



IDENTIFYING VICTIMS OF HUMAN TRAFFICKING: INHERENT CHALLENGES AND PROMISING STRATEGIES FROM THE FIELD

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I. STUDY OVERVIEW

This is the second in a series of Issue Briefs produced under a contract with the Department of Health and Human Services (HHS), Office of the Assistant Secretary for Planning and Evaluation (ASPE), to conduct a study of HHS programs serving human trafficking victims. Funded in the fall of 2006, the purpose of this exploratory project is to develop information on how HHS programs are currently addressing the needs of victims of human trafficking, including domestic victims, with a priority focus on domestic youth. This project also consists of reviewing relevant literature, and identifying barriers and promising practices for addressing the needs of victims of human trafficking, with a goal of informing current and future program design and improving services to this extremely vulnerable population.

This issue brief focuses on the identification of international and domestic victims of human trafficking in the United States. Critical to identifying someone as a victim is knowing first who meets the legal definition of a trafficking victim. The definition as set forth in the Trafficking Victims Protection Act of 2000 (TVPA) is presented in the insert on this page, and this brief presents the inherent challenges to identifying victims based on this definition, as well as promising strategies undertaken by law enforcement, service providers, and other organizations to identify and reach victims.

II. DEFINING HUMAN TRAFFICKING AND ITS VICTIMS

What is human trafficking?

Human trafficking is considered by many to be a significant human rights challenge in this time of rapid globalization. While historically there have been inconsistencies and disagreement regarding the definition of human trafficking, the legal definition provided by the TVPA has become the accepted

definition for law enforcement, service providers, and the like.

Critical to this definition is recognizing that while trafficking often involves the movement of people from their own communities and transporting them across borders or within a nation; a victim does not need to be physically transported in order for this crime to fall under the TVPA

definition. Additionally, there is no requirement for force, fraud, or coercion when the commercial sex act involves a minor or someone under the age of 18. And finally, the TVPA recognizes both international, or foreign born persons, and U.S. citizens and legal permanent residents, as potential victims of human trafficking.

But what do victims of human trafficking look like? It is important to understand who is vulnerable to this crime in order to know who to look for.

Who are victims of human trafficking?

Current stereotypes depict the victim of human trafficking as innocent young girls from foreign countries who are manipulated, lied to, and often kidnapped and forced into prostitution. However it is not just young international girls who are trafficked. Men, women, children of all ages, U.S. citizens, and legal residents can all fall prey to traffickers, and

The Trafficking Victims Protection Act of 2000 (TVPA) defines severe forms of trafficking in persons as,

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 (8 U.S.C. § 1101).

there are many victims of labor trafficking in addition to sex trafficking.

However, all trafficking victims share common characteristics that make them vulnerable to traffickers. They often come from countries or communities with high rates of crime, poverty, and corruption; lack opportunities for education; lack family support (e.g., orphaned, runaway/throw-away, homeless, family members collaborating with traffickers); and/or have a history of physical and/or sexual abuse.

“Most of our cases are not ‘black and white.’ They fall into gray areas that are not always easy to prove.”

Law enforcement officer

individuals who have been trafficked for the purpose of sex or labor is very difficult; even with definitions in place.

III. FINDING VICTIMS OF HUMAN TRAFFICKING

What are the challenges and barriers to identifying victims?

Nature of the Crime

The most common and perhaps obvious challenge to identifying victims of human trafficking for those in the field is the hidden nature of the crime. Many international victims are brought into the country illegally; with traffickers using their illegal entry as a form of control. Such victims are usually unaware of their rights as victims, do not understand the laws of the United States or the language spoken; all factors helping to control the victim and keep the crime (and the victim) hidden. Both international and domestic victims are often kept isolated, with no freedom of

“Use of the internet by traffickers to ‘recruit’ victims, advertise to johns, and move girls has made it even more difficult to fight this crime.”

Law enforcement officer

Unfortunately, as we are learning from law enforcement, service providers, advocates, and others working to combat this crime, finding these

movement. Contact with the outside world is controlled by the trafficker and often limited to those working for the trafficker, other victims, and in the case of sex

trafficking, the johns. Victims become dependent on the trafficker and may not even consider themselves to be victims; another factor making identification difficult.

It was also reported that traffickers rely on a victim’s fear as a way to keep the victim hidden. This includes fear of law enforcement and an inability to trust those in positions of authority; fear of retaliation against the victim or his/her family; and fear of anyone finding out what has happened to the victim (e.g., shame to self and family).

Awareness/Understanding of the Problem

While the hidden nature of the crime is a major obstacle, law enforcement and service providers acknowledge that a lack of awareness of the crime of human trafficking confounds the problem. That is, even if victims were more visible, respondents report that most of the general public would not recognize a victim if they saw one. The experiences in the field suggest that, across communities, most people do not believe that human trafficking exists in today’s society and in particular, in their communities. Even in those areas where attempts have been made to raise awareness, there remains confusion regarding who is a victim.

The stereotype presented earlier regarding international sex trafficking exists not only among the general public but among some law enforcement and service providers. That is, victims are viewed as foreign born, young females forced into prostitution. It was evident, especially when talking with providers working with domestic runaway and homeless youth, that there is an overall lack of knowledge and understanding that human trafficking can occur domestically. Specifically, the fact that the prostitution of U.S. minors likely constitutes human trafficking is not well understood by most providers or even law enforcement.

Many involved in the study point to recent popular media portrayals of human trafficking crimes and high profile cases as possible explanations for the lack of a comprehensive understanding of the crime of human trafficking and its victims. Specifically, the lack of focus on domestic victims (e.g., U.S. citizens or legal permanent residents), male victims, and labor trafficking (especially single victim domestic servitude cases) is recognized as a

contributing factor to the misconceptions surrounding this crime.

It was clear that even though awareness of human trafficking has in fact increased such a full and complete understanding of human trafficking remains a challenge.

Perceptions of Victims

Two primary reasons given for why victims who come in contact with those who can help them (e.g., law enforcement, shelter providers, and outreach workers) often go unidentified include: 1) victims do not identify themselves as victims; and 2) others do not view victims as victims.

Many victims, whether international or domestic, do not believe that they are a victim of a crime. This is often due to their lack of education and understanding of human trafficking and their lack of awareness of their rights as a victim. But according to law enforcement and service providers who have worked with victims, victims are also frequently told by their traffickers that they are to blame for their circumstance and that they are the criminals who will be deported or arrested if caught. And due to their past and current experiences, many victims believe this portrayal of reality presented by the traffickers.

In other situations, the victim has come to depend on her trafficker and views the trafficker as her protector or in some cases, boyfriend. Service providers equate this to the Stockholm Syndrome experienced by prisoners of war. In these cases, the victim not only does not see him/herself as a victim but they do not believe their trafficker has done anything wrong.

When a victim does not view him/herself as a victim, the interactions with law enforcement and others trying to help them are often negative and sometimes hostile. According to law enforcement and some shelter providers, this was especially the case with domestic minor victims of sex trafficking.

But it is not only victims that do not always view themselves as victims. Another challenge to identifying victims is the lack of acknowledgement by some law enforcement and service providers that someone is a victim of trafficking. There were examples given of victims who were viewed first as undocumented, or illegal, immigrants and treated as criminals and subjected to deportation hearings. In

other cases, victims were viewed first as prostitutes and charged with solicitation and placed in jail or detention (even in cases involving minors). These cases serve to reinforce the message of traffickers that the victims will be treated as criminals if they come to the attention of authorities, buttresses the perception of victims that they are to blame, and enhances the power and control of traffickers over their victims.

While law enforcement and service providers both acknowledge that more education is needed to address these challenges, they recognize that the solution to this barrier requires something more akin to a paradigm shift in how we think and do business (see insert on this page, above).

Law enforcement and service providers fear that many victims are falling through the cracks and going unnoticed. Those in positions to best identify victims may not realize it.

Resources

There has been a lot of criticism of law enforcement and others regarding the relatively small number of victims of human trafficking that have been identified to date in relation to the estimates of victims that exist. In addition to the challenges already identified, all those involved in the study point to a lack of resources as a

“Getting law enforcement, in particular ICE agents, to consider that an illegal immigrant may be a victim or getting a Vice cop to consider that a prostitute may be a victim will not happen overnight. It is similar to what we saw in the domestic violence field. It has taken us decades to view domestic violence as a crime and to recognize that there are victims of this crime. We can’t expect this same type of change to occur with trafficking overnight.”

Victim service provider

“Even if we could overcome all of these other barriers, we just don’t have the manpower or resources to investigate these cases. Trafficking cases take a lot of time and few officers are dedicated just to working these cases. It becomes collateral duty for most of us. Until human trafficking is made a priority, we will never find more victims.”

Law enforcement officer

significant factor limiting their ability to identify victims. This includes limited officers to investigate cases and interview potential victims; limited resources for direct outreach by service providers and advocates to educate and identify potential victims; and limited resources for targeted training and ongoing technical assistance to those agencies in positions to help law enforcement identify potential cases and victims.

Who can identify victims?

While difficult to identify because of the hidden nature of the crime, many sectors of our communities have the potential to come in contact with a victim of human trafficking. For example, we know victims of sex trafficking are at risk for the same types of injuries as victims of domestic violence and rape. They frequently contract sexually transmitted infections or become pregnant. Victims of labor trafficking experience injuries on the job, physical abuse by their traffickers, and experience health issues caused by poor nutrition and hygiene (e.g., dental problems, diabetes, etc.).

Therefore it is not surprising that law enforcement and service providers identify health/dental clinic workers and emergency room personnel as sources of victim referrals. Other referral sources include domestic violence and sexual assault shelters, crisis hotlines, social workers, community- and faith-based organizations, religious/community leaders, Good Samaritans/citizens, school personnel (e.g., vice principals, guidance counselors, teachers), business owners (e.g., markets, beauty salons), postal workers, and inspectors (e.g., wage and hourly, housing, liquor license). These represent individuals who are at times on the front line potentially encountering victims; but often with little training or experience. Anecdotal evidence suggests that referrals from these sources has gradually increased over time as public awareness efforts and targeted training increase.

Across the board, law enforcement is recognized as the group with the greatest chance of identifying victims. According to service providers, most of the victims that they work with come from referrals from either federal or local law enforcement. Law enforcement acknowledge the creation of new task forces, such as Innocents Lost, Internet Crimes Against Children, and Anti-Trafficking Task Forces, as contributing factors to their ability to identify (more) cases. Additionally, special units focused on

trafficking within police departments aid in the identification of cases and victims.

Law enforcement indicates that not all victims are identified as a result of an investigation of a trafficking case. Often times, victims are identified through the investigation of other crimes associated with human trafficking, such as kidnapping, prostitution, assault, domestic violence, and even murder.

However, law enforcement acknowledges that not all officers are trained in how to identify a victim nor have all officers “bought in” to the existence or extent of the crime in their communities.

“It is easy to put these cases on the back burner because there aren’t that many of them in one community. They just aren’t seen as a priority.”

Law enforcement officer

What are promising strategies/practices for identifying victims?

Training and Education

Critical to identifying victims is training and education to those agencies and individuals in positions to help identify victims of this heinous crime. Service providers are quick to acknowledge the difference between training/education and awareness raising. That is, service providers assert that there is too much activity being called training and education that is not. Specifically, providers note the common practice of “come one, come all” training events that amount to disseminating a lot of information to a mixed audience. While these providers believe these events may raise awareness, they do not believe they actually provided audiences with the information and tools needed to effectively assist in the identification of victims.

Several agencies promote targeted training of “entire organizations” or training delivered to individuals at all levels of an organization (executive level, management/supervisors, and front-line staff) as a promising training model. Additionally, effective training tailors information to the specific audiences to ensure relevance to their position within the organization, and the specific mission of the organization (e.g., health or social services). Follow-up training and technical assistance to assist agencies as they translate training into practice is also viewed

as critical but often not provided due to limited resources.

Other characteristics of effective training models include:

- Utilize existing training events/venues and incorporate information on trafficking (e.g., “Survival” Spanish class for law enforcement, roll call, law enforcement academies, in-service trainings, etc.);
- Involve someone from the agency/group being trained as a co-trainer, where possible (e.g., team a service provider with a law enforcement officer assigned to work trafficking cases when training other law enforcement);
- Reach out to community leaders and educate them on the issue before training their communities (this was noted as especially important for gaining entrée into ethnic communities);
- Conduct training with multi-disciplinary teams to foster collaboration and communication among individuals who will need to work together on cases;
- Provide training to a wide variety of organizations, such as ethnic community groups, hospitals/health care providers (HIV/AIDS clinics, family planning clinics, OB/GYN providers), runaway and homeless youth shelters, drop-in centers, churches, restaurants/bars, hotels, community businesses (grocery stores, beauty parlors, etc.), and schools; and
- Discuss trafficking within the context of a larger issue, such as human rights, immigrant rights, victims of crime, etc.

Regardless of the type of training done, the overall theme across communities is to train smart and to train often. As one provider notes, “education is wasted on no one.” And because staff and personnel are continually changing in all organizations, training needs to be repeated periodically.

Targeted Outreach

Only a few programs report conducting direct outreach to individuals they defined as human trafficking victims; several report direct outreach to clients

as “too dangerous”. For those engaged in direct outreach, however, several key elements of successful outreach exist:

- Consistency (always being there and not changing your approach/interaction with the client);
- Trust (can often mean NOT involving law enforcement, at least up front); and
- Follow through (do what you say).

Additionally, providers stress that direct outreach to victims and populations at-risk for trafficking is not a 9 to 5 job but requires a 24-hour crisis response approach.

Another key to effective outreach is the involvement of survivors in outreach activities. More specifically, involving survivors in the development of outreach materials and the identification of areas to target for outreach is viewed as a promising practice.

Promising outreach efforts include the use of public service announcements on ethnic television stations, use of billboards in ethnic and migrant communities to advertise hotlines and services, distributing flyers (in multiple languages), index cards, and other items (e.g., matchbooks, personal hygiene items, band aids, bumper stickers) at laundry mats, ethnic supermarkets, beauty parlors, bus/train stations, shopping malls, and other establishments that victims may be allowed to visit. While not systematically tracked, several providers report increases in self- and other referrals following outreach efforts.

A promising practice by one agency is to have the outreach staff also serve as case managers for victims. The relationship established with the victim “on the street” is then able to continue throughout the life of the case.

Screening and Interview Protocols

An essential practice for effective identification of victims for both law enforcement and service providers is the availability and use of standard screening and interview protocols. While most agencies receiving federal funding to address human trafficking are using such protocols, other agencies that have the potential to come in contact with victims (e.g., domestic violence shelters, runaway and homeless youth shelters, drop-in centers, school guidance counselors) are not. Not only do these protocols need to be developed but they need to be made more available to a wider audience.

“Many cases ‘die’ during the interview process. It is critical that law enforcement know how to interview victims of this crime. We involve mental health professionals in the training of our interviews for just this purpose.”

Law enforcement officer

Some providers (and law enforcement) note that it is important to assess the usefulness of existing protocols and make modifications or changes when appropriate. For example, several providers mention

that some of the original protocols developed to screen for and interview potential international victims do not include questions relevant for domestic victims. Additionally, several law enforcement officers involved in interviewing witnesses note limitations to protocols. Specifically, many of the questions used to interview potential victims are seen as culturally inappropriate or ineffective and therefore are undergoing revisions (e.g., need to change the use of certain terms, use of open-ended questions, etc.).

While having standard protocols in place is viewed as essential, law enforcement and providers also identify as important the use of interviewers trained in the dynamics of trafficking, the impact of trauma on victims (especially their recall of events and sequences), and understanding of specific cultures. Many law enforcement agencies also try to ensure the person interviewing the potential victim is of the same sex and ethnicity/race as the victim.

Sample Screening Questions for Identifying a Victim of Human Trafficking

- What type of work do you do?
- Are you being paid?
- Can you leave your job?
- Can you come and go as you please?
- Have you or your family been threatened?
- What is your working and living condition like?
- Where do you sleep and eat?
- Do you have to ask permission to eat/sleep/go to the bathroom
- Are there locks on your doors/windows that you cannot unlock?
- Has your identification or documentation been taken from you?

(Copied from the Rescue and Restore, HHS, “Look beneath the Surface” question card; US. Department of Health and Human Services Website, 2006)

Task Forces

A promising approach to effective identification of victims identified by every community is the establishment and use of active multidisciplinary teams, task forces, and/or coalitions.

Law enforcement and service providers alike note that these entities are invaluable in their fight against human trafficking. Specifically, task forces are seen as serving as a central resource for those working on this issue. They are often used to facilitate communication, coordination and information sharing across agencies working on a case. Task forces in particular, are seen as being effective in putting policies, procedures, and protocols in place to overcome some of the system barriers inherent in working across agencies and jurisdictions (e.g., information sharing, turf battles, etc.).

Most noted are the anti-trafficking task forces funded by the Bureau of Justice Assistance within the

The High Risk Victims Unit within the Dallas Police Department was set up to handle any case that involves children involved in prostitution, sexual abuse, and cases of repeat runaways. This specialized unit is trained in the dynamics of prostitution, and effective interviewing techniques with this population. Additionally, the efforts of other related task forces (ICAC) are managed within this unit to ensure the centralization of information on like cases.

Department of Justice, the FBI Innocence Lost Task Forces and the Internet Crimes Against Children Task Forces. While these task forces are viewed as essential for centralizing investigations of these cases, the greatest challenge inherent in these groups is the lack of communication and information sharing across task forces.

Several communities, however, have made steps toward coordinating these efforts (see insert on this page), recognizing the overlap of human trafficking and commercial sexual exploitation, while others have not yet made these connections.

The creation of networks or coalitions of providers and organizations educated on the issues of human trafficking is viewed as a promising practice for increasing identification. It is believed that human trafficking needs to become a community issue and priority in order for agencies and the community to recognize the problem and take responsibility for the victims.

IV. SUMMARY

Clearly, identifying victims of human trafficking is difficult. Even with a legal definition of the crime and its victims, applying this definition and identifying victims is not without challenges. The hidden nature of the crime, the lack of awareness and understanding of human trafficking among the general public and organizations coming in contact with victims, misperceptions of who is a victim, and limited resources to devote to the investigation and identification of these cases all work against efforts to “rescue and restore” victims. But the efforts of law enforcement and service providers across the country have resulted in several promising strategies and practices to address these challenges and increase the number of victims identified and helped. These come in the form of well-designed and delivered training and education, targeted outreach, better

screening and interviewing, and the development and use of task forces, coalitions, and/or other multidisciplinary teams that are working together to combat this crime. However, as one provider notes, “One strategy alone is not effective. It is important that we approach the comprehensive problem of identifying victims with a comprehensive solution.”

If you think you have come in contact with a victim of human trafficking, call the National Human Trafficking Resource Center at 1.888.373.888.

Outreach and education materials are available at www.acf.hhs.gov/trafficking.

The issue briefs in this series and the final study report can be downloaded from the following Web sites:

<http://aspe.hhs.gov/hsp/07/HumanTrafficking/>

<http://www.icfi.com/markets/social-programs/>