

# Influencing Policy Solutions: Navajo Nation Human Trafficking White Paper

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# Welcome & Introductions

# Partnerships



Building partnerships to take a strong stand against human trafficking of Navajo people.



# Navajo Nation Taking Action

- A trained Social Worker amplified issues to social services and leadership.
- Passed the Navajo Nation Law Against Human Trafficking 2017.
- Defining Human Trafficking through community based research.
- Training & Collaborating for Awareness, Prevention & Policy.



Human Trafficking “Blue Campaign” Awareness Walk at the Navajo Nation Council Chamber, Jan. 22, 2018

# What is Sex Trafficking?

- Sex trafficking occurs when someone uses force, fraud, or coercion to cause a commercial sex act to occur.
- A commercial sex act includes activities such as prostitution, pornography, and sexual performance done in exchange for anything of value (i.e. money, drugs, shelter, food, clothing, survival, etc...).

# Dynamics of Human Trafficking

- Three actors involved - victim, buyer and seller - can involve men, women, and children.
- Trafficking does not require movement across borders, but movement can be used to control the victim.
- Traffickers are often known to victims and can be intimate partners, boyfriends, acquaintances, family or friends.
- Victims do not report for many reasons: they may feel shamed; they may need money, safety or shelter; or they may be under the control of the trafficker.
- Initial consent to the activity, or knowledge of the activity, does not mean that someone is not a victim. The presence of coercive control is an important factor and victims must be given support.

# Indicators of Human Trafficking on Navajo Nation

- **Socio-economic indicators:**
  - Pockets of poverty and poor local economy
  - Large, rural geographic area
- **Development indicators:**
  - Trucking thoroughways with several stops on Navajo lands
  - Casinos, hotels and gaming enterprises
  - Presence of organized crime, such as gangs
  - Online trafficking or use of social media to entice youth



# Indicators of Trafficking on Navajo Nation (cont'd)

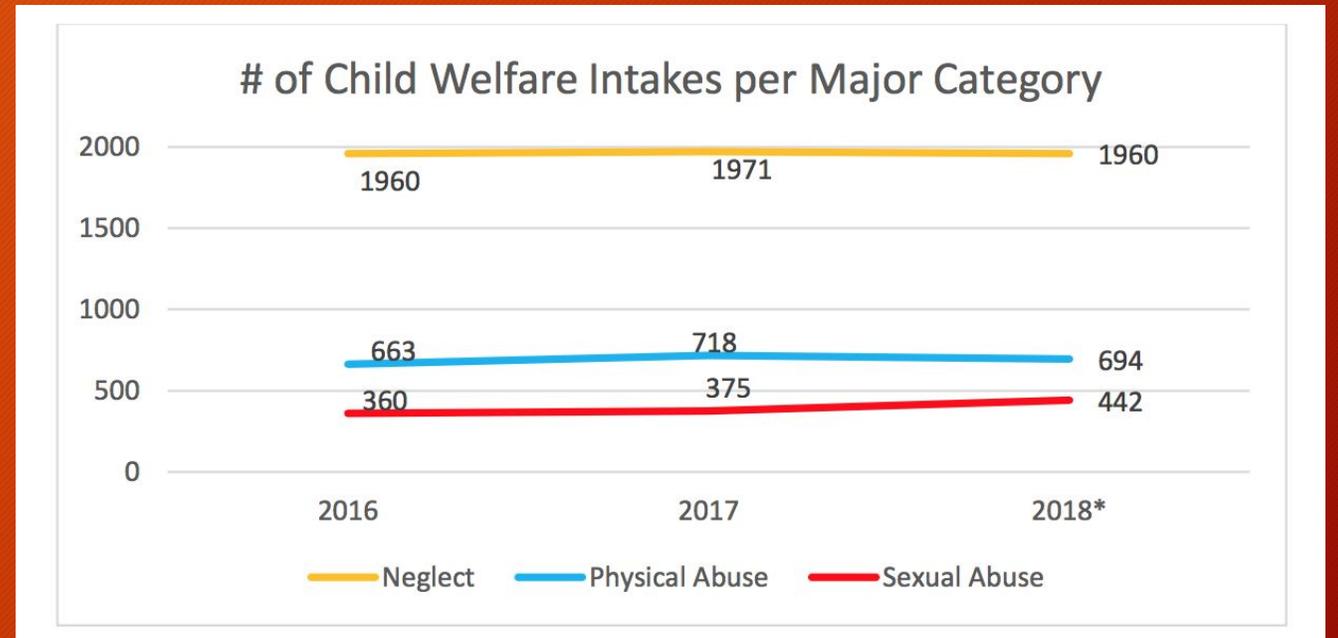
## Links with other types of violence:

- Inter-personal violence, domestic violence, sexual violence
- Generational trauma familiar to many Native communities



# NDFS Data on Child Welfare Cases

DFS has seen an increase, since 2016, in reports of child abuse. DFS workers observe that it is likely that sex trafficking is misidentified and many of these cases involve trafficking.



# NDFS Child Welfare Cases

- 13% of DFS cases involve sexual abuse as an allegation.
- Over 90% of the alleged perpetrators in sexual abuse cases are family/close friends of family within close proximity to home.
- 8 in 9 alleged perpetrators in sexual abuse cases are adults.
- Neglect includes physical neglect, emotion neglect, medical neglect, educational neglect.

# NDFS Statistics

- 66% of alleged perpetrators are friends of family
- 33% is caretaker's boyfriend
- 100% of alleged perpetrators are adults (mid 20's, mid 40's, mid 50's)
- Primary caretaker aware of incidents in 100% of cases
- Monetary exchange resulted in aiding drug or substance abuse in 2 in 3 cases
- Monetary exchange resulted in survival; bills and food in 1 in 3 cases
- FBI investigating all cases

# Indicators of Trafficking on Navajo Nation (cont'd)

## Links with other types of violence:

- Recent increase in **substance abuse** linked to inter-personal violence and trafficking
- **Missing and Murdered Indigenous Women**
  - Victims forced into commercial sexual exploitation are at a greater risk of being murdered
  - Runaway adults and teens are the most vulnerable to sex traffickers



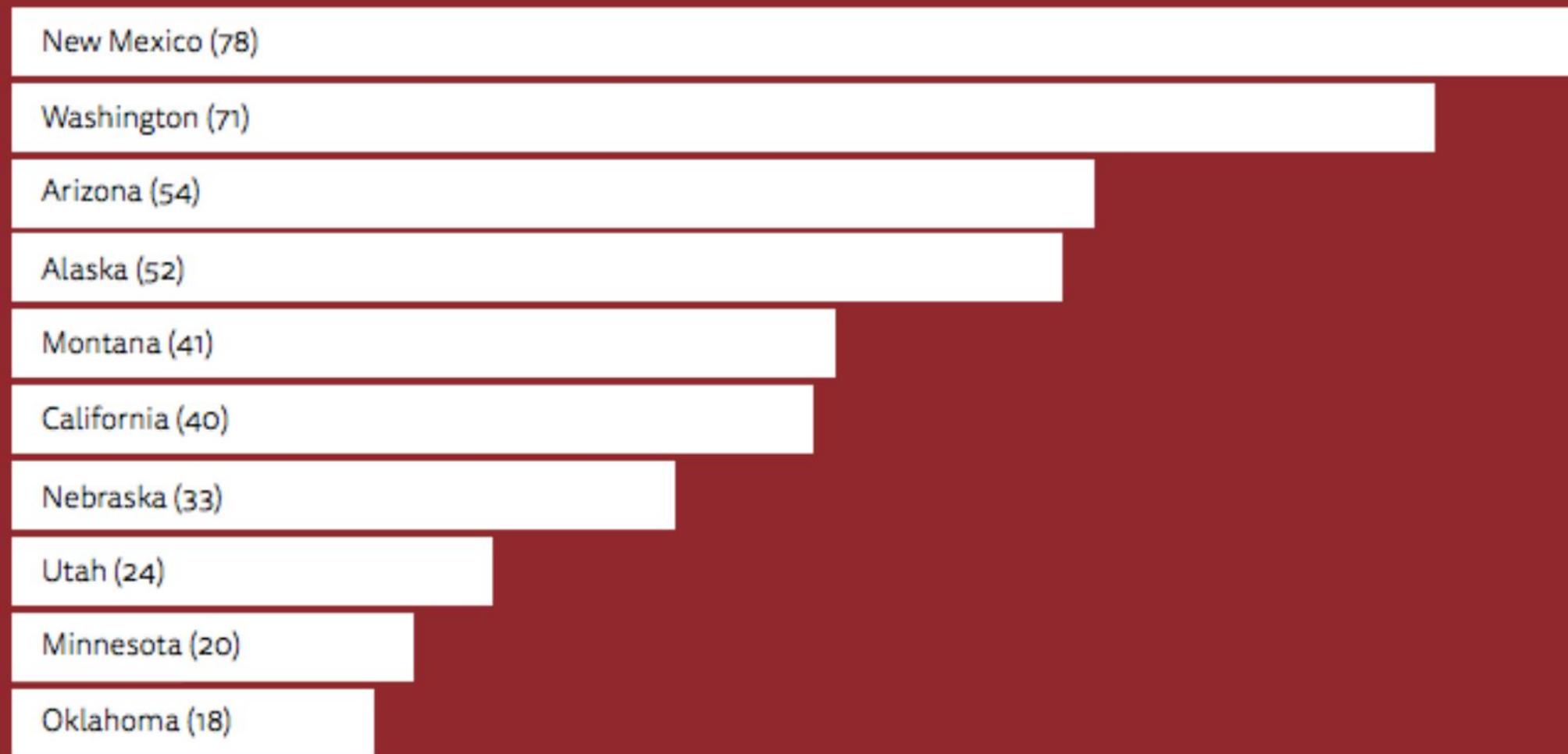
# Missing and Murdered — Indigenous Women Research + Database

Study is sought to obtaining data and tracking and responding to missing and murdered indigenous womxn.

- Murder is the third leading cause of death among American Indian/ Alaskan Natives.
- In 2016, 5,712 cases were reported and only 116 of them were logged in the Dept of Justice Data Base



## TOP 10 STATES WITH HIGHEST NUMBER OF MMIWG CASES

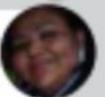


**Salt Lake City**

UIHI has recorded 24 cases in Salt Lake City, including Deborah Haudley, who was living at a motel with her partner when he killed her in 2010.

**Flagstaff**

UIHI has recorded 6 cases in Flagstaff, including Nicole Joe, who was beaten by her partner and left outside in the cold, and died on Christmas Day in 2017.

**Phoenix & Tempe**

UIHI has recorded 14 cases in Phoenix, 3 in Tempe, and 4 in Tucson, including Jade Velasquez, who was killed by a serial killer in 2003, a 15-year-old Jane Doe found in 2002.

**Tucson**

UIHI has recorded 31 cases in Tucson, including Mia Henderson, a Navajo college student murdered in 2007.



Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2002. All UIHIWVG photos are sourced from public media.

# Missing & Murdered Indigenous Women & Girls in Southwest Cities

**Farmington**

UIHI has recorded 10 cases in Farmington, including Vanessa Tsosie, whose only photo circulated was the shoes she was wearing at time of death.

**Santa Fe**

UIHI has recorded 6 cases in Santa Fe, including Navajo woman Melissa Tsosie, who was killed in a homeless encampment in 2015.

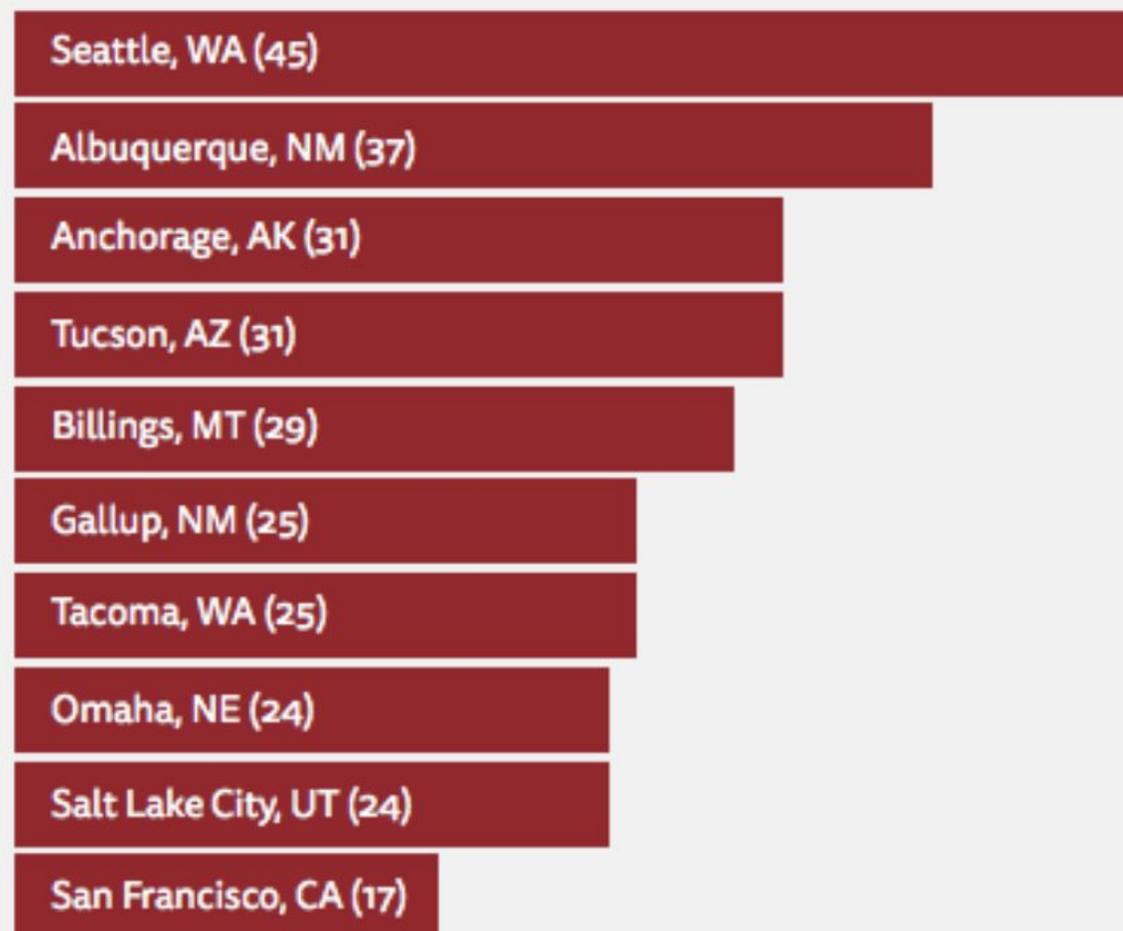
**Albuquerque**

UIHI has recorded 37 cases in Albuquerque, including Terri Benally, Kelly Watson, & Ryan Hoskie, 3 Navajo trans-women killed from 2004-2009. No photos of them were published.



This map includes a design inspired by Southwestern weaving traditions, and images of corn, to honor the cultural and ceremonial uses of corn in the Southwest, and its ties to stories of the sacredness of women.

## TOP 10 CITIES WITH HIGHEST NUMBER OF MMIWG CASES



See Appendix for data from all 71 cities surveyed.

# Navajo Nation Law Against Human Trafficking

- A person commits human trafficking if they:
    - **Recruit, solicit, entice, transport or obtain** by any means another person with the intent or knowledge that **Force, fraud or coercion** will be used to subject that person to provide **labor, services, or to engage in commercial sexual activity**.
    - **Benefit financially or by receiving anything of value**, from the labor, services or commercial sexual activity of another person with the knowledge that **force, fraud or coercion** was used to obtain the labor, services or commercial sexual activity.
- \*\* Minors induced to perform services, labor or commercial sex are human trafficking victims without requiring the elements of force, fraud or coercion.

# Navajo Nation Law Against Human Trafficking

- The Navajo Nation's Law Against Human Trafficking is stronger than the federal laws because it reflects the dynamics of trafficking and is more expansive:
  - The definitions for “commercial sex act” include a broader range of activities for which traffickers can be penalized, e.g. inducing someone to participate in “sexually explicit exhibitions” such as exotic dancing.
  - The definition for “commercial sex act” also penalizes an act for which anything of value is *promised*, given or received. This addition allows for earlier intervention since the transaction must only be known but does not need to be complete for successful criminalization.

# Results of the Enacted Trafficking Law on the Navajo Nation

- With the passage of the Navajo Nation Law Against Human Trafficking, some initial sexual abuse cases are now recognized and reclassified as trafficking.
- Workers attest to many incidences of trafficking prior to the law but recently, the Navajo Nation Dept. of Family Services (NDFS) program substantiated 3 cases of child trafficking on Navajo Nation.
- Other data indicates that Navajo people are being targeted, most likely directly from Navajo Nation

# NDFS Human Trafficking Case Profile

- 3 total cases identified
- 2 cases in 2017 after passage of the Law against Human Trafficking
- 66% of alleged incident occurred within Navajo Nation boundaries; in developed towns.



# What next?

- The Navajo Nation is taking a holistic approach to address all aspects of the issue including prevention and response through all means available:
  - Legal
  - Policy
  - Training and education
  - Coordination with partners
  - Data collection

# Federal Policy Changes Needed

- Often federal Indian policies work against tribes when it comes to prosecution and jurisdictional issues
- Outdated federal policies need to be updated to address tribal issues happening today:
  - Indian Crimes Act
  - Major Crimes Act
  - Public Law 280
  - The Indian Civil Rights Act
  - Several judicial decisions need to be reexamined (*i.e. Oliphant v. Suquamish Indian Tribe*)
- Implementation of VAWA/TLOA to reaffirm tribal sovereignty and increase tribal jurisdiction over all perpetrators that commit sexual violence. The latest version includes a provision to specifically address human trafficking.

# Naabik'íyáti' Sexual Assault Prevention Committee

- In Spring 2016, the Navajo Nation Council's Naabik'íyáti' Committee established the SAP Subcommittee through a resolution to address sexual violence on the Navajo Nation.
- SAPS was re-established in Spring 2019.
- New Membership

# Work of the Sexual Assault Sub-Committee

## Initiatives of the subcommittee include:

- Sexual violence prevention: trainings and work sessions for Navajo leadership and programs (AZ, UT, and NM)
- AMBER Alert - implemented in 2018
- Public education initiatives: Start by Believing Campaign
- Human Trafficking: Navajo Nation White Paper
- Reducing cyberbullying and revenge porn campaigns
- Ongoing Initiatives
  - Missing and Murdered Diné Relatives
  - Human Trafficking
  - Housing for domestic and sexual assault survivors

# Navajo Leadership Efforts

- Council Delegate Nathaniel Brown appointed to the Arizona Human Trafficking Council
- Coordinate trainings and workshops to create awareness of trafficking on Navajo Nation
- Title 17 Criminal Code Task Force
- Proposed legislation to pass a Protocol for Human Trafficking of Children
- Delegate Crotty: Missing and Murdered Diné Relatives
  - Proposed data institute
  - First Forum held in Shiprock, NM (June 27-28, 2019)
  - Next Forum: Flagstaff - NAU du Bois Center (August 15-16, 2019)

# Protocol for Human Trafficking of Children

The protocol requires:

- 1) Workers recognize the indicators of potential labor and sex trafficking to make an identification
- 2) Reporting, once a possible identification has been made
- 3) Coordinated response between child care workers and law enforcement to provide protection and safety
- 4) Child-centered investigation of crimes
- 5) Cooperative case management between agencies
- 6) Training of DFS workers to successfully enact protocol and recommends all agencies train employees

# Trainings at Navajo

- Navajo Nation Gaming Enterprise successfully trained all gaming staff and administrators in human trafficking.
  - Presenters provided curriculum to gaming employees, who can now apply this knowledge to actively combat human trafficking in gaming facilities and hotels.
- Navajo Nation Police Academy
- Education/training is KEY!



# DFS Human Trafficking Initiative

- Completed in Nov. 2017 with development of:
  - DFS Human Trafficking Screening Tool;
  - DFS Human Trafficking Indicator Tool;
  - Protocol for Trafficking of Child (collaborative effort with NN Criminal Investigations);
  - Internal Policies/Procedures for the investigations of Human Trafficking;
  - Internal Policies/Procedures for Reporting of Missing Children.
- First Navajo Nation program on Navajo to engage in efforts to address human trafficking.
- In 2018, all DFS child welfare staff and support staff who may come in contact with children will be trained on identifying indicators of Human Trafficking.
- Developing MOA with Arizona State University School of Social Work for regular training for identifying human trafficking and intervention methodologies.

# Navajo Data Collection Efforts

- Implementing strong response programs because trafficking is happening now
- Establishing guidelines to collect data to create policy
- Ensuring that data accurately reflects all people on Navajo Nation, including youth and LGBT2S individuals.

# Creating a Strong Response

- The Navajo Nation is a leader in addressing trafficking of Native women and youth:
  - By creating an **expansive law** that reflects the dynamics of trafficking;
  - By **mandating inter-departmental cooperation** to support victims from identification through long-term wellness;
  - By providing **training and tools** to departments and encouraging departments to integrate their own protocols to recognize trafficking;
  - By recognizing the need to collect data to influence policy AND the need to create immediate infrastructure to protect victims - one trained advocate can create pathways to safety and wellness for many victims.

**In moving forward,  
what kind of ancestor do we want to be for  
our future generations?**



Reference: MMIW Slides Courtesy of CSVANW

# Discussion

Navajo Nation Sexual Assault Prevention Workgroup

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