

Trauma Response and the Criminal Justice System:
A Virtual Summit on Knowledge, Healing, and Resilience

Forced Criminality:
*Labor Trafficking through the Lens
of Utah's Victor Rax Case*

Virginia Department of Criminal Justice Services **AE**

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Presenters

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INNOVATIVE
Sustaining effective practices and promoting systemic change

INFORMED
Training, resources, and assistance supported by research and experience

PRACTICAL
Customized strategies that are accessible, responsive, and easy to apply

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What We Do

<div style="text-align: center;"></div> <h3 style="text-align: center;">Resources</h3> <p>Create, research, and curate publications, statutory and case law compilations, and other resources that strengthen prosecution practices</p>	<div style="text-align: center;"></div> <h3 style="text-align: center;">Consultations</h3> <p>Offer on-demand 24/7 consultations with our seasoned prosecutors to answer case-specific inquiries, discuss strategy, conduct research, and recommend data-driven solutions</p>
<div style="text-align: center;"></div> <h3 style="text-align: center;">Training Events</h3> <p>Develop curricula and facilitate a wide range of specialized in-person and web-based trainings designed to empower prosecutors and allied professionals</p>	<div style="text-align: center;"></div> <h3 style="text-align: center;">Partnerships & Initiatives</h3> <p>Provide long-term support in building frameworks for coordinated responses to gender-based violence including data collection and analysis, task force development, and training</p>

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Disclaimer

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Acknowledgment

We would like to acknowledge and thank the work of former Assistant Attorney General Gregory Ferbache, the Utah Attorney General's Office's victim services department (led by victim coordinator Tammie Adkins), and the various NGOs (primarily The Refugee and Immigrant Center – Asian Association of Utah) who helped support the victims of Victor Rax. We would also like to thank Judge James Blanch for his empathetic approach to this case.

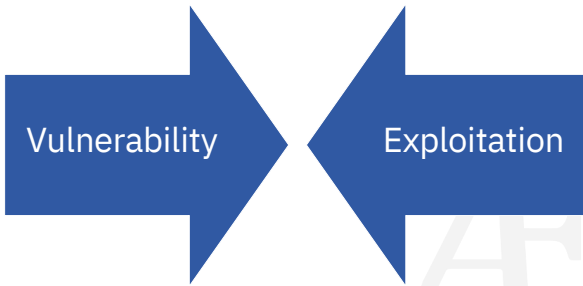
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Objectives

- Recognize and describe methods traffickers use to identify, recruit, and coerce victims of labor trafficking via forced criminality
- Conduct trauma-informed investigations and prosecutions in cases where male victims have been abused and exploited to effectively hold offenders accountable
- Collaborate to provide support to and connect male victims of forced criminality/human trafficking with meaningful services

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Victim Identification

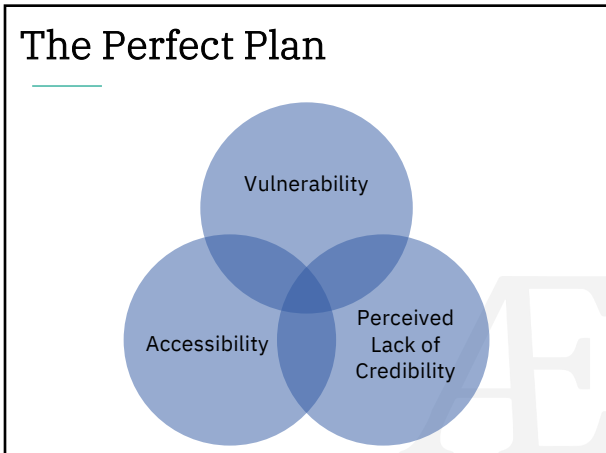


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Underlying Factors

- Poverty
- Immigration status
- Substance use disorders
- Mental health
- Unstable homes lives
- LGBTQ+
- Lack of education or job opportunities
- Children
- Mental or physical disabilities

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Labor Trafficking

18 U.S.C. § 1589-90

Act	Means	Purpose
<ul style="list-style-type: none"> • Recruits • Harbors • Transports • Provides • Obtains • Benefits, financially or by receiving anything of value 	<ul style="list-style-type: none"> • Force • Restraint • Threats of harm • Abuse or threatened abuse of the legal system • Coercion 	<ul style="list-style-type: none"> • Forced labor • Forced services • Debt bondage <p>What about illegal labor or services?</p>

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Coercion

22 U.S.C. § 7102(3)

Threats of serious harm to or physical restraint against any person;

Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person;

The abuse or threatened abuse of the legal process.

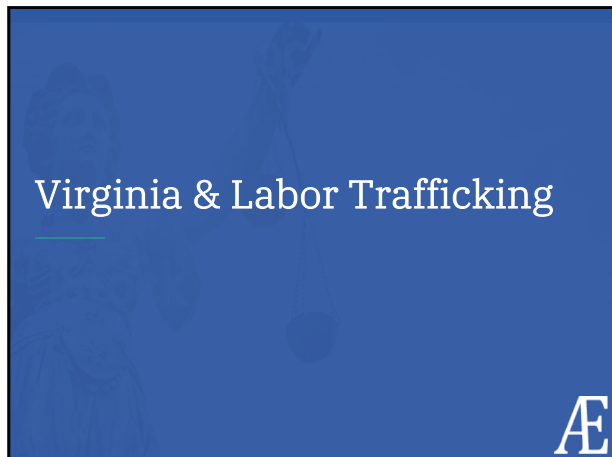
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Serious Harm

18 U.S.C. § 1589(c)(2)

Any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under *all the surrounding circumstances*, to compel a reasonable person of the *same background and in the same circumstances* to perform or to continue performing labor or services in order to avoid incurring that harm.

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Be it enacted by the General Assembly of Virginia:

1. § 1. That the Virginia State Crime Commission shall convene a stakeholder work group... to create a common definition of human trafficking that may be used in the Code of Virginia and recognized by state and local agencies. In creating such common definition of human trafficking, the work group shall also consider and define other forms of trafficking, including labor trafficking, debt bondage, and sex trafficking, and shall analyze the practicability of using common definitions of human trafficking, labor trafficking, debt bondage, and sex trafficking throughout the Code or if different contexts require different definitions. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2022.

2022 Virginia House Bill No. 257,
Virginia 2022 Regular Session

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Abduction and Kidnapping

Va. Code § 18.2-47(B)

Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction."

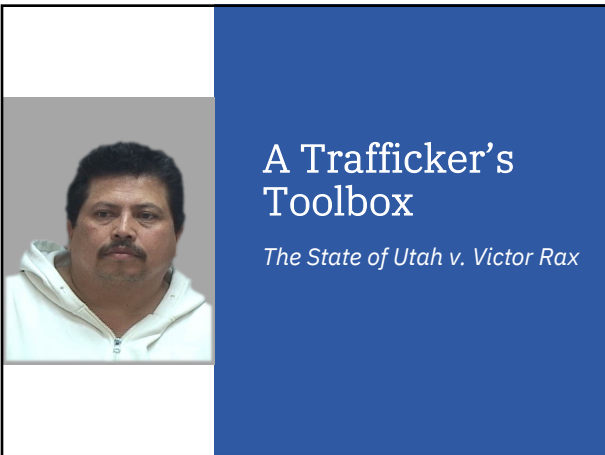
For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.

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Keys to Success

- Implement victim-centered, trauma-informed practices office-wide
- Intentionally build trust within marginalized communities
- Train all personnel to recognize red flags
- Empower investigators and prosecutors to thoroughly investigate all forms of sex and labor trafficking

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A Trafficker's
Toolbox

The State of Utah v. Victor Rax

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**Step One:
Identify vulnerable
individuals**

Victor Rax identified boys and young men (9-15 years old):

- Impoverished
- Undocumented
- High-crime neighborhoods



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**Step Two:
Gain Access**

Victor Rax used his position and reputation to gain access to boys and young men

- Well known in the neighborhood
- Likable and generous
- Provided proximity to money and power

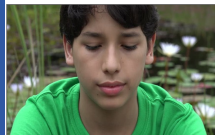


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**Step Three:
Grooming**

Victor Rax developed relationships based on:

- Providing unfulfilled needs
- Instilling trust with victims and their families
- Using terms like, "love", "family", and "loyalty"



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Maslow's Hierarchy of Needs



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Step Four: Initiation

Victor Rax pivoted from “nice guy” to abuser:

- Provided drugs and alcohol
- Sexually abused boys and young men
- Forced victims to sell drugs



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Forced Criminality



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Step Five: Maintain Control

Victor Rax used various tactics to control his victims:

- Cultural fear tactics
- Threaten with arrest or deportation
- Sexually abused victims and threatened to tell others



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Power and Control Wheel



Adapted from: Domestic Abuse Intervention Project
www.duluth-model.org

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Step Six: Escape Accountability


Victor Rax thought he could get away with it because:

- He *had* gotten away with it for a very long time
- Victims felt that no one would believe them and that they would be arrested or deported
- Victims were ashamed



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How did this case ever come to your attention?



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Confidential Informants

- Proactively developed confidential informants in this neighborhood
- Received information from two confidential informants:
 - Rax is a gang leader and drug dealer
 - Rax is always surrounded by boys and young men




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How do you think most people would have viewed these victims?



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How did you plan to move the investigation forward?



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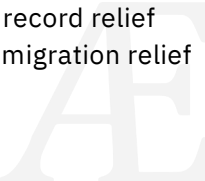
Trauma-Informed Approach

Investigation	Victim Support
<ul style="list-style-type: none"> Initially, drug distribution 4-6 month investigation Objected to deportation ~30 victims came forward after Rax was held 	<ul style="list-style-type: none"> Connected with systems-based victim advocates Brought in community-based victim service providers

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Victim-Centered Approach

- Treat victims as victims
- Recognize impact on 100s of victims and families
- Provide “Safe Harbor”
- Do not criminalize
- Approve appropriate criminal record relief
- Provide documentation for immigration relief
 - Continued Presence
 - T Visas

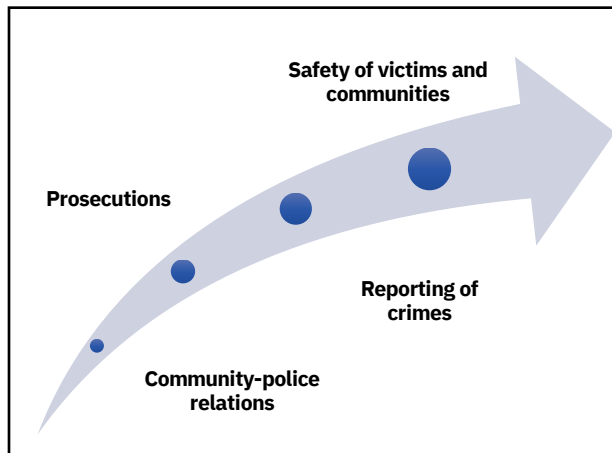


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T Visa Facts

- 5,000 T Visas allowed per year
- For victims of severe forms of human trafficking
- Issued by the USCIS
- Allows victim to reside in the U.S. for 4 years
 - Employment authorization
 - Derivative T Visas for certain relatives
- Possibility of adjustment of status to permanent resident at end of 3 years

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Requirements

- Applicant is a victim of severe form of trafficking (AKA meets federal definition)
- Victim is in the U.S. because of trafficking
 - Responds to “reasonable requests for collaboration” with investigation
 - Hardship upon return to home country

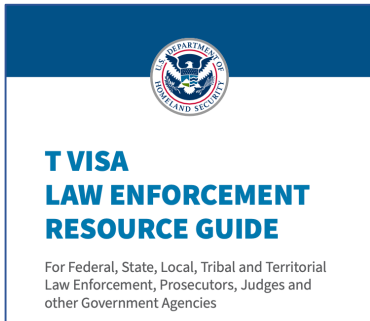
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Trauma Exception

- At USICS' discretionary, they may issue T Visa without cooperation
 - Victim unable to cooperate due to physical or psychological trauma
- Application must include an affirmative statement from victim
 - Describing trauma
 - Encouraged to provide evidence; *e.g.*, letter from professional who can attest to the victim's mental state

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T Visa Resource Guide



https://www.dhs.gov/sites/default/files/publications/t_lea_guide_10182021_v2_508_sp_508.pdf

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Continued Presence

- Temporary immigration status provided to victims of trafficking who are "sponsored" by federal law enforcement
- LE initiates application immediately after identifying victim; cooperation is not required
- Continuing Presence (CP) is granted for 2 years; can be renewed
- Does not guarantee any of form of long term immigration relief
- Can be revoked

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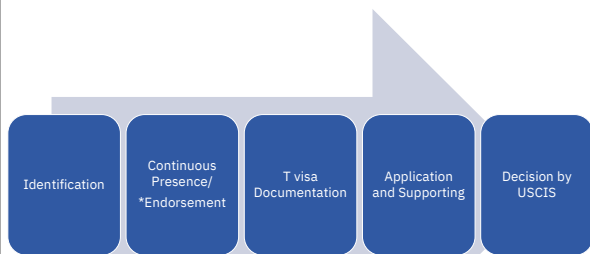
Continued Presence, Cont'd.

- Upon approval by Dept. of Health and Human Services
 - Allows victim to access federal and state benefits
 - Work authorization
 - Cooperation is required to access these benefits

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Process

Continued Presence and T Visa



Typical length ~6 months

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Prevention • Protection • Prosecution • Partnership

Center for Countering Human Trafficking

Continued Presence Resource Guide

for submitting law enforcement agencies and civil attorneys

July 2021

https://www.ice.gov/sites/default/files/documents/CCHT%20CP%20Resource%20Guide%20Jul%202021_7-28_FINAL_4.2%20-%20Signed.pdf

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Criminal Charges

- Aggravated human trafficking (3x)
- Human trafficking
- Forcible sexual abuse (4x)
- Object rape
- Forcible sodomy (15x)
- Sodomy on a child (8x)
- Sexual abuse of a child (4x)
- Poss w/ intent to dist (3x)
- Pattern of unlawful activity
- Endangerment of child or elder adult (22x)
- Tampering w/ witness



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The Salt Lake Tribune
 Accused child rapist dies in apparent suicide at Salt Lake County jail
Inmate • Officials say Victor Rax's death does not appear suspicious.



Victor Rax
 killed
 himself
 prior to the
 preliminary
 hearing

<https://archive.sltrib.com/article.php?id=57879134&itype=CMSID>

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Trauma-Informed Response

Continued

- Continuing to provide services and support to victims
- Arranged with the court to have a hearing to dismiss the charges
- Supported victims in providing the court with victim impact statements



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Honorable judge and whoever this may concern. The actions of this horrible human being, Victor Rax, has turned my life upside-down and inside out. I didn't even know who I was. I didn't - I have never fear anyone in my life [like him]. I was unable to sleep, eat, or even breath...

- Victim impact statement (H.G.)

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...He broke my family apart and forcibly abused me and the other children in other ways. This has put my life and me through so many emotional and fearful impacts. People like him should burn in hell. I pray and hope there aren't other people like him in this world.

- Victim impact statement (H.G.), continued

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I just wanted to say a few words. Um, Victor Rax took my dignity. He took my confidence. He took my (pause) my (pause) my self. I don't know who I was, and it has impacted me very much in my life, negatively, and I'm trying to get my life together right now. I just want to say that, thank you guys for being there, for law enforcement that stopped him and right now this is making me feel better, to let this out.

- Victim impact statement (E.R.)

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Further Reading

www.aequitasresource.org/resources

- Jane Anderson & Daniel Strong, Forced Criminality: Understanding Human Trafficking through the Lens of Utah’s Victor Rax Case, 37 Strategies (2021),
- <https://aequitasresource.org/wp-content/uploads/2021/05/Forced-Criminality-Through-the-Lens-of-the-Victor-Rax-Case.pdf>

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Going Forward

- Analyze gang cases through a human trafficking lens
- Investigate grooming and coercive tactics used by labor traffickers
- Provide immunity for forced criminal activity

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