



# Human Trafficking:

## A Toolkit for Indiana Victim Service Providers



The Indiana Coalition Against Sexual Assault (INCASA) exists to provide education, advocacy, and support to professionals, communities, and survivors regarding sexual violence in **Indiana**.

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# What is Human Trafficking?

Federal law divides the definition of human trafficking into two parts:

## Labor Trafficking:

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; and

## 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 eighteen years of age.

*Note: Under federal law, a victim of sex trafficking who is under the age of 18 does not have to be forced in order to be a victim.*

# What is Force, Fraud, & Coercion?

<b>Force</b>	<b>Fraud</b>	<b>Coercion</b>
Kidnapping	Promises of Valid Immigration Documents	Debt Bondage
Torture	Victim told to use false travel papers	Threats of Harm to Victim or Family
Battering	Contract signed for Legitimate Work	Control of Children
Threats with Weapons	Promised Job differs from actuality	Controlled Communication
Sexual Abuse	Promises of Money or Salary	Photographing in Illegal Situations
Confinement	Misrepresentation of Work Conditions	Holding ID/Travel Documents
Forced use of Drugs	Wooing into Romantic Relationship	Verbal or Psychological Abuse
Forced Abortions		Control of Victims Money
Denial of Medical Care		Punishments for Misbehavior

# Trafficking in the United States and the Midwest

According to the United Nations Office on Drugs and Crime (UNODC), human trafficking is now the third most profitable crime and the second fastest-growing crime. The International Labor Organization (ILO) estimates 2.4 million people were victims of human trafficking from 1995-2005. The human trafficking industry generates profits of \$32 billion per year, with \$15.5 billion made in industrialized countries like the United States. Traffickers can generate between \$13,000 and as high as \$67,200 per victim per year. Victims work in the sex industry, agriculture, construction, factories, restaurants, hotels, domestic service, health and beauty industries, beggars/peddlers, as a bride, and/or child soldiers.

The United States is one of the largest destination countries for human trafficking victims, especially those intended for the sex trade. Compared to other destination countries' trafficking victims, however, many originate domestically. Often attributed to greater socioeconomic stratification, this difference especially affects youthful victims, 100,000-200,000 of whom are drawn from the million plus children who run away or are thrown out of their homes annually. A disproportionate number of domestic trafficking victims are black or Hispanic, though traffickers also prey on those from middle-class families, the suburbs, and/or rural areas.<sup>1</sup>

Trafficking in the Midwest typically involved trafficking of domestically born minors, Native Americans, Asian brides, Chinese laborers, domestic and foreign sex trafficking, and illegal workers for legitimate employers. Trafficking in Midwestern cities, as in other locales, is facilitated by the Internet, which traffickers can advertise a variety of services performed by their victims.

## Statistics

- 800,000 – Number of people trafficked across international borders every year.
- 14,500 - 17,500 – Number of foreign nationals trafficked into the United States every year.<sup>2</sup>
- 50% – Percent of transnational victims who are children.
- 80% – Percent of transnational victims who are women and girls.<sup>3</sup>
- 244,000 – Number of American children and youth estimated to be at risk for child sexual exploitation, including commercial sexual exploitation, in 2000.<sup>4</sup>
- 12-14 – Average age of entry into prostitution.
- 70% – Percent of female victims who are trafficked into the commercial sex industry. This means that 30% of female victims are victims of forced labor.

<sup>1</sup>Shelley, Louise, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010).

<sup>2</sup>U.S. Department of Justice, *Report to Congress from Attorney General John Ashcroft on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2003: 2004*. Source: U.S. Department of State, *Trafficking in Persons Report: 2007*.

<sup>3</sup>U.S. Department of Justice, *Assessment of U.S. Government Activities to Combat Trafficking in Persons: 2004*.

<sup>4</sup>Estes, Richard J. and Neil A. Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. The University of Pennsylvania School of Social Work: 2001.

## Characteristics of a Trafficker

- The trafficker will likely be in a **lucrative business enterprise** as the heart of human trafficking is exploiting cheap labor.
- The trafficker may be part of a **larger organized crime ring**, or may be **profiting independently**.
- Most often, he/she is the same **race/ethnicity** as the victim.
- Might be someone who **knew the victim** and victim's family.
- Will likely be **bilingual**.
- Will likely be an **older man with younger women** who seems to be **controlling**, watching their every move, and correcting/instructing them frequently.

## Strategies Used to Recruit Victims

- Victims can be recruited through: Fake employment agencies, family or acquaintances, newspaper ads, front businesses, word of mouth, or abduction.
- Though many would like to think that trafficking only occurs through abduction, victims are more often betrayed by someone they put their trust in, who delivers them into a trafficking situation.

## Strategies Used to Keep Victims

Traffickers use various techniques to keep victims enslaved. The result of such techniques is to instill fear in victims. Their isolation is further exacerbated because many do not speak English and are from countries where law enforcement is corrupt and feared.

Some traffickers keep their victims under lock and key. However, the more frequent practice is to use less obvious techniques including:

- o Debt bondage – financial obligations, honor-bound to satisfy debt
- o Isolation from the public – limiting contact with outsiders and making sure that any contact is monitored or superficial in nature
- o Isolation from family members and members of their ethnic and religious community
- o Confiscation of passports, visas and/or identification documents
- o Use or threat of violence toward victims and/or families of victims
- o The threat of shaming victims by exposing circumstances to family
- o Telling victims they will be imprisoned or deported for immigration violations if they contact authorities
- o Control of the victims' money, e.g., holding their money for “safe-keeping”

## Who Is At Risk for Human Trafficking

Human trafficking reaches every culture and demographic. Some risk factors include:

Youth

Poverty

Unemployment

Homelessness

Desperation and/or a need to be loved

Homes in countries torn by armed conflict, civil unrest, political upheaval, corruption, or natural disasters

Family backgrounds strife with violence, abuse, conflict

Immigration Status

## Profile of Human Trafficking Victim

- Likely **has been lied to** about the work they will be doing in the U.S.
- Was **economically motivated** to come the United States or to seek a new job.
- **Believes they have a real debt** to pay and takes this very seriously.
- **Has been lied to** about their rights in this country and what will happen to them if they seek help.
- Does not have any **meaningful social network**.
- **Is extremely embarrassed** about what is happening to him/her.
- **May not see themselves as a victim** – they may feel blame for their situation.
- May be **holding out hope** that if he or she proves their worth, things will get better

## The Mindset of a Human Trafficking Victim

When interacting with and providing assistance to potential trafficking victims, it is important to understand their mindset so you can provide them the best care and help them begin the process of restoring their lives.

Many trafficking victims do not speak English and do not understand American culture. Preying upon the poor and destitute from countries in Eastern Europe, Asia, Latin America and Africa, traffickers lure their victims into the United States with promises of marriage, a good job so they can provide for their families back home, and a better life.

These promises and dreams quickly turn to nightmares as victims find themselves trapped in the sex industry, the service industry, in sweatshops or in agricultural fields – living daily with inhumane treatment, physical and mental abuse, and threats to themselves or their families back home. Sometimes victims do not even know what city or country they are in because they are moved frequently to escape detection.

Victims of trafficking have a fear or distrust of the government and police because they are afraid of being deported or because they come from countries where law enforcement is corrupt and feared. Sometimes they feel that it is their fault that they are in this situation. As a coping or survival skill, they may even develop loyalties and positive feelings toward their trafficker and try to protect them from authorities.

Confidentiality is vital for victims of human trafficking. Their lives and the lives of their families are often at great risk if they try to escape their servitude or initiate criminal investigations against their captors. Therefore, it is imperative that you minimize the number of staff members who come in contact with the victim. Ensure that all staff members who have contact with the victim, including interpreters and advocates, understand the importance of confidentiality for the safety of the patient. Ensure that interpreters do not know the victim or the trafficker and do not otherwise have a conflict of interest.

Many victims do not self-identify as victims. They also do not see themselves as people who are homeless or drug addicts who rely on shelters or assistance. Victims may not appear to need social services because they have a place to live, food to eat, medical care and what they think is a paying job.

## Stages in the Trafficking Process

Health risks and needs of the trafficked persons can be identified according to the five stages in the trafficking process. These stages are:

The pre-departure stage concerns the period before a person is physically caught up in a trafficking scenario. It reflects a person's vulnerability for recruitment, as well as the mental and physical health characteristics present at departure, which in turn will affect that person's health and health-related behavior throughout the trafficking process. Trafficked persons often come from areas with poor health systems that lack adequate resources and are difficult to access, resulting in that few if any of their health problems have ever been diagnosed or treated. It is thus important to take into account an individual's medical history predating departure when conducting medical assessments, and planning care interventions.

The travel and transit stage is the period beginning with the person's recruitment and ending with the arrival at the point of destination. This stage is also known as the time of the "initial trauma" because it is often here that the individual first realizes the deception, is in life-threatening danger with little or no control, and is often exposed to dangerous modes of transportation, high-risk border crossings and arrest, threats and intimidation and violence, including rape and other forms of sexual abuse.

The destination stage is when an individual is put to work and subjected to a combination of coercion, violence, exploitation, debt-bondage or other forms of abuse. It is rare for a trafficked person to be able to seek medical or other assistance prior to being released from the trafficking situation. Some will emerge with multiple infections, injuries and illnesses, and complications resulting from lack of adequate health care.

The detention, deportation and criminal evidence stage is when an individual is in the custody of the police or immigration authorities for alleged violations of criminal or immigration laws, or cooperating in legal proceedings against a trafficker, exploitative employer or other abuser. In some detention facilities, the conditions are very harsh and pose physical health risks. Also, contacts that are almost exclusively with authorities (e.g., arrest, giving evidence, testifying in criminal proceedings) can have side effects on mental health that may be mitigated with psychological support.

The integration and reintegration stage is a period consisting of a long-term and multifaceted process, which is not completed until the individual becomes again an active member of the economic, cultural, civil and political life of a country.<sup>14</sup> Escaping from the trafficking situation does not automatically guarantee a straight road to recovery. Trafficked persons often experience anxiety, isolation, aggressive feelings or behavior, self-stigmatization or perceived stigmatization through others, difficulty in accessing necessary resources, in communicating with support persons as well as negative coping behavior (e.g., excessive smoking, drinking, drug use). These problems can be exacerbated by preexisting health conditions, as well as by anticipated difficulties to face during reintegration into family and/or community.

## Health Concerns for Trafficking Victims/Survivors

Trafficking victims may suffer from an array of physical and psychological health issues. Preventive health care is virtually non-existent for these individuals. Health issues are typically not treated in their early stages, but tend to fester until they become critical, or even life-endangering. In many cases, health care is administered at least initially by an unqualified individual hired by the trafficker with little if any regard for the well-being of their “patients” Health issues seen in trafficking victims include:

- Sexually transmitted diseases, HIV/AIDS, pelvic pain, rectal trauma and urinary difficulties from working in the sex industry.
- Pregnancy, resulting from rape or prostitution.
- Infertility/scarring from chronic untreated sexually transmitted infections or unsafe abortions.
- Infections or mutilations caused by unsanitary and dangerous medical procedures performed by the trafficker’s so-called “doctor.”
- Chronic back, hearing, cardiovascular or respiratory problems from endless days toiling in dangerous agriculture, sweatshop or construction conditions.
- Weak eyes and other eye problems from working in dimly lit sweatshops.
- Malnourishment and serious dental problems. These are especially acute with child trafficking victims who often suffer from retarded growth and poorly formed or rotted teeth.
- Infectious diseases like tuberculosis.
- Undetected or untreated diseases, such as diabetes or cancer.
- Bruises, scars and other signs of physical abuse and torture. Sex-industry victims are often beaten in areas that won’t damage their outward appearance, like the lower back.
- Substance abuse problems or addictions either from being coerced into drug use by their traffickers or by turning to substance abuse to help cope with or mentally escape their desperate situations.
- Psychological trauma from daily mental abuse and torture, including PTSD, depression, stress-related disorders, disorientation, confusion, phobias and panic attacks.
- Feelings of helplessness, shame, humiliation, shock, denial or disbelief.
- Cultural shock from finding themselves in a strange country.

# Domestic Minor Trafficking

## What is Domestic Minor Sex Trafficking (DMST)?

- Domestic minor sex trafficking (DMST) is the commercial sexual abuse of children through buying, selling or trading their sexual services. Forms of DMST include prostitution, pornography, stripping, escort services and other sexual services.
- DMST is modern-day sexual slavery of children and is demeaning, degrading and often life-threatening.

## The Scope of the Problem

- 100,000 to 300,000 children in America are at risk for sex trafficking each year.<sup>1</sup>
- 12 is the average age of entry into pornography and prostitution.<sup>2</sup>
- In the U.S., the sale of child pornography is a \$3 billion annual industry; 55% of child pornography on the Internet comes from the U.S.<sup>3</sup>

## The Victims

- 66% of minors arrested for prostitution in Las Vegas from 2004 to 2006 had been victims of sexual assault and/or familial molestation.<sup>4</sup>
- As many as 2.8 million children live on the streets, a third of whom are lured into prostitution within 48 hours of leaving home.<sup>5</sup>
- One in five American youth who regularly use the Internet has been sexually solicited.<sup>6</sup>

## The Traffickers and Pimps

- Pimps can earn up to \$632,000 per year by selling four young women or children.<sup>7</sup>
- 75% of minors engaged in prostitution have a pimp.<sup>8</sup>

## The Buyers

- Three domestic minor sex trafficking victims interviewed were sold 10-15 times per night, 6 days a week, totaling between 9,360 and 14,040 sex acts in a year. Over 18 months, 207 children were arrested for soliciting prostitution in Las Vegas. If they also were sold for 10-15 sex acts per night for a year, buyers purchased between 645,840 and 968,760 sex acts from children.<sup>10</sup>

## Child Trafficking Indicators

- No access to parents/guardians
- Appear intimidated and/or behave in a way that does not correspond with their age
- No access to education, playing or other children
- Travels unaccompanied by adults or has telephone numbers for taxis
- Have an adult present who claims to have "found" them

## Questions

- Ask informal questions
- Ask general questions

1 <http://caster.ssw.upenn.edu/~restes/CSEC.htm>  
 2 <http://www.usdoj.gov/criminal/ceos/prostitution.html>  
 3 [http://www.onenewsnow.com/2007/02/bill\\_tackles\\_us\\_child\\_porn\\_epi.php](http://www.onenewsnow.com/2007/02/bill_tackles_us_child_porn_epi.php)  
 4 STOP Program, Las Vegas. 2005.  
 5 [http://www.nrscrisisline.org/about\\_nrs/faq.html](http://www.nrscrisisline.org/about_nrs/faq.html)  
 6 Center for Crimes Research, University of New Hampshire  
 7 [http://www.ccatcoalition.org/ccatcoalition/vend/Domestic\\_Sex\\_Trafficking\\_Guide\\_3\\_1\\_06\\_FINAL.pdf](http://www.ccatcoalition.org/ccatcoalition/vend/Domestic_Sex_Trafficking_Guide_3_1_06_FINAL.pdf)  
 8 <http://www.usdoj.gov/criminal/ceos/prostitution.html>  
 9 [http://www.uri.edu/artsci/wms/hughes/race\\_prost.doc](http://www.uri.edu/artsci/wms/hughes/race_prost.doc)  
 10 Based on interviews by Shared Hope International  
[https://www.sharedhope.org/what/DMST\\_Facts\\_At\\_A\\_Glance.pdf](https://www.sharedhope.org/what/DMST_Facts_At_A_Glance.pdf)



## State Legislation: IC 35-42-3.5: Human and Sexual Trafficking

### Definition:

Section 1. (a): A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors or transports another person: (1)

(1) to engage the other person in:

(A) forced labor; or

(B) involuntary servitude; or

(2) to force the other person into:

(A) marriage;

(B) prostitution; or

(C) Participating in sexual conduct

commits promotion of human trafficking, a Class B felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than sixteen (16) years of age with the intent of:

(1) engaging the child in:

(A) forced labor; or

(B) involuntary servitude; or

(2) inducing or causing the child to:

(A) engage in prostitution; or

(B) participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a Class B felony. Except as provided in subsection (e), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than sixteen (16) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Class A felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into: (1) forced labor;

(2) involuntary servitude; or

(3) prostitution;

commits human trafficking, a Class C felony.

## Indiana Statute (cont.)

(e) It is a defense to a prosecution under subsection (b)(2)(B) if:

(1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or

(2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an on-going personal relationship.

The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

(i) was not committed by a person who is at least twenty-one (21) years of age;

(ii) was not committed by using or threatening the use of deadly force;

(iii) was not committed while armed with a deadly weapon;

(iv) did not result in serious bodily injury;

(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

### **IC 35-42-3.5-2:**

#### **Restitution orders**

Sec. 2. In addition to any sentence or fine imposed for a conviction of an offense under section 1 of this chapter, the court shall order the person convicted to make restitution to the victim of the crime under IC 35-50-5-3.

### **IC 35-42-3.5-3**

#### **Civil cause of action**

Sec. 3. (a) If a person is convicted of an offense under section 1 of this chapter, the victim of the offense:

(1) has a civil cause of action against the person convicted of the offense; and

(2) may recover the following from the person in the civil action:

(A) Actual damages.

(B) Court costs (including fees).

(C) Punitive damages, when determined to be appropriate by the court.

(D) Reasonable attorney's fees.

(b) An action under this section must be brought not more than two (2) years after the date the person is convicted of the offense under section 1 of this chapter.

## Indiana Statute (cont.)

### IC 35-42-3.5-4

#### Rights of alleged victims

Sec. 4. (a) An alleged victim of an offense under section 1 of this chapter:

(1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;

(2) may not be jailed, fined, or otherwise penalized due to having been the victim of the offense; and

(3) shall be provided protection if the victim's safety is at risk or if there is danger of additional harm by recapture of the victim by the person who allegedly committed the offense, including:

(A) taking measures to protect the alleged victim and the victim's family members from intimidation and threats of reprisals and reprisals from the person who allegedly committed the offense or the person's agent; and

(B) ensuring that the names and identifying information of the alleged victim and the victim's family members are not disclosed to the public.

This subsection shall be administered by law enforcement agencies and the Indiana criminal justice institute as appropriate.

(b) Not more than fifteen (15) days after the date a law enforcement agency first encounters an alleged victim of an offense under section 1 of this chapter, the law enforcement agency shall provide the alleged victim with a completed Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration, Form I-914 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the law enforcement agency finds that the grant of an LEA Declaration is not appropriate for the alleged victim, the law enforcement agency shall, not more than fifteen (15) days after the date the agency makes the finding, provide the alleged victim with a letter explaining the grounds for the denial of the LEA Declaration. After receiving a denial letter, the alleged victim may submit additional evidence to the law enforcement agency. If the alleged victim submits additional evidence, the law enforcement agency shall recon- sider the denial of the LEA Declaration not more than seven (7) days after the date the agency receives the additional evidence.

## Federal Law: TVPA

### Trafficking and Violence Prevention Act (TVPA) of 2000 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008

Areas of Focus:

- Prevention
  - Public Awareness, Outreach and Education
- Protection
  - T-Visa, Certification, Benefits and Services to Victims
- Prosecution
  - Created Federal Crime of Trafficking, New Law Enforcement Tools and Efforts
  - Protection provided to trafficked persons through legal assistance and other benefits
  - New crimes of trafficking and forced labor defined
  - State Department reports annually on how countries are doing in combating trafficking
- Lowest ranked countries are subject to sanctions

## Federal Crimes and Penalties

<b>Forced Labor</b>	<b>Up to 20 years</b>
<b>Trafficking into Servitude</b>	<b>Up to 20 years</b>
<b>Sex Trafficking</b>	<b>Up to life</b>
<b>Involuntary Servitude</b>	<b>Up to 20 years</b>
<b>Peonage (Debt Bondage)</b>	<b>Up to 20 years</b>
<b>Document Servitude</b>	<b>Up to 5 years</b>
<b>Conspiracy Against Rights</b>	<b>Up to life if kidnapping, sexual abuse or death</b>

# Immigration Relief for Trafficking Survivors

## **T-Visa for Trafficking Victims**

- Enables certain victims of human trafficking to live and work in the US for four years.
- May be eligible to apply for adjustment of status to lawful permanent resident after three years.
- Can petition to have spouses and children accompany them.
- Cap of 5,000 visas annually.
- As of 2009 only 2,093 visas were issued.
- The reason the number of issued visas is so low is believed to be because human trafficking victims are not coming forward.

## **Who is Eligible for T-Visa**

- Has been a victim of a severe form of human trafficking;
- Is present in the US, American Samoa, Northern Marianas on account of trafficking;
- Would suffer extreme hardship involving unusual and severe harm upon removal; and
- Has complied with reasonable requests for assistance in investigation or prosecution of acts of trafficking.
  - Children under 18 do not have to meet this criterion;
- If inadmissible, a waiver must be sought and approved.

## **Other Types of Immigration Relief**

U Visa: Person is a crime victim and are willing to assist in the investigation.

S Visa: Person is in possession of information concerning criminal organization or enterprise

Asylum: Person has suffered or fears persecution based on race, religion, nationality, political opinion or membership in a particular social group in country of origin.

Special Immigrant Juvenile Status: Children who are wards of the state due to their abuse, neglect or abandonment and return to home country not a viable option

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## Trafficking Red Flags

If you come in contact with anyone exhibiting one or more of the following indicators, they may be a victim of human trafficking.

- A potential victim typically has someone with them at all times. This person seems very controlling and tries to speak for the victim.
- Victims may exhibit signs of physical abuse such as: bruises, broken bones, cuts, burns, scars and/or malnourishment.
- Victims may have signs of psychological trauma such as: severe anxiety, depression, suicidal thoughts, Stockholm's Syndrome, panic attacks, submissiveness, and/or no emotion at all (flat affect).
- Victims may work and live in the same location.
- Victims may believe that they must work for their employer because of a debt they owe.
- Victims typically do not have control over personal identification documents. These documents may be in the control of the trafficker.
- Victims may appear afraid/nervous and may not make eye contact.
- Conversations with victims may seem very scripted, inconsistent, or vague.
- Victims have signs of "branding" by their traffickers such as: tattoos of the trafficker's name and/or jewelry.
- Victims may have a lack of knowledge about where they are or why.
- Victims may not admit that they are victims and may not ask for help.

## Screening Questions for a Potential Trafficking Victim

The following are sample questions health care providers can ask in screening an individual to determine if he/she is a potential victim of human trafficking. As with domestic violence victims, if you think a patient is a victim of trafficking, you do not want to begin by asking directly if the person has been beaten or held against his/her will. Instead, you want to start at the edges of his/her experience. And if possible, you should enlist the help of a staff member who speaks the patient's language and understands the patient's culture, keeping in mind that any questioning should be done confidentially.

You should screen interpreters to ensure they do not know the victim or the traffickers and do not otherwise have a conflict of interest.

*Before you ask the patient any sensitive questions, try to get the individual alone if they came to you accompanied by someone who could be a trafficker posing as a spouse, other family member or employer. However, when requesting that time alone, you should do so in a manner that does not raise suspicions (present the request as business-as-usual).*

### Suggested Screening Questions

Can you leave your job or situation if you want?

Can you come and go as you please?

Have you been threatened if you try to leave?

Have you been physically harmed in any way?

What are your working or living conditions like?

Where do you sleep and eat?

Do you sleep in a bed, on a cot or on the floor?

Have you ever been deprived of food, water, sleep or medical care?

Do you have to ask permission to eat, sleep or go to the bathroom?

Are there locks on your doors and windows so you cannot get out?

Has anyone threatened your family?

Has your identification or documentation been taken from you?

Is anyone forcing you to do anything that you do not want to do?

### Suggested Screening Questions by Category

#### Fraud/Financial Coercion Questions

How did you get into this country?

Who brought you into this country?

Did you come to this country for a specific job that you were promised?

Who promised you this job?

Were you forced to do different work?

Who forced you into doing different work than what was promised?

Was there some sort of work contract signed?

Who organized your travel?

How was payment for your travel handled?

Are you getting paid to do your job?

Do you actually receive payment or is your money being held for you?

Do you owe your employer money?

Are there records or receipts of what is owed to your employer/recruiter?

Are there records/receipts of what was earned/paid to you?

How were financial transactions handled?

Are you in possession of your own legal (I.D.) documents? If not, why?

Were you provided false documents or identification?

Are you being made to do things that you do not want to do?

### Physical Abuse Questions

Were you ever threatened with harm if you tried to leave?

Did you ever witness any threats against other people if they tried to leave?

Do you know about any other person's family ever being threatened?

Were you ever physically abused, or did you ever witness abuse against another person?

What type of physical abuse did you witness?

Were there any objects or weapons used in the physical abuse?

Where are these objects or weapons located?

Was knowledge of this abuse ever communicated to a person outside of this situation (e.g., police reports, domestic violence reports, hospital records, social service records)?

Was anyone else ever abused or threatened with harm in your presence?

How were medical problems handled, and who attended to them?

### *Freedom of Movement Questions*

Is your freedom of movement restricted?

Do you live and work in the same place?

What were the conditions under which you were left unattended?

Were there instances of physical restriction through locks, chains, etc.?

Where are the locks used and who has the keys to them?

How was movement in public places handled (e.g., car, van, bus, subway)?

Who supervised your movement in public places?

How was the purchase of private goods and services handled (e.g., medicines, prescriptions)?

What forms of media or telecommunication did you have access to (e.g., television, radio, newspapers, magazines, telephone, the Internet)?

### *Psychological Coercion Questions*

*Behavioral indicators:*

Who are you afraid of?

Why are you afraid of them?

What would you like to see happen to the people who hurt you (e.g., jail, deportation)?

How do you feel about the police? Why?

*Environmental Indicators:*

Do you live and work in the same place?

Where do you live/eat/sleep?

Where do the alleged perpetrators live/eat/sleep?

Are the living conditions between the two excessively disparate?

## If you think someone is being trafficked...

If you think you have come in contact with a victim of human trafficking, call the National Human Trafficking Resource Center at 1.888.3737.888. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives.

Even though you believe the patient is a trafficking victim after asking the screening questions, the patient may not be ready to contact the police. Be careful about reporting the incident to the police if the victim has not consented because the traffickers may stop bringing their victims to hospitals/clinics altogether, putting them at further risk for negative health outcomes. In this situation, leave your door open to them should they decide they are ready to escape in the future. Do not be judgmental about their decision since it may further alienate them from pursuing routes of escape.

**NOTE: Human trafficking situations are often very dangerous and unpredictable. Do not attempt to intervene by yourself.**

- Once you have confirmed that you encountered a victim of human trafficking, it is important for you to collaborate among key service providers, including the Department of Health and Human Services, law enforcement and others at the local, state and Federal levels, to help the victim get the protection and services they need. You may want to contact:
  - Your local police department and be transferred to the human trafficking detective on duty
  - Indianapolis Trafficked Persons Assistance Program 24-hour hotline: 1-800-928-6403
  - FBI: 1-888-428-7581 (Voice and TTY)
  - National Human Trafficking Resource Center at 1.888.3737.888

## Communicating with Victims

Most victims of trafficking experience intense fear – of their traffickers and/or of being deported. Therefore, when interacting with potential trafficking victims, it is important to reassure them that they are safe so you can begin the process of helping them get the protection and assistance they need to rebuild their lives. Gaining the trust of trafficking victims is an important first step in providing assistance.

Sample messages to communicate with victims of human trafficking:

- We are here to help you.
- Our first priority is your safety.
- Under the Trafficking Victims Protection Act of 2000, victims of trafficking can apply for special visas or could receive other forms of immigration relief.
- We will give you the medical care that you need.
- We can find you a safe place to stay.
- You have a right to live without being abused.
- You deserve the chance to become self-sufficient and independent.
- We can help get you what you need.
- We can help to protect your family.
- You can trust me.
- We want to make sure what happened to you doesn't happen to anyone else.
- You have rights.
- You are entitled to assistance. We can help you get assistance.
- If you are a victim of trafficking, you can receive help to rebuild your life safely in this country.

# Tools to Reach Out to Victims and Community Outreach

Sticker/Poster with selections of this info in various languages depending on the region:

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## No one can:

- Force you to work against your will;
- Collect a debt by using threats or forcing you to work to pay the debt;
- Force you to work using threats to harm you or your family;
- Force or pressure you into prostitution or to do other sexual acts;
- Use you for any kind of sex work if you are under 18;
- Take away your passport, birth certificate, or identification card to control you or your movements. If any of these things has happened to you, you might be a victim of a serious crime.



*You are not alone. Please talk to us. We can help you.*

## Your Safety...

We want you to be safe. Remember, you are now away from the people who hurt you, and we can help you plan how to be safe. We may also be able to help your family if they are in danger from the traffickers.

## We can help you find:

- Emergency medical assistance;
- Emergency food and shelter;
- Translation services;
- Counseling and legal assistance.

Every federal law enforcement agency has someone who can help victims and answer questions. If you are a victim, this person can tell you about community agencies and programs that can help you. You can find the address and phone number of [your local FBI office](#) on this website.

## We Want to Stop People Who Hurt You...

We will see if criminal charges can be brought against those who hurt you, but we need your help. We would like to talk to you about what happened to you. It is important to tell us the truth. If you are afraid of someone, please tell us. We will try to protect you and your family, and we won't give your name or the names of your family members to the public.

Some people may tell you not to trust immigration agents, other federal agents, or the police. Don't believe them. The people who say these things want you to be afraid of the people who can help you the most. Please call us. We can help you.

There may be ways for you to stay in the United States while we investigate your case, even if you don't have the proper papers. If you are a victim of trafficking in persons, U.S. Immigration and Customs Enforcement may let you stay in the United States. You may also get a work permit.

## Staying in the United States or Going Home...

You also may be able to stay in the United States for a longer time depending upon your situation. Some of the ways you may be able to stay in the United States include:

- The **T** visa, a program for certain trafficking in persons victims;
- The **U** visa, a program for certain crime victims who have been hurt and are working with law enforcement officials;
- The **S** visa, a program for certain people helping in criminal investigations;
- Asylum, a program for certain people who have experienced or are facing persecution in their home country.

## Help For Victims

There may be other immigration programs that are right for you. It is important to talk with an immigration lawyer or community organization that can advise you about your choices. A victim specialist may be able to help you find a free or low-cost lawyer.

If you want to go back to your home country, please talk to us or contact your victim specialist, a community organization, or your own lawyer.

## Community Outreach

There maybe a few other outreach programs out there. We can do more awareness in bars/nightclubs and hotels. There are many programs out there to teach us about how to reach out and help human trafficking victims. One program is **S.O.A.P (Save Our Adolescents from Prostitution)** this program is an outreach program through Traffickfree and DOMA International. They distribute bars of soap wrapped with a red band that has the National Human Trafficking Hotline number and key questions to high-risk motels. Volunteers offer soap that is free of charge to motel owners and managers and they educate them on what S.O.A.P.is. Another outreach program is **H.O.P.E (Hospitality Outreach Partnership Endeavor)** this is to awaken, inform, and empower. They awaken the hotel staff and management by educating them and tell them about the missing children in their area and give them a KLAAS Kids Missing Children Poster. The informative part is just that informing hotel staff and making sure they know what human trafficking is and how to recognize it. The H.O.P.E information leads to empowerment, they empower them to act. Among the outreach programs is **IPATH (Indiana Protection for Abused and Trafficked Humans)** this program a statewide coalition of law enforcement, victim service provider, government departments, and many other community partners dedicated to combating human trafficking in Indiana. The goals of IPATH are to enhance law enforcement's ability to identify and rescue victims, to provide resources and training to indemnify and rescue victims, and to ensure comprehensive services are available for victims of trafficking

The **National Bar Association** also has begun to gain some awareness on the seriousness of Human Trafficking. They have a toolkit called Voices for Victims: Lawyers Against Human Trafficking Tool Kit for Bar Associations, this tool kit provides a ton of information such as what human trafficking is, common myths, choosing potential speakers, sample questions, different terms, and national resources.

Human Trafficking is a national occurrence and Human Traffickers travel. **The Code** helps protect children from sex tourism. Wonder what The Code is? The Code is the recognized Code of Conduct for the protection of children from sexual exploitation within the travel and tourism sector. The goal of The Code is to work with travel and tourism companies to combat this crime.

### **Links For Outreach Programs**

<http://www.indianaagainstrafficking.org/>

[www.exodusrefugee.org](http://www.exodusrefugee.org)

<http://www.traffickfree.com/>

[www.juliancenter.org](http://www.juliancenter.org)

<http://freeinternational.org/projects/hope-project/>

[http://www.americanbar.org/content/dam/aba/multimedia/trafficking\\_task\\_force/resources/TFHT\\_Toolkit/HumanTrafficking\\_Bar.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/multimedia/trafficking_task_force/resources/TFHT_Toolkit/HumanTrafficking_Bar.authcheckdam.pdf)

[www.thecode.org](http://www.thecode.org)

<http://www.incasa.org/initiatives/human-trafficking/>

**For help, call the National Human Trafficking Hotline at 1-888-373-7888 (Voice and TTY)**

## National Referral Mechanism for Potential (Child) Victims of Trafficking

### Section A – Child’s Details

Last name: ..... First name(s): .....

Also known as: ..... Sex: .....

D.O.B (if known): /...../ ..... known / claimed (delete as appropriate)

Age (approx. if not known): ..... known / claimed (delete as appropriate)

Place of birth: .....

Nationality: ..... Immigration status: .....

Language(s) spoken: .....

Any English spoken / interpreter needed (delete as appropriate)

Home Office reference: ..... Visa or Work Permit reference: .....

Any other reference numbers: .....

Home address: .....

Port of entry ..... known / claimed (delete as appropriate)

Method of entry to US ..... Carrier: .....

### Section B - Contact details of person making referral (First Responder)

Name: .....

Job title: .....

Organization: .....

Unit or area: .....

Tel: ..... Fax: .....

Mobile: ..... Email: .....

Signature ..... Date: /...../ .....

**Details of encounter**

Date encountered (if relevant) or date of first agency contact:

Address encountered or place of first contact with your agency (if different from above): ....

.....

Date of referral to Local Authority: ..... /...../ .....

Local Authority area .....

Local Authority contact details: .....

.....

## Child Development

Exploitation	Y	S
1. Claims to have been exploited through sexual exploitation, criminality, labour exploitation, domestic servitude, drug dealing by another person.		
2. Physical symptoms of exploitative abuse (sexual, physical etc)		
3. Underage marriage		
4. Physical indications of working (overly tired in school, indications of		
5. manual labour – condition of hands/skin, backaches etc)		
6. Sexually transmitted infection or unwanted pregnancy		
7. Story very similar to those given by others, perhaps hinting they have		
8. been coached		
9. Significantly older boyfriend		
10. Harbours excessive fears / anxieties (e.g. about an individual, of deportation, disclosing information etc)		
<b>Movement into, within or out of the country</b>	Y	S
11. Returning after missing, looking well cared for despite no known base		
12. Claims to have been in the country for years but hasn't learnt local language or culture		
<b>Other risk factors</b>	Y	S
13. Withdrawn and refuses to talk / appears afraid to talk to a person in authority		
14. Shows signs of physical neglect – basic care, malnourishment, lack of attention to health needs		
15. Shows signs of emotional neglect		
16. Socially isolated – lack of positive, meaningful relationships in child's life		
17. Behavioural - poor concentration or memory, irritable / unsociable / aggressive behaviour		
18. Psychological – indications of trauma or numbing		
19. Exhibits self assurance, maturity and self confidence not expected in a child of such age		
20. Evidence of drug, alcohol or substance misuse		
21. Low self image, low self esteem, self harming behaviour including cutting, overdosing, eating disorder, promiscuity		
22. Sexually active		
23. Not registered with or attended a GP practice		
24. Not enrolled in school		
25. Has money, expensive clothes, mobile phones or other possessions without plausible explanation		

## Parenting capacity

Exploitation	Y	S
26. Required to earn a minimum amount of money every day		
27. Involved in criminality highlighting involvement of adults (e.g. recovered from cannabis farm / factory, street crime, petty theft, pick pocketing, begging etc)		
28. Performs excessive housework chores and rarely leaves the residence		
29. Reports from reliable sources suggest likelihood of sexual exploitation, including being seen in places known to be used for sexual exploitation		
30. Unusual hours / regular patterns of child leaving or returning to placement which indicates probable working		
31. Accompanied by an adult who may not be the legal guardian and insists on remaining with the child at all times		
32. Limited freedom of movement		
<b>Movement into, within or out of the country</b>	Y	S
33. Gone missing from local authority care		
34. Unable to confirm name or address of person meeting them on arrival		
35. Accompanying adult previously made multiple visa applications for other children / acted as the guarantor for other children's visa applications		
36. Accompanying adult known to have acted as guarantor on visa applications for other visitors who have not returned to their countries of origin on visa expiry		
37. History with missing links or unexplained moves		
38. Pattern of street homelessness		
<b>Other risk factors</b>	Y	S
39. Unregistered private fostering arrangement		
40. Cared for by adult/s who are not their parents and quality of relationship is not good		
41. Placement breakdown		
42. Persistently missing, staying out overnight or returning late with no plausible explanation		
43. Truancy / disengagement with education		
44. Appropriate adult is not an immediate family member (parent / sibling)		
45. Appropriate adult cannot provide photographic ID for the child		

## Family/Environment

Exploitation	Y	S
46. Located / recovered from a place of exploitation (brothel, cannabis farm, involved in criminality etc)		
47. Deprived of earnings by another person		
48. Claims to be in debt bondage or "owes" money to other persons (e.g. for travel costs, before having control over own earnings)		
49. Receives unexplained / unidentified phone calls whilst in placement / temporary accommodation		
50. No passport or other means of identity		
51. Unable or reluctant to give accommodation or other personal details		
52. False documentation or genuine documentation that has been altered or fraudulently obtained; or the child claims that their details (name, DOB) on the documentation are incorrect		
<b>Movement into, within or out of the country</b>	Y	S
53. Entered country illegally		
54. Journey or visa arranged by someone other than themselves or their family		
55. Registered at multiple addresses		
<b>Other risk factors</b>	Y	S
1. Possible inappropriate use of the internet and forming online relationships, particularly with adults		
2. Accounts of social activities with no plausible explanation of the source of necessary funding		
3. Entering or leaving vehicles driven by unknown adults		
4. Adults loitering outside the child's usual place of residence		
5. Leaving home / care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older people etc)		
6. Works in various locations		
7. One among a number of unrelated children found at one address		
8. Having keys to premises other than those known about		
9. Going missing and being found in areas where they have no known links		

Y= Yes S= Suspicion

## National referral mechanism for potential ADULT victims of trafficking

### Section A: personal details

\*Last name: .. . \*First name(s): .. .

Also known as: ...

\*D.O.B: /...../ .. Age: Sex: ... Place of birth: .....

\*Nationality: ... Language(s) spoken: .....

Any English spoken: Y or N Interpreter needed: Y or N Immigration status: .....

Other communication aids required (for example sign language): Y or N Details: .. .

Home Office reference: Visa or work permit reference: .....

Any other reference numbers: ...

Port of entry ..... known or claimed (delete as appropriate)

Method of entry to US Carrier: .....

Safe telephone number on which to contact the potential victim, such as a personal mobile number: ..

Other means of contacting the potential victim . . .

US current address.....

Can address be used for correspondence relating to victim identification and support? Y or N (delete as appropriate)

If not, please provide an alternative address for postal communications.....

### Contact details of person making referral (first responder)

Name: .....

Job title: ....

Organization: .. Unit or area.....

Tel: Mobile: ..

Email: ..

Signature: .....Date: /...../ .....

### Details of encounter

Date: /...../ ... Where was the victim encountered (provide address if different from above) .....

### Consent of individual

#### Consent to the referral (mandatory)

I consent to my details including name and date of birth being submitted to the competent authority to assist in the identification process.

Signed: ... Date: /...../ .....

## **Section B: general indicators**

### **Please tick all relevant boxes**

1. Distrustful of authorities
2. Expression of fear or anxiety
3. Signs of psychological trauma (including post traumatic stress disorder)
4. The person acts as if instructed by another
5. Injuries apparently a result of assault or controlling measures
6. Evidence of control over movement, either as an individual or as a group
7. Found in or connected to a type of location likely to be used for exploitation
8. Restriction of movement and confinement to the workplace or to a limited area
9. Passport or documents held by someone else
10. Lack of access to medical care
11. Limited social contact
12. Limited contact with family
13. Doesn't know home or work address
14. Perception of being bonded by debt
15. Money is deducted from salary for food or accommodation
16. Threat of being handed over to authorities
17. Threats against the individual or their family members
18. Being placed in a dependency situation
19. No or limited access to bathroom or hygiene facilities
20. Any other, please provide details in section F

**Where indicators are identified record full details in section F**

### **Section C: Indicators of forced labor**

**Are any of these indicators present? (tick as applicable)**

**Yes  please tick all relevant boxes in section C**

**No  continue to section D**

1. Employer or manager unable to produce documents required when employing migrant labour
2. Employer or manager unable to provide record of wages paid to workers
3. Poor or non-existent health and safety equipment or no health and safety notices
4. Any other evidence of labour laws being breached
5. No or limited access to earnings or labour contract
6. Excessive wage reductions
7. Dependence on employer for a number of services for example work, transport and accommodation
8. Any evidence workers are required to pay for tools, food or accommodation via deductions from their pay
9. Imposed place of accommodation
10. Any other, please provide details in section F

**Where indicators are identified record full details in section F**

### **Section D: Indicators of domestic servitude**

**Are any of these indicators present? (tick as applicable)**

**Yes  please tick all relevant boxes in section D**

**No  continue to section E**

1. Living with and working for a family in a private home
2. Not eating with the rest of the family or being given only leftovers to eat
3. No proper sleeping place or sleeping in shared space for example the living room
4. No private space
5. Forced to work in excess of normal working hours or being 'on-call' 24 hours per day
6. Employer reports them as a missing person
7. Employer accuses person of theft or other crime related to the escape
8. Never leaving the house without employer
9. Any other, please provide details in section F

**Where indicators are identified record full details in section F**

## **Section E: Indicators of sexual exploitation**

**Are any of these indicators present? (tick as applicable)**

**Yes  please tick all relevant boxes in section E**

**No  continue to section F**

1. Advertises for sexual services offering women from particular ethnic or national groups
2. Sleeping on work premises
3. Movement of women between brothels or working in alternate locations
4. Women with very limited amounts of clothing or a large proportion of their clothing is 'sexual'
5. Only being able to speak sexual words in local language or language of client group
6. Having tattoos or other marks indicating 'ownership' by their exploiters
7. Person forced, intimidated or coerced into providing services of a sexual nature
8. Person subjected to crimes such as abduction, assault or rape
9. Someone other than the potential victim receives the money from clients
10. Health symptoms (including sexual health issues)
11. Signs of ritual abuse and witchcraft (juju)
12. Substance misuse
13. Any other, please provide details in section F

**Where indicators are identified record full details in section F**

## **Section F: evidence to support reasons for referral (2 pages available)**

Please use this section to:

- expand on the circumstances or details of the encounter or contact, providing background to how the information was provided (for example on first encounter during police operation)
- provide evidence of the indicators that you have identified in sections B to E
- note whether it is likely that further information will be become available at a later date
- provide any other relevant information that you consider may be important and wish to include for example living or working conditions, behaviour, appearance, demeanour
- movements in or to the US, including dates (if known)
- suspected place of exploitation (if known)
- name of agent, exploiter or trafficker (if known)
- record any action you have taken including referral to other agencies (for example The Salvation Army, police, US Border Agency ) where appropriate

(If a separate sheet is required, please indicate that section F is continued and provide with referral)

Section	Indicator
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**THESE ARE SAMPLE FORMS- may be adapted or used to assist with documentation.**

## Suggested Additional Readings

Department of Health and Human Services Rescue and Restore Campaign Tool Kits-  
<http://www.acf.hhs.gov/programs/orr/resource/rescue-restore-campaign-tool-kits>

Domestic Minor Sex Trafficking:

<http://sharedhope.org/wp-content/uploads/2012/09/Domestic-Minor-Sex-Trafficking-Field-Assessment-Harris-and-Galveston-Cty.pdf>

IOM Handbook on Direct Assistance for Victims of Trafficking -

[http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/CT%20handbook.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/CT%20handbook.pdf)

Kevin Bales and Ron Soodalter, *The Slave Next Door: Human Trafficking and Slavery in America Today*.

Shelley, Louise, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010).

The Polaris Project: For A World without Slavery: <http://www.polarisproject.org/>

Special thanks to Ivy Yan and Toni Branham with INCASA for developing and editing this toolkit. For more information on Human Trafficking visit <http://www.incasa.org/initiatives/human-trafficking/>