

The Importance of Specialized Prosecutors in Human Trafficking Prosecutions

Corie Langdon
Assistant Crown Attorney
Human Trafficking Prosecution Team
Ministry of the Attorney General

The Provincial Human Trafficking Prosecution Team

- **The HT Team** was formed in Jan 2017 after the provincial Anti-Human Trafficking Strategy was announced on June 30, 2016, through which the Ministry of the Attorney General received funding for dedicated, specialized HT Crown prosecutors as part of the Enhanced Justice Sector initiatives.
- **The HT Team is dedicated to** prosecuting human trafficking cases, providing ongoing training and legal advice and implementing an *Enhanced Prosecution Model* for front-line Crowns and police across the province.
 - Susan Orlando (Provincial Coordinator/Lead, Toronto)
 - Corie Langdon (Toronto)
 - Jill Prenger & Veronica Puls (Peel)
 - Amy Barkin & Kellie Hutchinson (Newmarket)

The Provincial Human Trafficking Prosecution Team

- Team Layout:

- There are 5 Regional Representatives: one for Toronto, two for Peel and two for York;
- In jurisdictions where we don't have a Regional Representative there is at least one local Human Trafficking designated Crown. These Crowns have received training from our Regional Representatives.

- Our 5 Regional Representatives are Available to Provide:

- Pre-charge consultations with Law Enforcement;
- Ongoing consultation, communication and liaison with Law Enforcement, Service Providers, Victim Support & VWAP;
- Prosecution of some Human Trafficking and related cases;
- Education and Training;

- Our Team's Focus:

- Bail, asset forfeiture and early and consistent Crown assignment to files;
- Information gathering and compilation and resource development;
- Consistency in the advice we provide, the manner in which we prosecute cases, and the manner in which we deal with victims;
- A collaborative working relationship with Law Enforcement and Service Providers; and
- Cases focusing on evidence compilation to support the reliability and credibility of the victim.

Difficulties in Prosecuting Human Trafficking Offences:

i) Uncertain Legal Environment

- The Human Trafficking Provisions are relatively new and have not received significant judicial commentary or interpretation:
 - Law Enforcement;
 - Prosecutors;
 - The Judiciary.

ii) Attitudinal Barriers

- A Misunderstanding of what Human Trafficking is or what it ‘should look like’:
 - Can you be exploited if you have already worked in the sex trade?
 - If you’ve escaped the exploitation why go back to the sex trade?
 - There was no physical violence or confinement – why didn’t you just leave?
 - How can you still love/care for your trafficker if they exploited you?

Attitudinal Barriers

- Distorted views of a survivor's credibility or reliability:
 - The potential for either the legal elements of Human Trafficking (the provision of commercial sexual services and the stigma that attaches to being involved in the sex trade) or the characteristics that make a person vulnerable to being exploited may be used to negatively impact an assessment of their credibility.

Attitudinal Barriers

- Misunderstanding trauma and its manifestations:
 - What does trauma look like?
 - Is your witness really hostile or reluctant?

iii) Practical Barriers

- Time;
- Funding & Resources;
- Security Concerns;
- Logistics.

How Can Specialized Prosecutors Help to Address These Barriers?

Education

- **Create Legal Certainty:**
 - Provide education to prosecutors, law enforcement, and the Judiciary;
 - Provide consistent advice to law enforcement;
 - Compile legal resources and make them easily accessible to other prosecutors that are involved in Human Trafficking prosecutions
 - Engage in the development of case law;
 - Develop potential Expert witnesses

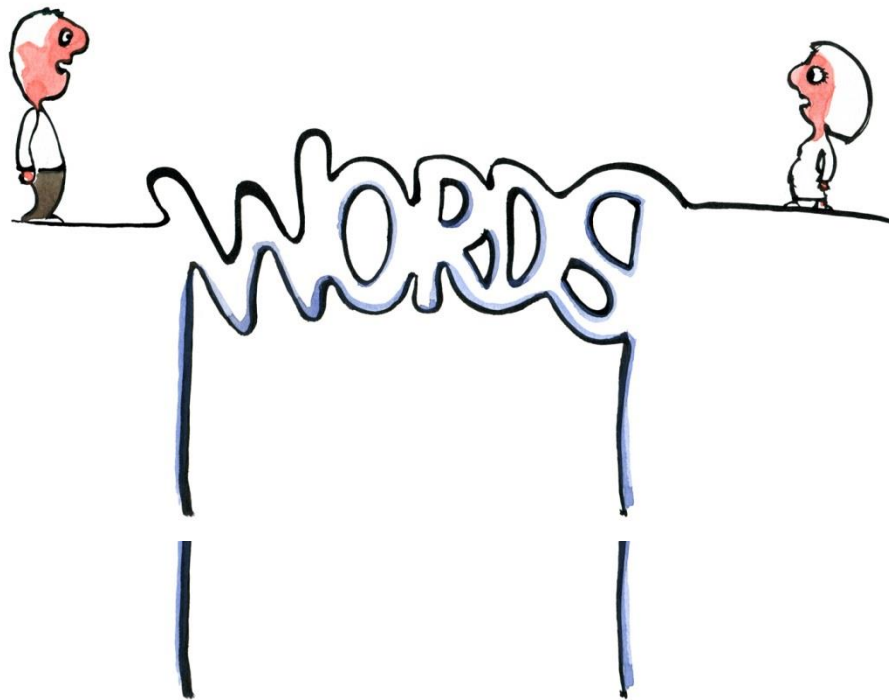
Proficiency: Shift the Dialogue

- Know the world that you are prosecuting;
- Be trauma informed and culturally competent and incorporate those skills into your practice;
- Be aware of vicarious trauma and the need to support colleagues who do this kind of work.

Addressing The Practicalities of Prosecuting Human Trafficking Offences

- Have a trial practice that allows for time to meet with witnesses as frequently as they wish;
- Know your resources;
- Problem solving in advance of trial;
- Liaise with all stakeholders early and often;
- Communicate with your team.

Build Institutional Bridges



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