



Representing Victims/Survivors of Sex Trafficking in Nebraska:

A Guide for Legal Practitioners



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About this Guide

Since the Trafficking Victims Protection Act (TVPA) was first passed in 2000, immense strides have been taken on both the federal and state levels to develop more robust trafficking legislation that will protect victims/survivors and hold offenders accountable. The TVPA was the first criminal law to define and criminalize human trafficking in the United States, and in 2006 Nebraska passed the first state laws on human trafficking.ⁱ It would take another six years for Nebraska to prove its commitment to the issue of human trafficking with the establishment of the Governor's Human Trafficking Task Force in 2012.ⁱⁱ Since then, Nebraska has continued to pass significant trafficking legislation each year, raising its Shared Hope score from an F in 2010 to an A in 2019.ⁱⁱⁱ

This guide was created with the goal of summarizing this rapidly evolving state legislation by creating a single reference document for laws relating to sex trafficking. The guide categorizes both state and federal legislation in a digestible manner so that legal practitioners can easily consult it when working with a victim/survivor of sex trafficking.

Note on terminology:

In this guide, we use the term victim/survivor to refer to those with lived experience of sex trafficking with the exception of where we are citing or referring to statute language. We realize that some individuals with lived experience identify as victims, some as survivors, some as both and some as neither. It is important to give those with lived experience power in defining their experiences given how they often had little control over their lives during their experience of violence. **Always ask individuals with lived experience of sex trafficking how they would like to be referred to so as to not make potentially harmful assumptions.**

How to Use this Guide

This guide is meant to serve as a roadmap for legal practitioners, including public defenders, legal services lawyers, pro bono attorneys, victim advocates and other stakeholders who are representing sex trafficking victims/survivors in Nebraska. The different sections of the guide can be consulted jointly or as stand-alone resources.

The [Executive Summary](#) enumerates significant takeaways from this guide for legal practitioners to consider.

The [Introduction](#) offers a definitional overview of sex trafficking that addresses commonly held misconceptions and provides context about sex trafficking in Nebraska. You will also find information about how trauma impacts victims/survivors of sex trafficking and a primer on providing legal representation to a victim/survivor using a trauma-informed approach.

The [Quick Guide](#) provides a categorized list of state and federal statutory citations pertaining to sex trafficking. This reference resource can be consulted to easily and quickly identify critical pieces of legislation for a trafficking case. The [Statutory Guide](#) is an elaborated version of the Quick Guide. Each statutory citation is accompanied by a short excerpt from the statute in *italics* with important language in **bold**. The notes under each excerpt offer clarifications, interpretations and insights acquired from practical experience and application of the statutes.

The [Protections for Immigrant and Limited English Proficiency \(LEP\) Victims/Survivors](#) resource provides an overview of federal civil rights and protections available to immigrant and LEP victims/survivors. Each protection is accompanied by a brief description of eligibility requirements and the application process along with comments about acceptance timelines and other key considerations. This resource is meant to serve as a general reference and is by no means comprehensive. The application process for these protections is complex and would greatly benefit from the expertise of an immigration attorney. A list of resources that can be consulted for support in navigating these processes can be found at the end of this guide.

Finally, the [Resources](#) section contains a list of publications to consult about sex trafficking and representing victims/survivors as well as a directory of local organizations to contact for guidance and support.

Executive Summary:

What to Know When Representing a Trafficking Victim/Survivor

With both state and federal laws evolving so rapidly since the passage of the Trafficking Victims Protection Act in 2000, this guide covers a fair amount of ground. Enumerated below are some key considerations for legal practitioners to consider when representing a victim/survivor of sex trafficking.

- 1. Defining Sex Trafficking**—Most of the representations of trafficking we consume in the media or through other outlets depict sex trafficking victims/survivors as experiencing extreme force, kidnapping, confinement and restraint. These cases do occur but more common are grooming tactics, mental abuse and manipulation. Nebraska's laws reflect the more subtle forms of force, fraud and coercion that are far more common in sex trafficking cases.
- 2. Sex Trafficking in Nebraska**—Sex trafficking occurs across the state of Nebraska, not just in the urban centers. As is the case across the country, Nebraska's commercial sex market is deeply racially imbalanced with African Americans especially overrepresented at the state level.^{iv}
- 3. Trauma and Trauma Responses**—Trauma fundamentally changes the brain's reactions to perceived threats, and a trauma response is an activation of the brain's automatic survival instinct. Trauma can have long-term impacts on a victim/survivor's focus, attention and memory. Legal practitioners must develop a knowledge of trauma so that a victim/survivor's response is not mistakenly interpreted as evidence to delegitimize their account.
- 4. Trauma-Informed Legal Representation**—To adopt a trauma-informed approach, you must use your understanding of trauma to accommodate your client, giving them choice and control whenever possible. A trauma-informed approach lessens the potential for re-traumatizing the client as is essential to building a strong practitioner-client relationship.
- 5. Advocacy**—It is critical that you advocate for your clients as they navigate the judicial system by supporting them at each stage, educating the court about sex trafficking and ensuring that court systems are working properly, especially with set asides and sealings. This advocacy will grow the capacity of the judicial system to accommodate victims/survivors.
- 6. Statute of Limitations**—The statute of limitations for prosecuting the crime of trafficking an adult is seven years, but there is no such time limitation for prosecuting cases involving minors. These laws provide victims/survivors time to heal and make the decision whether they will pursue charges against their traffickers.
- 7. Set Asides and Record Sealing**—Sex trafficking victims/survivors are often forced to commit crimes for their traffickers that result in convictions on their criminal records. To prevent the ongoing negative consequences of a criminal record, trafficking victims/survivors can have convictions resulting from their victimization voided and their criminal record sealed.
- 8. Civil Action for Damages**—Victims/survivors of sex trafficking can sue their trafficker for damages proximately caused by their victimization, including physical and emotional injuries.
- 9. Sex Trafficking and Child Abuse**—Trafficking of a minor is included in the definition of child abuse in the Nebraska Criminal Code and the Child Protection and Family Safety Act. The Department of Health and Human Services is required to provide services to minor sex trafficking victims/survivors, regardless of the identity of their trafficker.
- 10. Federal Protections**—In addition to state law, extensive federal legislation exists to protect victims/survivors of sex trafficking. Most of the language from federal trafficking legislation has been encoded in Nebraska's state statutes; however, it is important to be familiar with the language of both.
- 11. Immigrant and Limited English Proficient Victim (LEP)/Survivor Protections**—If you are representing an immigrant or LEP victim/survivor of sex trafficking it is important to be knowledgeable about the different protections that exist as well as their eligibility requirements and applications processes. Applying for immigration protections through USCIS is an intricate process that would greatly benefit from the guidance of a specialist. In the [Resources](#) section of this guide you will find a short directory of local organizations you can connect with to assist you in this process.

Introduction

What is Sex Trafficking?

Nebraska law defines sex trafficking as a felony offense occurring when someone causes another person, without their consent (using force, fraud or coercion), to engage in sexual activity, sexually explicit performance or the production of pornography in exchange for anything of value (money, food, shelter, basic material necessities, protection, etc.). Separate legislation exists to protect minor victims/survivors because the presence of consent is not a defense for trafficking a minor. Rather, causing a minor to engage in sexual activity, sexually explicit performance or the production of pornography in exchange for something of value is defined as sex trafficking.

Many representations of sex trafficking, whether in the media or other outlets, depict victims/survivors experiencing extreme force, kidnapping, confinement and restraint. While these experiences do occur, it is far more likely that sex trafficking will present as more subtle forms of force, fraud or coercion, as is reflected in Nebraska laws. Beyond what is listed in statute, there may be other forms of exploitation occurring as a result of poverty, lack of economic opportunities, lack of basic resources or marginalization (such as situations linked to race, class, sexuality, nationality or ability).

Sex trafficking may present as a trafficker promising a victim/survivor protection, safety, presenting gifts, making a victim/survivor feel special or cared for, initiating a romantic relationship with a victim/survivor, promising a job, or other tactics to gain the trust of a victim/survivor. The trafficker may be known to the victim/survivor as someone they trust or a familial relationship. The trafficker may threaten the victim/survivor or their family. The trafficker may lie to and manipulate the victim/survivor or use physical or sexual violence as tactics of power and control.

Anyone can be a trafficker and any person can be trafficked. There is no profile of what a sex trafficker may look like. It may be someone well known to the victim/survivor, someone they trust or a family member. There is also no profile of what a trafficking victim/survivor may look like. However, traffickers often target individuals experiencing poverty, housing insecurity, gender and racial inequities, emotional health conditions, addiction, abuse and trauma as well as individuals who are system-involved, under the age of 18 and missing from care.

Sex Trafficking in Nebraska

The crime of sex trafficking is a statewide issue in Nebraska. Every month, 900 individuals are advertised for sex, often multiple times, across the state and 70-75% of those individuals show an indicator of being trafficked.^v While there are especially high concentrations of individuals advertised for sex in cities per capita (the highest being in Grand Island, Omaha and Scottsbluff), the commercial sex industry in Nebraska extends far beyond these urban centers, effecting the entire state.^{vi}

Moreover, Nebraska's commercial sex market is profoundly racially imbalanced. While African Americans represent only 5% of Nebraska's population, they make up 50% of individuals advertised for sex online in Nebraska.^{vii} On a national scale, Indigenous/Native and Latinx individuals are severely overrepresented as victims/survivors of sex trafficking.

Understanding Trauma and Trauma Responses

Trauma is an intense and complex emotional and physical response to an event or series of events that many victims/survivors of sex trafficking experience. The experience of trauma has significant, and sometimes lifelong, impacts on brain, or neurological, function. Trauma fundamentally alters the brain's chemical reactions to perceived threats, automatically activating survival reflexes. Survival reflexes common to victims/survivors of sexual exploitation and abuse include dissociation (disconnecting from sensations and surroundings), tonic immobility (being unable to move or talk) and collapsed immobility (loss of muscle tone and changes in consciousness). Victims/survivors do not choose how they respond to trauma. Rather, a trauma response is an activation of the brain's automated survival instinct.^{ix}

Every sex trafficking victim/survivor responds differently to trauma, so the impacts of trauma may vary dramatically and present in a variety of ways. Trauma can be detrimental to a victim/survivor's health and result in serious physical and emotional health issues, including depression, anxiety and post-traumatic stress disorder.^x Trauma also significantly

TRAFFICKING RISK

This Nebraska map illustrates the location of reports of human trafficking since 2016.*



*All reports are reviewed and investigated but not all are prosecuted.

<https://ago.nebraska.gov/nebraska-human-trafficking-task-force>

impacts how the brain focuses attention, assigns central versus peripheral details and encodes memories. Victims/survivors will often have difficulties remembering and recounting traumatic events in a clear, detailed and linear fashion. Without an understanding of trauma, a legal practitioner might doubt the legitimacy of such an account. However, with a knowledge of trauma, the practitioner would recognize these behaviors as trauma responses and see them as keys to understanding their client's experience, not as delegitimizing.^{xii} For these reasons, it is critical that practitioners who represent sex trafficking victims/survivors educate themselves about trauma so they can better understand their client's experiences and provide them with the best possible legal services and representation.

Trauma-Informed Legal Representation

Tailoring how you work with a victim/survivor of sex trafficking to account for the impacts of trauma is called adopting a trauma-informed approach. This approach is key to establishing a strong practitioner-client relationship and ensuring that clients have as much choice and control at every stage of the legal process as possible. While it is important to use this approach across all aspects of legal representation, legal practitioners should be especially conscious of implementing a trauma-informed approach while conducting client interviews with victims/survivors of sex trafficking.

Many comprehensive and detailed resources already exist that outline best practices for trauma-informed interviewing and offer practical tips for legal practitioners. See them linked in this endnote.^{xii} Some key take-aways from these resources include:

- ▶ Create a safe, comfortable and non-threatening environment for your meeting. Clients should be offered a choice of where and when the meeting will be and how the physical environment is set up as much as possible. Ask them what trauma triggers they have (e.g. lighting, temperature, sounds, smells) and which topics are off-limits.

- ▶ Adopt the language your client uses to describe themselves and their experiences. Remember that not all clients will identify as victims of sex trafficking. Take cues from your client and never make assumptions about they might want to label themselves or their trafficker.
- ▶ Allow your client to control the pace of the meeting. Give them opportunities to take breaks whenever they need. Always respect the victim/survivor's boundaries and abilities.
- ▶ Explain legal processes clearly and consistently to your client so you are managing expectations. Check in regularly to make sure your client is understanding the information you are conveying and use whatever method of communication they prefer.
- ▶ Be aware of your client's emotions. Do not take distrust personally. If a client shuts down and stop communicating, they could be overwhelmed. Try to understand why emotions and/or behaviors are manifesting and adjust accordingly.
- ▶ Collaborate with service providers (e.g. mental health providers, case managers or victim advocates) to ensure that clients have the support they need before and after your meeting.
- ▶ Consider how you are phrasing questions. Try to use open-ended questions and avoid "why" questions, which can imply blame. Ask yourself whether asking for more details is necessary and/or if you really need the client to repeat details, which can be difficult and retraumatizing for many victims/survivors.
- ▶ Do not underestimate your own emotional response to your client's experiences. Be aware of your facial expressions and body language, and never let your own emotional reactions take over the interview.

Advocacy

Because most of Nebraska's trafficking laws are so new, the judicial system may not always accommodate your client without additional advocacy. As an attorney, identifying your client's goals and needs is critical to ensuring your client's best interests are served. Advocating on their behalf at every step of the process may be needed if the judicial system is new to implementing the recently passed trafficking laws. Advocacy can take many different forms but some examples include supporting your client as they navigate the many facets of the court system, educating the court about sex trafficking (e.g. preparing a brief about trauma and trauma-informed work) and ensuring that court processes are operating correctly (e.g. calling the clerk's office to make sure your client's set aside and sealing were processed correctly). This type of advocacy on your part will help grow the capacity of the system to use laws as they were intended. The safety and wellbeing of your client must also be a priority which may require collaboration with organizations and/or referrals to service providers within your community. A short directory of such organizations can be found in the Resources section of this guide.



Quick Guide

Nebraska Protections for Adult Victims/Survivors of Sex Trafficking

- [Without Consent Defined, Neb. Rev. Stat. § 28-318\(8\)](#)
- [Trafficking Terms Defined, Neb. Rev. Stat. § 28-830\(11\) and \(14\)](#)
- [Penalties for Traffickers, Neb. Rev. Stat. § 28-831\(2\)](#)
- [Protections for Victim-Offenders, Neb. Rev. Stat. § 28-831\(3\)](#)
- [Affirmative Defense for Victims, Neb. Rev. Stat. §§ 28-801\(3\), 28-801.01\(3\)](#)
- [Immunity for Victims, Neb. Rev. Stat. § 28-801\(5\)](#)
- [Set Asides for Victims, Neb. Rev. Stat. § 29-3005](#)
- [Criminal History Record Sealing, Neb. Rev. Stat. § 29-3523\(4\)](#)
- [Civil Action for Damages, Neb. Rev. Stat. § 25-21,299](#)
- [Deferral of Entry of Judgement of Conviction, Neb. Rev. Stat. § 29-2292](#)
- [Trafficking Statute of Limitations, Neb. Rev. Stat. § 29-110\(4\)](#)

Nebraska Protections for Minor Victims/Survivors of Sex Trafficking

- [Trafficking Minors Terms Defined, Neb. Rev. Stat. § 28-830\(12\) and \(14\)](#)
- [Penalties for Trafficking Minors, Neb. Rev. Stat. § 28-831\(1\)](#)
- [Protections for Minor Victims, Neb. Rev. Stat. § 28-831\(4\)](#)
- [Immunity for Minor Victims, Neb. Rev. Stat. § 28-801\(5\)](#)
- [Trafficking Minors as Child Abuse, Neb. Rev. Stat. §§ 28-707\(1\)\(f\), 28-710\(2\)\(g\), 28-713\(2\)\(a\)](#)
- [Trafficking Statute of Limitations for Minors, Neb. Rev. Stat. § 29-110\(10\)](#)

Federal Protections for Victims/Survivors of Sex Trafficking

- [Victims of Trafficking and Violence Protection Act of 2000](#) (Reauthorized in 2003, 2005 and 2008),
[22 U.S.C. § 7102](#)
- [Peonage, 18 U.S.C. § 1581](#)
- [Involuntary Servitude, 18 U.S.C. § 1584](#)
- [Forced Labor, 18 U.S.C. § 1589](#)
- [Trafficking with Respect to Peonage, Slavery, Involuntary Servitude or Forced Labor, 18 U.S.C. § 1590](#)
- [Sex Trafficking of Children or by Force, Fraud or Coercion, 18 U.S.C. § 1591](#)
- [Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude or Forced Labor, 18 U.S.C. § 1592](#)
- [Justice for Victims of Trafficking Act \(JVTA\) of 2015, Pub. L. 114-22](#)
- [Preventing Sex Trafficking and Strengthening Families Act \(PSTSFA\) of 2014, Pub. L. 113-183](#)

Protections for Immigrant and Limited English Proficiency (LEP) Victims/Survivors

- [T Nonimmigrant Visa \(T visa\)](#)
- [U Nonimmigrant Visa \(U visa\)](#)
- [Violence Against Women Act \(VAWA\) Self-Petition](#)
- [Continued Presence \(CP\)](#)
- [Special Immigrant Juvenile \(SIJ\) Status](#)
- [Asylum](#)
- [Title VI of the Civil Rights Act of 1964, as amended](#)
- [Limited English Proficiency \(LEP\) Executive Order 13166 \(2000\)](#)

Statutory Guide

Nebraska Protections for Adult Victims/Survivors of Sex Trafficking

Without Consent Defined

Neb. Rev. Stat. § 28-318(8)

"Without consent means: (a)(i) The victim was compelled to submit due to the **use of force or threat of force or coercion**, or (ii) the victim expressed a **lack of consent through words**, or (iii) the victim expressed a **lack of consent through conduct**, or (iv) the consent, if any was actually given, was the result of the **actor's deception as to the identity of the actor** or the nature or purpose of the act on the part of the actor; (b) **The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real** and so as to reasonably make known to the actor the victim's refusal to consent; and (c) **A victim need not resist verbally or physically where it would be useless or futile to do so**"

- The definition of without consent is critical to the definition of adult sex trafficking because it is the absence of consent that distinguishes commercial sex from the crime of sex trafficking.
- This definition establishes the criteria for evaluating whether a situation was nonconsensual. It is important to note that this definition designates particular situations as nonconsensual in which a victim/survivor gave consent or did not express a lack of consent (by not resisting). These are:
 - Situations in which the victim/survivor gave consent because they were deceived as to the identity of their trafficker; and
 - Situations in which it would have been useless for the victim/survivor to express a lack of consent by resisting verbally or physically as it would have done nothing to prevent the crime.
- The Nebraska Supreme Court has expanded the definition of coercion to include nonphysical force (which is also documented in the opinion as psychological force) under the statutory definition of without consent.^{xiii} This decision created case law to support instances of sex trafficking where physical force either was not used or cannot be proven.

Trafficking Terms Defined

Neb. Rev. Stat. § 28-830(11) and (14)

"Sex trafficking means **knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a person eighteen years of age or older for the purpose of having such person engage without consent**, as defined in section 28-318, in commercial sexual activity, sexually explicit performance, or the production of pornography or to **cause or attempt to cause** a person eighteen years of age or older to engage without consent, as defined in section 28-318, in commercial sexual activity, sexually explicit performance, or the production of pornography"

- This definition clarifies a few common misconceptions about sex trafficking. Most notably, this definition establishes that sex trafficking does NOT require:
 - Successfully nor directly obtaining nonconsensual commercial sex—Individuals can be prosecuted as sex traffickers as long as they "knowingly attempted" to engage a person in nonconsensual commercial sex or "attempting to cause" a person to engage in nonconsensual commercial sex.
 - Third party facilitation—Any sex buyer can be prosecuted on charges of sex trafficking if their actions fall under the statutory definition of sex trafficking, with or without the involvement of a facilitator.
 - Moving or transporting individuals—it is true that sex trafficking often does involve movement; however, there are still many individuals who do not experience movement as a part of their victimization. It is

thus important to know that trafficked individuals who were not transported still fall under the definition of trafficking victims.

***"Trafficking victim* means a person subjected to any act or acts prohibited by section 28-831."**

- The statute refers to individuals who have been trafficked as trafficking victims; however, not all individuals with those lived experiences identify as victims. It is important to always use the language your clients use to refer to themselves. Many clients may not identify as victims of sex trafficking because:
 - They may see their own agency in events even where you see victimization. It can be hard to align that view with the "victim" narrative necessary to meet the legal standard;
 - The client's lived experience of sex trafficking, or other forced labor, may not seem to the client as "forced," even if the circumstances indicate force, fraud and coercion;
 - They may have been told that they are not victims, especially if they have had negative help-seeking experiences in the past.^{xiv}

Penalties for Traffickers

Neb. Rev. Stat. § 28-831(2)

"Any person who engages in labor trafficking or sex trafficking is guilty of a Class II felony."

- Class II felonies can receive penalties from one to 50 years imprisonment.

Protections for Victim-Offenders

Neb. Rev. Stat. § 28-831(3)

*"Any person, **other than a trafficking victim**, who knowingly benefits from or participates in a venture which has, as part of the venture, an act that is in violation of this section is guilty of a Class IIA felony."*

- Sex trafficking victims/survivors are often not only coerced into commercial sex but to commit other crimes for their traffickers. Therefore, it is not uncommon for victims/survivors of sex trafficking to have also participated in activities that would qualify them as traffickers under statute. These victims/survivors are referred to as victim-offenders (VOs).^{xv}
- This subsection, particularly the phrase "other than a trafficking victim," protects VOs from being prosecuted as traffickers, knowing that participation in criminal activity is frequently unavoidable when a person is being victimized.
- Due to the complex nature of victim-offender intersectionality, you must holistically assess the unique situation of each VO you work with. It is critical to understand the extent to which a VO's actions were done under the coercion and control of a trafficker and the extent to which the VO perceived a degree of choice in engaging in the trafficking conduct.
 - A VO acting under the effects of trauma can give the impression of acting willingly, even though the VO does not perceive a choice. Trauma, both past and concurrent, can have a dramatic impact on how a VO responds to a criminal investigation.
 - A VO may be more inclined to engage in conduct that rises to the exploitation of others if they feel that doing so will please or strengthen their relationship with the trafficker. It is important to consider the past and concurrent dynamics of a VO's relationship to the trafficker in order to understand why the VO may appear more compliant with a trafficker's instructions or requests.^{xvi}

Affirmative Defense for Victims

Neb. Rev. Stat. §§ 28-801(3), 28-801.01(3)

"It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in section 28-830."

- Trafficking victims/survivors cannot be convicted for prostitution or solicitation of prostitution. However, they can be charged on these counts.

Immunity for Victims

Neb. Rev. Stat. § 28-801(5)

"If the law enforcement officer determines, **after a reasonable detention for investigative purposes**, that a person suspected of or charged with a violation of subsection (1) of this section is (a) a person engaging in those acts as a direct result of being a trafficking victim as defined in section 28-820, such person shall be **immune from prosecution for a prostitution offense** [...]"

- Trafficking victims/survivors are immune from prosecution on charges of prostitution.
- While it is important that trafficking victims/survivors be immune from criminalization on charges of prostitution, this subsection effectively allows law enforcement to arrest and detain victims/survivors for prostitution without prosecuting, which is not best practice. Unfortunately, prostitution arrests are a frequent occurrence because trafficking victims/survivors commonly do not self-identify as victims and rigorous victimization screening processes do not always take place.

Set Asides for Victims

Neb. Rev. Stat. §29-3005

"(2) At any time following the completion of sentence or disposition, a victim of sex trafficking convicted in county or district court of, or adjudicated in a juvenile court for, (a) **a prostitution-related offense** committed while the movant was a victim of sex trafficking or proximately caused by the movant's status as a victim of sex trafficking or (b) **any other offense committed as a direct result of, or proximately caused by, the movant's status as a victim of sex trafficking**, may file a motion to set aside such conviction or adjudication."

- Trafficking victims/survivors can have any past conviction(s) voided, otherwise known as set aside, if the court finds that the offense was committed "as a direct result of" or "proximately caused by" the individual's victimization.
- This statute recognizes that criminal activity is frequently unavoidable when a person is being victimized. It is common for sex trafficking victims/survivors to have been forced to commit crimes because of their victimization. In fact, more than 90% of sex trafficking victims/survivors report being arrested for crimes related to their trafficking.^{xvii}

"(4) Official documentation of a movant's status as a victim of sex trafficking at the time of the prostitution-related offense or other offense **shall create a rebuttable presumption** that the movant was a victim of sex trafficking at the time of the prostitution-related offense or other offense. **Such official documentation shall not be required to obtain relief under this section** [...]"

- While no official documentation is required to prove an individual falls under the definition of a trafficking victim, official documentation does create a rebuttal presumption of sex trafficking victimization. Examples of official documentation include, but are not limited to, affidavits or sworn testimony from professionals from whom the victim/survivor has sought assistance, such as therapists and victim advocates, as well as copies of documents from federal, state, tribal or local proceedings.
- The court can also consider any evidence it determines is credible, including, but not limited to, financial records, emails, texts and internet advertisements. Consult subsection (5) for a full list of evidence.

Criminal History Record Sealing

Neb. Rev. Stat. §29-3523(4)

*"Upon the granting of a motion to set aside a conviction or an adjudication pursuant to section 29-3005, a person who is a victim of sex trafficking, as defined in section 29-3005, may file a motion with the sentencing court for an order to **seal the criminal history record information related to such conviction or adjudication** [...]"*

- Trafficking victims/survivors can have their criminal history record information related to a set aside conviction(s) sealed, meaning it will not be part of public record nor disseminated to persons other than criminal justice agencies.
- The sealing of a charge after a set aside is unique to trafficking cases as set asides are not normally sealed as part of the process. For this reason, be sure to follow up with the clerk's office immediately after the order is signed to make sure the court's record has been sealed.
- This section protects victims/survivors from being penalized for actions they took as a result of their victimization. This is critical because:
 - The fear of legal consequences prevents some trafficked individuals from attempting to leave their trafficker;
 - Traffickers often use legal ramifications as threats to maintain control over trafficked individuals;
 - Felony charges and other citations prevent victims/survivors from being able to access job opportunities and housing, which increases the likelihood that a victim/survivor would return to the commercial sex trade or be vulnerable to trafficking.^{xviii}

Civil Action for Damages

Neb. Rev. Stat. §25-21,299

*"Any trafficking victim, his or her parent or legal guardian, or personal representative in the event of such victim's death, who **suffered or continues to suffer personal or mental injury, death, or any other damages proximately caused by such human trafficking** may bring a civil action against any person who knowingly (a) engaged in human trafficking of such victim within this state or (b) aided or assisted in the human trafficking of such victim within this state."*

- Trafficking victims/survivors, or their representatives in the case of their death, may sue for damages related to past and continuous trauma resulting from their victimization.

*"A plaintiff who prevails in a civil action brought pursuant to the Human Trafficking Victims Civil Remedy Act may recover his or her damages proximately caused by the actions of the defendant **plus any and all attorney's fees and costs reasonably associated with the civil action.**"*

- In addition to being awarded monetary damages from victimization, trafficking victims/survivors can also be reimbursed for legal fees associated with their case.

Deferral of Entry of Judgement of Conviction

Neb. Rev. Stat. § 29-2292

*"Upon a finding of guilt for which a judgment of conviction may be rendered, a defendant may request the court defer the entry of judgment of conviction. Upon such request and after giving the prosecutor and defendant the opportunity to be heard, the court may defer the entry of a judgment of conviction and the imposition of a sentence and place the defendant on **probation**, upon conditions as the court may require under section 29-2262."*

*"Upon satisfactory completion of the conditions of probation and the payment or waiver of all administrative and programming fees assessed under section 29-2293, the defendant or prosecutor may **file a motion to withdraw any plea entered by the defendant and to dismiss the action without entry of judgment.**"*

- If there is an applicable diversion program for the crime being prosecuted, this statute provides another avenue for trafficking victims/survivors to avoid having convictions on their records for crimes resultant from their victimization.
- The provisions of this section only apply to offenses committed on or after July 1, 2020.

Trafficking Statute of Limitations

Neb. Rev. Stat. § 29-110(4)

"Except as otherwise provided by law, no person shall be prosecuted for a violation of subsection (2) or (3) of section 28-831 (a) unless the indictment for such offense is found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim's eighteenth birthday, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim's eighteenth birthday, whichever is later, and a warrant for the arrest of the defendant has been issued."

- The statute of limitations for the trafficking of an adult is seven years.
- This statute of limitations provides victims/survivors the time they need to heal, find safety, establish stability and/or overcome fears of retaliation if and when they are ready to pursue justice against their traffickers within the legal system.



Nebraska Protections for Minor Victims/Survivors of Sex Trafficking

Trafficking Minors Terms Defined

Neb. Rev. Stat. § 28-830(12) and (14)

"Sex trafficking of a minor means knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography"

- Unlike the definition of sex trafficking an adult, the definition of sex trafficking a minor does not include language pertaining to consent because a minor cannot consent to commercial sexual activity.
- See notes under "Trafficking Terms Defined" for more key considerations as these also apply to minor victims/survivors of sex trafficking.

Penalties for Trafficking Minors

Neb. Rev. Stat. § 28-831(1)

"Any person who engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class IB felony."

- The class of felony is more severe for trafficking a minor than it is for an adult. Class IB felonies can receive penalties from 20 years to life imprisonment.

Protections for Minor Victims

Neb. Rev. Stat. § 28-831(4)

"It is not a defense in a prosecution under this section (a) that consent was given by the minor victim, (b) that the defendant believed that the minor victim gave consent, or (c) that the defendant believed that the minor victim was an adult."

- Minors cannot give consent to commercial sex. Therefore, traffickers cannot use consent they received or believed they received from a minor victim/survivor as a defense. Moreover, traffickers cannot use the fact that they believed the minor victim/survivor was an adult as a defense to avoid more severe charges.

Immunity for Minor Victims

Neb. Rev. Stat. § 28-801(5)

*"If the law enforcement officer determines, **after a reasonable detention for investigative purposes**, that a person suspected of or charged with a violation of subsection (1) of this section is [...] (b) a person under eighteen years of age, such person shall be immune from prosecution for a prostitution offense under this section and **shall be subject to temporary custody under section 43-248 and further disposition under the Nebraska Juvenile Code.**"*

- Minors are immune from prosecution on charges of prostitution because minors cannot give consent to commercial sex.
- Pursuant to sections **43-248** and **43-250**, temporary custody means that law enforcement will deliver custody of the minor victim/survivor to the Department of Health and Human Services (DHHS) who will make a temporary placement. If a court order of temporary custody is not issued within 48 hours of taking the juvenile into custody as needed, the department will no longer have custody and the juvenile will be returned to the custody of a parent, guardian, custodian or relative.

Trafficking Minors as Child Abuse

Neb. Rev. Stat. §§ 28-707(1)(f), 28-710(2)(g), 28-713(2)(a)

"A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be: [...] (f) **Placed in a situation to be a trafficking victim** as defined in section 28-830."

- Traffickers can be prosecuted on charges of child abuse regardless of their relationship to the minor victim/survivor of trafficking. For example, a parent could be prosecuted for trafficking their child just as an intimate partner, neighbor or non-acquaintance could be prosecuted for trafficking the same minor.

"Out-of-home child abuse or neglect also includes cases in which the **subject of the report of child abuse or neglect is not a member of the child's household, no longer has access to the child, is unknown, or cannot be identified;**"

- Minors that are trafficked regardless of their relationship to the trafficker are considered abused and neglected children who should be provided services.

"[...] [T]he department shall:

- (i) Assign the case to staff for an in-person investigation. **The department shall assign a report for investigation regardless of whether or not the subject of the report is a member of the child's household or family or whether the subject is known or unknown, including cases of out-of-home child abuse and neglect;**
- (ii) Conduct an in-person investigation and appropriately **coordinate** with law enforcement agencies, the local child advocacy center, and the child abuse and neglect investigation team under section 28-729;
- (iii) Use **specialized screening and assessment instruments** to identify whether the child is a victim of sex trafficking of a minor or labor trafficking of a minor or at high risk of becoming such a victim and determine the needs of the child and family to prevent or respond to abuse, neglect, and exploitation [...]; and
- (iv) **Provide for or refer and connect the child and family to services** deemed appropriate by the department in the least restrictive environment [...]"
 - The Nebraska Department of Health and Human Services (DHHS) is required to screen and assess reports of child sex or labor trafficking, conduct in person investigations of possible cases of sex or labor trafficking of a minor, and connect the child and family with comprehensive and appropriate services regardless of who the trafficker is.

Trafficking Statute of Limitations for Minors

Neb. Rev. Stat. §29-110(10)

"There shall not be any time limitations for prosecution or punishment for [...] labor trafficking of a minor or sex trafficking of a minor under subsection (1) of section 28-831 [...]"

- While there is a statute of limitations of seven years for the trafficking of an adult, there is no statute of limitations for the trafficking of a minor.
- The elimination of a statute of limitations protects minor victims/survivors and ensures that they will be able to pursue justice against their traffickers within the legal system when and if they choose.

Federal Protections for Victims/Survivors of Sex Trafficking^{xix}

Victims of Trafficking and Violence Protection Act of 2000

(Reauthorized in 2003, 2005 and 2008 as the Trafficking Victims Protection Act) [22 U.S.C. § 7102](#)

The term "severe forms of trafficking in persons" means—

- a) sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
 - b) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.
- The term "sex trafficking" means the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act.

Peonage, [18 U.S.C. § 1581](#), makes it unlawful to hold a person in "debt servitude," or peonage, which is closely related to involuntary servitude. This section prohibits using force, the threat of force or the threat of legal coercion to compel a person to work against their will. In addition, the victim/survivor's involuntary servitude must be tied to the payment of a debt.

Involuntary Servitude, [18 U.S.C. § 1584](#), makes it unlawful to enslave a person, that is, a condition of compulsory service or labor against their will. A Section 1584 conviction requires that the victim/survivor be held against their will by actual force, threats of force or threats of legal coercion. This section also prohibits compelling a person to work against their will by creating a "climate of fear" through the use of force, the threat of force or the threat of legal coercion, [i.e., If you don't work, I'll call the immigration officials.] which is sufficient to compel service against a person's will.

Forced Labor, [18 U.S.C. § 1589](#), was passed as part of the Trafficking Victims Protection Act (TVPA), makes it unlawful to provide or obtain the labor or services of a person through one of three prohibited means. Congress enacted § 1589 in response to the Supreme Court's decision in United States v. Kozminski, 487 U.S. 931 (1988), which interpreted § 1584 to require the use or threatened use of physical or legal coercion. Section 1589 broadens the definition of the kinds of coercion that might result in forced labor.

Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor, [18 U.S.C. § 1590](#), makes it unlawful to recruit, harbor, transport or broker persons for labor or services under conditions which violate any of the offenses contained in Chapter 77 of Title 18.

Sex Trafficking of Children or by Force, Fraud, or Coercion, [18 U.S.C. § 1591](#), criminalizes sex trafficking minors, which is defined as causing a minor to engage in a commercial sex act under certain statutorily enumerated conditions. A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. The specific conditions are the use of force, fraud and/or coercion, or if the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized or solicited persons under the age of 18. The punishment for conduct that either involves a victim/survivor who is under the age of 14 or involves force, fraud or coercion is any term of years or life. There is a 40-year punishment for conduct that involves a victim/survivor between the ages of 14 and 18.

Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor, [18 U.S.C. § 1592](#), makes it illegal to seize documents in order to force others to work. By expanding its coverage to false documents as well as official documents, § 1592 recognizes that victims/survivors are often immobilized by the withholding of whatever documents they possess, even if the documents are forged.

Justice for Victims of Trafficking Act (JVTA) of 2015, [Pub. L. 114-22](#), clarifies the role of buyers in the offense of sex trafficking, establishing that a child does not have to be under the control of a third-party trafficker in order to fit the definition of a child sex trafficking victim. JVTA equally clarifies the definition of child sex trafficking victim to include any commercially sexual exploited child. JVTA also amends the Child Abuse Prevention and Treatment Act (CAPTA) to require

child welfare agencies to identify and provide services to child sex trafficking victims/survivors and amends the definition of an abused and neglected child to include child sex trafficking victims/survivors regardless to the perpetrator of abuse. Put simply, the CAPTA amendments ensure that all commercially sexually exploited children receive comprehensive services through child welfare.^{xx}

Preventing Sex Trafficking and Strengthening Families Act (PSTSFA) of 2014, [Pub. L. 113-183](#), requires state child welfare agencies to identify, document, report and provide services to any child believed to be commercially sexually exploited or believed to be at risk of commercial sexual exploitation. PSTSFA also directs child welfare agencies to promptly report when a child in care goes missing and to assess found children for possible sex trafficking victimization.^{xxi}



Protections for Immigrant and Limited English Proficiency (LEP) Victims/Survivors^{xxii}

This section is meant to serve as an overview of the federal protections available to immigrant and Limited English Proficiency (LEP) victims/survivors of sex trafficking. The application process for these immigration protections is complex and would greatly benefit from the expertise of an immigration attorney. A list of resources that can be consulted for support in navigating these processes can be found at the end of this guide.

Immigration Protections

T Nonimmigrant Visa (T visa)

The T visa provides immigration protection to victims of human trafficking and certain qualifying family members. Applicants must be victims of human trafficking (labor or sex trafficking), be physically present in the U.S. on account of trafficking, comply with any reasonable requests from authorities for assistance in the investigation or prosecution of the crime, and would suffer great hardship if required to leave the country. Unlike, U visas (discussed below), T visa applications do not require law enforcement certification. However, it is strongly encouraged that T visa applicants seek certification from the law enforcement agency that investigated the crime as it greatly increases the supportive evidence to the application and the likelihood that it will be approved. In addition, applicants must meet admissibility requirements based on criteria including criminal history, immigration violations and other factors or be deemed eligible for a waiver of inadmissibility. Approved T visas provide up to four years of temporary nonimmigrant status as well as work authorization, federal social service benefits (the same benefits as someone with refugee status), and the ability to apply for a green card as soon as the completion of the investigation or prosecution of the trafficking case or after three years of T visa status, whichever occurs earlier. It is important to note that wait times for T visa application approval are lengthy, taking as long as 20 to 28 months.^{xxiii} See <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status> for more information.

U Nonimmigrant Visa (U visa)

The U visa provides immigration protection to victims of certain qualifying crimes and certain qualifying family members. Applicants must be a victim of a qualifying crime (which includes human trafficking, sexual assault, involuntary servitude, peonage, enslavement, sexual exploitation, prostitution and many other crimes), have suffered substantial physical or emotional abuse as a result of such criminal activity, possess information concerning the criminal activity, receive law enforcement certification and prove that the criminal activity violated the laws of or occurred in the U.S. As is the case for T visas, U visa applicants must also be deemed admissible or receive a waiver of inadmissibility. Approved U visas provide up to four years of temporary nonimmigrant status, work authorization, and the ability to apply for a green card after three years, but do not offer the federal social service benefits that T visa holders can access. U visas are primarily helpful to victims who would not qualify for a Violence Against Woman Act (VAWA) self-petition (discussed below). The major disadvantage of the U visa is that the wait times for U visa application approval are very lengthy, taking as long as five years.^{xxiv} The reason for such long wait times is that USCIS limits the number of U visas they can issue to 10,000 per year. The number of eligible applications normally far exceeds this cap each year, so these applications are rolled over to a waitlist for the next year, creating a significant backlog. See <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status> for more information.

Violence Against Women Act (VAWA) Self-Petition

The VAWA self-petition provides immigrant protection to victims of domestic violence and/or sexual abuse if their abuser is a spouse (current, former or intended), parent or adult child who is a U.S. citizen or lawful permanent resident. Victims can file the self-petition confidentially (without their abuser's cooperation) and remain eligible whether or not they are currently residing with their abuser. Requirements for petition approval include the victim's relationship to the abuser, the abuser being a U.S. citizen or lawful permanent resident, the victim's residence within the U.S., the victim's residence with the abuser at one point in time, battery or extreme cruelty, good moral character, and marriage in good faith (if applicable). Approved VAWA self-petitions provide work authorization, deferred action and the ability to apply for a green card. The approval rates of VAWA self-petitions are generally much faster than U visas because there is no cap on the number of self-petitions approved each year, taking anywhere from 18 to 24 months.^{xxv} Spouses and children of U.S. citizens can apply for a green card concurrently with their self-petition, while approval is pending or immediately after approval. Spouses and children of lawful permanent residents are placed on a waitlist for as long as seven years before they can apply for lawful permanent residency. See <https://www.uscis.gov/humanitarian/battered-spouse-children-and-parents> for more information.

Continued Presence (CP)

CP allows victims of human trafficking (both sex trafficking and labor trafficking) to remain in the U.S. temporarily during an ongoing human trafficking investigation and prosecution. Unlike other immigration relief options for victims of violent crimes, only law enforcement can file an application for Continued Presence; the victim cannot apply directly. Approved CP applications offer protection from removal designation for two years with ability to renew in up to two-year increments thereafter, work authorization and access to federal social service benefits. The Immigration and Customs Enforcement (ICE) Law Enforcement Parole Branch (LEPB) has the sole authority to approve or deny CP applications. See <https://www.dhs.gov/blue-campaign/materials/pamphlet-continued-presence> for more information.

Special Immigrant Juvenile (SIJ) Status

SIJ status allows certain immigrant children who are abused, abandoned or neglected to remain legally in the U.S. and to seek lawful permanent residency. Applicants must be under 21 years of age at the time of filing, unmarried, physically present in the U.S. and have an order from a juvenile court confirming that they are dependent on the court. Applicants must also prove that they cannot be reunified with one or both of their parents because of ANY of the following: abuse, abandonment, neglect or a similar basis under state law; AND that it is not in their best interest to return to the country of nationality or their last habitual residence. Approved SIJ applications provide protection from removal, work authorization and the ability to apply for a green card. See <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fourth-preference-eb-4/special-immigrant-juveniles> for more information.

Asylum

Asylum provides temporary immigrant protection to individuals who fear persecution on account of race, religion, nationality, political opinion or membership in a particular social group. Benefits include asylee status, work authorization, federal social service benefits and the ability to apply for permanent status. Asylees are eligible to apply for lawful permanent residency after one year. See <https://www.uscis.gov/humanitarian/refugees-asylum/asylum> for more information.

**For more information about immigration protections, consult the
National Immigrant Women's Advocacy Project's (NIWAP) resource webpage at
<https://niwaplibrary.wcl.american.edu/immigration-relief-immigrant-crime-victims-immigrant-children-training-materials>.**

Title VI of the Civil Rights Act of 1964, as amended

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving financial aid assistance."^{xxvi}

Limited English Proficiency (LEP) Executive Order 13166 (2000)

Requires all agencies receiving any federal financial assistance to:

- Ensure meaningful language access, and;
- Develop and implement language access plans.

"Where the denial or delay of access may have life or death or other serious implications, the importance of the full and effective delivery of LEP services is at its zenith."^{xxvii}

Meaningful access is defined in the U.S. Department of Justice's own Language Access plan as: "Language assistance that results in accurate, timely and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior, as compared to programs or activities provided to English proficient individuals."^{xxviii}

**For more information about language access, consult the
National Immigrant Women's Advocacy Project's (NIWAP) resource webpage at
<http://niwaplibrary.wcl.american.edu/language-access-general-materials>.**

RESOURCES

Guides & Research Reports

- ▶ National Immigrant Women's Advocacy Project, American University, Washington College of Law and Legal Momentum. *Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants.* (2013) <http://library.niwap.org/wp-content/uploads/2015/pdf/FAM-Manual-Full-BreakingBarriers07.13.pdf>
- ▶ National Survivor Network. *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking.* (2016) <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>
- ▶ Nebraska Human Trafficking Task Force. *Human Trafficking Response: A Manual for Criminal Justice Practitioners.* (Updated 2019)
- ▶ Shared Hope International and the Villanova Law Institute to Address Commercial Sexual Exploitation. *Responding to Sex Trafficking Victim-Offender Intersectionality: A Guide for Criminal Justice Stakeholders.* (2020) https://sharedhope.org/wp-content/uploads/2020/01/SH_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020_FINAL.pdf
- ▶ Survivor Reentry Project, American Bar Association, Commission on Domestic & Sexual Violence. *Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys.* https://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/SRP/practice-guide.pdf
- ▶ Survivor Reentry Project, American Bar Association, Commission on Domestic & Sexual Violence. *Workable Solutions for Criminal Record Relief: Recommendations for Prosecutors Serving Victims of Human Trafficking.* https://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/SRP/aba-cdsv-workable-solutions.pdf
- ▶ Women's Fund of Omaha. *Changing the Narrative of Violence Against Women.* (2019) <https://www.OmahaWomensFund.org/media-resource/>
- ▶ Women's Fund of Omaha. *Nebraska's Commercial Sex Market.* (2017) <https://www.OmahaWomensFund.org/nebraskas-commercial-sex-market/>
- ▶ Women's Fund of Omaha. *Nothing About Us Without Us.* (2015) <https://www.OmahaWomensFund.org/nothing-about-us-without-us-2/>

ADVOCACY & SERVICES DIRECTORY

Local (Omaha)

HEARTLAND FAMILY SERVICE—SAFE HAVEN

800-523-3666 www.HeartlandFamilyService.org

- Shelter and housing for domestic violence, sexual assault and sex trafficking victims/survivors

MAGDALENE OMAHA

www.MagdaleneOmaha.org

- Residential housing and entrepreneurship opportunities for victims/survivors of sex trafficking and commercial sexual exploitation

PROJECT HARMONY

402-595-1326 www.ProjectHarmony.com

- Services, case coordination and advocacy for victims/survivors of child abuse and child sex trafficking

SURVIVORS RISING

www.SurvivorsRisingOmaha.org

- Support for survivors of domestic violence, sexual assault and sex trafficking wanting to impact prevention, policy, service provision and offender accountability work

WOMEN'S CENTER FOR ADVANCEMENT (WCA)

402-345-7273 www.WCAOmaha.org

- Advocacy and legal services for victims/survivors of domestic violence, sexual assault and sex trafficking

YOUTH EMERGENCY SERVICES (YES)

402-345-5187 www.YESOmaha.org

- Support services, emergency shelter and transitional living for homeless youth, including those experiencing trafficking

Statewide

IMMIGRANT LEGAL CENTER

402-898-1349 www.ImmigrantLC.org

- Immigrant and refugee legal services for victims/survivors of violence

LEGAL AID OF NEBRASKA

877-250-2016 www.LegalAidofNebraska.org

- Legal services including set asides, sealing of criminal records and pardons

NEBRASKA ALLIANCE OF CHILD ADVOCACY CENTERS

402-933-7422 www.NebraskaCACS.com

- Statewide leadership and support for Nebraska's child advocacy centers

NEBRASKA COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

402-476-6256 www.NebraskaCoalition.org

- Statewide leadership and support for Nebraska's network of domestic violence and sexual assault programs

UNIVERSITY OF NEBRASKA COLLEGE OF LAW CIVIL CLINIC - CLEAN SLATE PROJECT

402-472-3271

<https://Law.UNL.edu/civil-clinic-outreach/clean-slate-project/>

- Legal services including set asides, sealing of criminal records and pardons

National

POLARIS PROJECT (NATIONAL HUMAN TRAFFICKING HOTLINE)

888-373-7888 | www.PolarisProject.org

Client services, policy advocacy, national human trafficking hotline, training and technical assistance

THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

800-THE-LOST | www.MissingKids.com

Services for missing and sexually exploited children, training and technical assistance for responders

THE VILLANOVA LAW INSTITUTE TO ADDRESS COMMERCIAL SEXUAL EXPLOITATION

<https://CSEInstitute.org/> | Training, legal research and technical assistance

CITATIONS

ⁱ LB 1086 defined human trafficking, labor trafficking, sex trafficking, trafficking of minors, and establish prohibited acts and associated penalties. All charges remain in effect under [§28-801, §28-801.01, §28-831](#).

ⁱⁱ LB 1145 created the Human Trafficking Task Force within the Nebraska Commission on Law Enforcement and Criminal Justice and defined pandering as a felony offense. The Task Force remains in effect under [§81-1430](#).

ⁱⁱⁱ Nebraska Attorney General's Office, *Combating Human Trafficking in Nebraska: Task Force Review 2019*, (2019) https://ago.nebraska.gov/sites/ago.nebraska.gov/files/doc/Task%20Force%20Review%202019%20FINAL_0.pdf

^{iv} Women's Fund of Omaha, *Nebraska's Commercial Sex Market*, 8 (2017) <https://www.OmahaWomensFund.org/nebraskas-commercial-sex-market/>

^v Ibid, 13.

^{vi} Ibid, 5.

^{vii} Ibid, 8.

^{viii} Women's Fund of Omaha, *Changing the Narrative of Violence Against Women*, 18 (2019) <https://www.OmahaWomensFund.org/media-resource/>; Polaris, *Sex Trafficking in or from Latin America*, (2018) <https://polarisproject.org/wp-content/uploads/2019/09/Sex-Trafficking-in-or-from-Latin-America.pdf>

^{ix} End Violence Against Women International (EVAWI), *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims*, (2016) <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=842>

^x United Nations Office on Drugs and Crime, *Module 3: Psychological reactions of victims of trafficking in persons*, Anti-human trafficking manual for criminal justice practitioners (2009) https://www.unodc.org/documents/human-trafficking/TIP_module3_Ebook.pdf

^{xi} EVAWI, *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims*.

^{xii} Helpful resources on trauma-informed legal representation include: EVAWI, *Becoming Trauma-Informed: Learning and Appropriately Applying the Neurobiology of Trauma to Victim Interviews*, (2019) <https://evawintl.org/Library/DocumentLibraryHandler.ashx?id=1364>; NIWAP, "Training for Advocates and Attorneys on Trauma Informed Work with Immigrant Women," (2014) <http://niwaplibrary.wcl.american.edu/trauma-training-video-dutton>; Project Reach, Trauma Center at Justice Resource Institute, *Utilizing Trauma-Informed Approaches to Trafficking-related Work*, (2014) https://www.duq.edu/assets/Documents/forensics/Forensic%20Fridays/2018/MAR%209/H-O%20Trauma-Informed%20Case%20Study_final_2.pdf; Survivor Reentry Project, American Bar Association, Commission on Domestic & Sexual Violence, *Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys*, 28-36 https://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/SRP/practice-guide.pdf.

^{xiii} State v. McCurdy, 301 Neb. 343 <https://www.nebraska.gov/apps-courts-epub/public/supreme>

^{xiv} Survivor Reentry Project, *Post-Conviction Advocacy for Survivors of Human Trafficking*, 33.

^{xv} Shared Hope International and the Villanova Law Institute to Address Commercial Sexual Exploitation, *Responding to Sex Trafficking Victim-Offender Intersectionality: A Guide for Criminal Justice Stakeholders*, 2-3 (2020) https://sharedhope.org/wp-content/uploads/2020/01/SH_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020_FINAL.pdf.

^{xvi} Ibid, 12-25.

CITATIONS (*continued*)

^{xvii} National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking*, (August 2016) <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>

^{xviii} Women's Fund of Omaha, *Nothing About Us Without Us*, 15 (2015) <https://www.omahawomensfund.org/nothing-about-us-without-us-2/>

^{xix} Nebraska Human Trafficking Task Force, *Human Trafficking Response: A Manual for Criminal Justice Practitioners*, (Updated 2019). The subsequent section is entirely quoted from this reference unless noted otherwise.

^{xx} Shared Hope International, *State Impact: Preventing Sex Trafficking and Strengthening Families Act (PSTSFA) and Justice for Victims of Trafficking Act (JVTA)*, (2016) http://sharedhope.org/wp-content/uploads/2016/11/State-Impact-Memo_PIC_Fed-Legislation.pdf

^{xxi} Ibid.

^{xxii} National Immigrant Women's Advocacy Project (NIWAP), American University, Washington College of Law and Legal Momentum, *Introduction to Immigration Relief for Immigrant Victims of Domestic Violence and Sexual Assault and Glossary of Terms*, *Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants* (2013) <http://library.niwap.org/wp-content/uploads/2015/pdf/IMM-Man-Ch3.1-IntlImmReliefTerms.pdf>; DHS Blue Campaign, *Protections for Immigrant Victims*, <http://niwaplibrary.wcl.american.edu/wp-content/uploads/DHS-Protections1.6-links-121516.pdf>. These resources were used as references for the entire following section.

^{xxiii} United States Citizenship and Immigration Services, *Check Case Processing Times*, (November 2019) <https://egov.uscis.gov/processing-times/>

^{xxiv} Ibid.

^{xxv} Ibid.

^{xxvi} Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d

^{xxvii} National Immigrant Women's Advocacy Project (NIWAP), *Language Access Requirements and Effective Strategies to Remove Barriers for Limited English Proficient (LEP) Survivors*, (November 22, 2019). <http://niwaplibrary.wcl.american.edu/11-22-19-lep-call>

^{xxviii} U.S. Department of Justice, *Department of Justice Language Access Plan*, (March 2012) <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf>





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