involved, but trial was pled or dismissed before trial prep
- I have not been involved with the prosecution of CST cases



Goals of Prosecution

- Protect victim
- Protect community
- Protect future potential victims

What Charges to Bring

- ◎ Child Pornography
- ◎ Compelling Prostitution
- ◎ Aggravated Promotion of Prostitution
- ◎ Engaging in Organized Crime
- ◎ Solicitation of a Minor
- ◎ Kidnapping
- ◎ Sexual Assault
- ◎ Harboring a Runaway
- ◎ Human Trafficking

Considerations in Charging

- ◎ Punishment range
- ◎ Ease of proof
- ◎ Victim benefits
- ◎ Corroboration requirement for co-defendants
- ◎ Sex offender registration
- ◎ Consecutive sentences
- ◎ Concurrent trials

Evidence in Human Trafficking Cases

- Victim testimony
- One-party consent call
- Surveillance and arrest
- Advertisements
- Phone records
- Cell phone contents:
 - call logs
 - text messages
 - contacts
- DNA
- Medical Records
- Hotel records
- Area surveillance
- Photos of crime scene
- Ledgers and record books
- Calendars and appointment books
- Clothing
- Criminal instruments
- Condoms
- Advertisements or drafts
- Jail calls
- Accomplice testimony
- Social media
- Money/ purchases

POLL OPTION: Have you used an expert in child sex trafficking (CST) cases?

- Yes, and with no issues/problems
- Yes, but Judge restricted the expert testimony
- No, Judge did not allow expert testimony
- No, unable to find an expert in my jurisdiction
- I have not been involved with the prosecution of CST cases



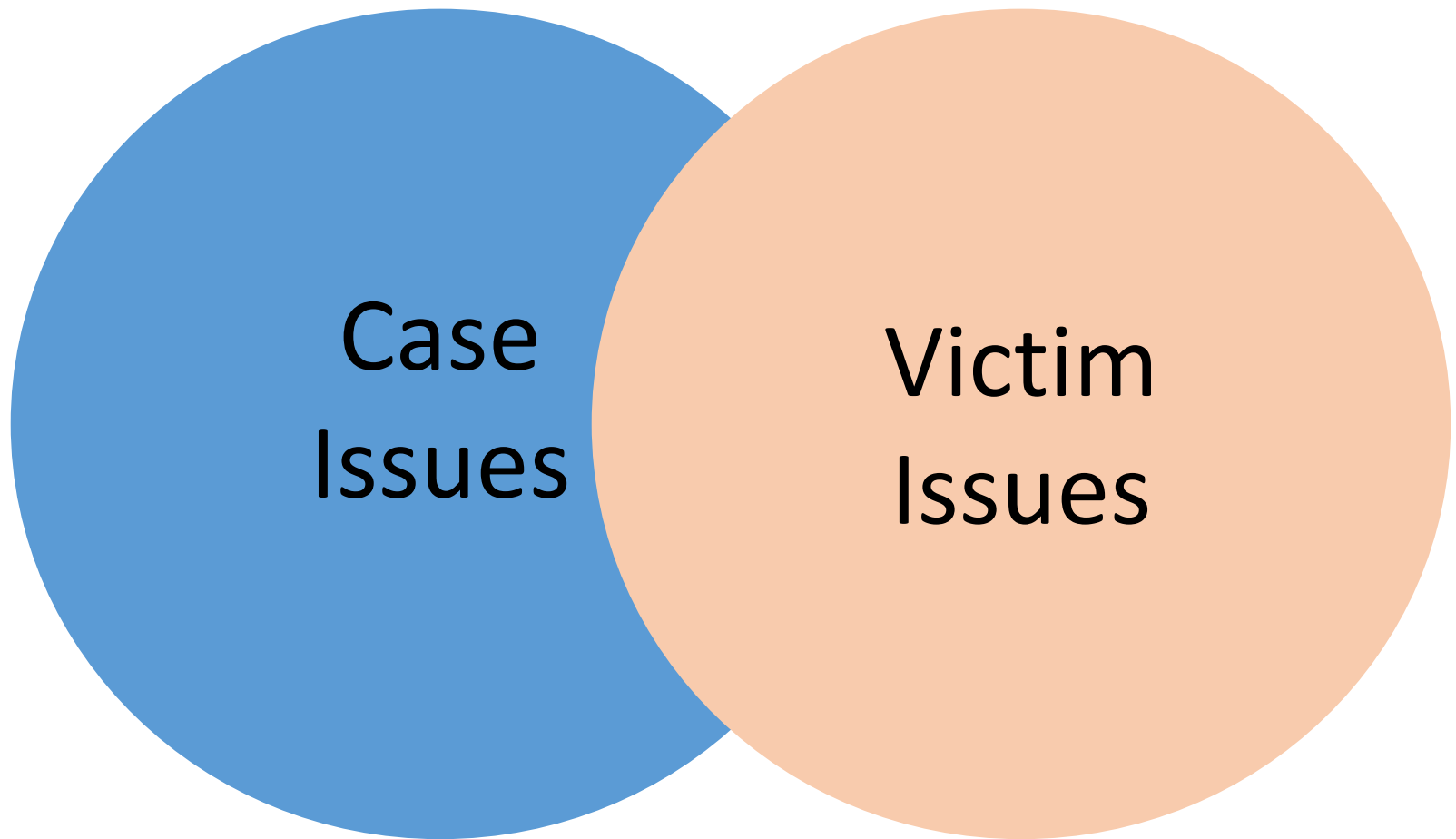
What is an expert?

Federal Rules of Evidence 702

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a)** the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b)** the testimony is based on sufficient facts or data;
- (c)** the testimony is the product of reliable principles and methods; and
- (d)** the expert has reliably applied the principles and methods to the facts of the case

Why have experts on CSEC cases?



Why have experts on Commercial Sexual Exploitation of Children (CSEC) cases?

- Victim issues:
 - Compliant victims consented
 - Reluctance to disclose
 - Recantations
 - Delayed report
 - Continued delinquent behavior
 - Emotional attachment to abuser
 - Vulnerability of victims

Why have experts on CSEC cases?

- Case-related issues
 - Pimp and prostitution underculture
 - Distribution of child pornography
 - Technology-facilitation of offenses
 - Effects of street life

Expert testimony

Case Issues

- Pimp and prostitution under-culture
- Distribution of child pornography
- Technology-facilitation of offenses
- Effects of street life

Victim Issues

- Compliant victims
- Reluctance to disclose
- Delayed report
- Delinquent behavior
- Emotional attachment to abuser
- Vulnerability

Expert testimony

Sex workers

- Lingo
- Rules
- Compliance

Trauma

- Vulnerability
- Recurrence
- Emotional attachment

Technology

- Ads
- Social media
- Surveillance

Disclosure

- Distrust of law enforcement
- Opportunity
- Gradual

Expert options

Case Issues

Detective or
investigator
NGO personnel
Victims
Co-defendants

Victim Issues

Detective
Interviewer
Counselor
Doctor
Juvenile probation
officer
CPS worker
NGO personnel

Who are expert witnesses in CSEC cases?

- Police detective
- Forensic interviewers
- Counselors
- Doctors
- Juvenile probation officers
- CPS workers
- Non-government organization personnel
- Victims
- Co-defendants



Prosecution issues

- ◎ Defendants are
 - Unlikely to admit wrong-doing
 - Don't want to disrupt their business
 - Manipulative
 - Psychopathic

Defense strategies

- Consent
- Nullification
- Defendant is true hero



Consent

- Defendant may not be first or latest offender
- Force, fraud, or coercion might be hard to prove
- Victim might have engaged in other criminal behavior



Nullification



- Jury relates to defendant more than victim
- “Problem child” who can’t be cured
- No one can control victim

“True Hero”

- “Just” a boyfriend
- Couldn’t keep her from doing what she was doing







Brooke Grona-Robb
brobb001@yahoo.com
214-519-3578

Thank you for your participation!

For assistance, please contact us:



AMBER Alert Training and Technical Assistance Program (AATTAP)
(877) 712-6237 | askamber@fvtc.edu | ncjtc.fvtc.edu/AMBER

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