



The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

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June 23, 2020

Ms. Wendy Lautsbaugh
Commissioner (PA)
Parole & Probation
PA Interstate Compact Unit
DHS/OCYF/BPPO/Division of Operations
Willow Oak Building #43
Room 430
1006 Hemlock Drive
Harrisburg, PA 17110

Re: Follow-Up Request for Interpretation of the Application of the Interstate Compact on Juveniles (“ICJ”) Rules to Juvenile Victims of Human Trafficking

Dear Ms. Lautsbaugh:

Thank you for submitting to the ICJ National Office our Commission's previous request for an interpretation of the ICJ Rules, as they apply to juvenile victims of human trafficking. After thoroughly reviewing the ICJ National Office's response to our inquiry, we respectfully request further clarification regarding the ICJ Rules' applicability to victims of human trafficking.

In its response to our initial inquiry, the ICJ National Office stated that, “[juvenile] victim[s] of human trafficking ... must be returned pursuant to the ICJ when the juveniles have left their home states as runaways, absconders, escapees, or have been accused of an offense in another state that is requesting their return.” Based on this response, we now request the following clarifications:

Do the ICJ Rules, specifically ICJ Rules 6-101 - 6-105, apply to juvenile victims of human trafficking who are abducted by traffickers, or who are induced by traffickers to leave their home states in some way that they are unable to resist, and then trafficked across state lines?

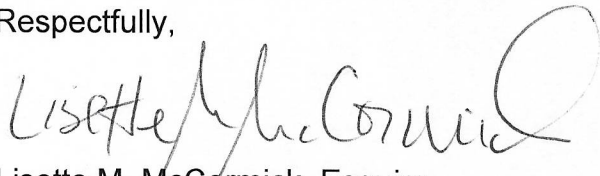
Do the ICJ Rules, specifically ICJ Rules 6-101 - 6-105, apply to juvenile victims of human trafficking who are sold or given to human traffickers by their family members or caretakers and then moved across state lines?

As you are probably aware, not all juvenile victims of human trafficking are “runaways, absconders, escapees, or have been accused of an offense in another state”. Indeed, some juveniles may become victims of interstate human trafficking by being induced to leave or being kidnapped by traffickers and then moved across state lines, while others may be sold or given to traffickers by their own family members or caretakers and then taken by traffickers to other states.¹

If the current ICJ Rules apply to these particular victims, who are kidnapped, sold or induced in some way that the victim is unable to resist, our Commission strongly recommends that the rules be amended to provide an exception to the requirement that all juvenile human trafficking victims must be returned to their home states. Furthermore, our Commission recommends that the decisions about whether to return these victims to their home states should be conducted by trauma-informed experts on a case-by-case basis, due to the unique multifaceted trauma experienced by human trafficking victims. Doing so will help to minimize the negative short-term and long-term effects the juveniles experience as a result of being trafficked.

Thank you for considering our inquiries and we welcome any insights you are able to provide regarding this matter. For your convenience, we have enclosed a copy of our letter dated January 7, 2020, which outlines our original inquiry, and the ICJ National Office’s response thereto.

Respectfully,



Lisette M. McCormick, Esquire
Executive Director



Lucille Marsh, Esquire
Chair, Domestic Violence and
Sexual Assault Victims’ Committee

cc: Pennsylvania Interbranch Commission Members and its Domestic Violence and Sexual Assault Victims’ Committee

¹ According to data collected by the Counter-Trafficking Data Collaborative (“CTDC”), 41% of all child human trafficking cases worldwide occurred because the family members of the children sold or gave them to human traffickers. See CTDC, *Family Members are Involved in Nearly Half of Child Human Trafficking Cases*, IOM UN MIGRATION, https://www.iom.int/sites/default/files/our_work/DMM/MAD/Counter-trafficking%20Data%20Brief%20081217.pdf.