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## Human Trafficking: Recognizing the Victims

*Adapted From: US Department of Health and Human Services Human Trafficking Fact Sheet*

Human trafficking is a modern-day form of slavery. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation<sup>1</sup> or forced labor. Victims are young children, teenagers, men and women, primarily from impoverished backgrounds.

*After drug dealing, human trafficking is tied with the illegal arms industry as the second largest criminal industry in the world today, and it is the fastest growing.*

### How Victims Are Trafficked

Many victims of trafficking are forced to work in prostitution or sex entertainment. However, trafficking also takes place as labor exploitation, such as domestic servitude, sweatshop factories, or migrant agricultural work. Traffickers use force, fraud and coercion to compel women, men and children to engage in these activities.

**Force** involves the use of rape, beatings and confinement to control victims. Forceful violence is used especially during the early stages of victimization, referred to as the 'seasoning process', in order to break victim resistance so they are easier to control.

**Fraud** often involves false offers of employment. For example, women and children will reply to advertisements promising jobs as waitresses, maids and nannies in other countries only to be forced into prostitution once they arrive at their destination.

**Coercion** involves threats of serious harm to or physical restraint of any person; any scheme, plan or pattern intended to cause victims to believe that failure to perform an act could result in restraint; or the abuse or threatened abuse of the legal process.

The federal law entitled the "Trafficking Victims Protection Act of 2000" (TVPA) defines "Severe Forms of Trafficking in Persons" as:

**Sex Trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a **commercial sex act**<sup>2</sup> is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years; or

**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, debt bondage** or slavery.

In both forms, the victim is an unwilling participant due to force, fraud or coercion.

<sup>1</sup> "Exploitation" — rather than trafficking — may be a more accurate description because the crime involves forcing people perform labor or commercial sex.

<sup>2</sup> As defined by the Trafficking Victims Protection Act of 2000, the term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.



## Letter from the Editor

Dear Reader,

Since the *Improving Police Based Victim Services Project's* inception, IACP has offered police leaders many tools to increase the quality of services law enforcement provides to victims. We have facilitated the development of police-based victim service programs in many jurisdictions and served as a resource to assist departments in their program development efforts. As always, we regularly evaluate, modify and enhance our technical assistance program to provide the most useful, up-to-date, and informative training and products to the field.

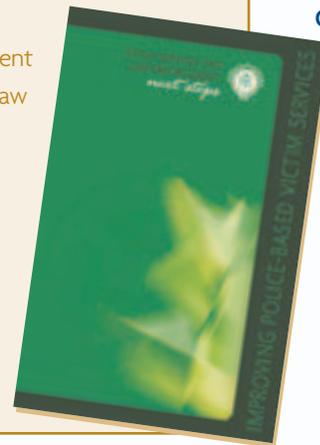
Recent projects have been designed to encourage collaboration between existing community victim service resources and law enforcement. During workshops at national victim service conferences, the IACP presents tips and techniques to victim service professionals on working effectively with law enforcement agencies. To compliment these workshops, a resource booklet for advocates *Backing the Badge: Working Effectively with Law Enforcement* is being distributed at the workshops and is available through the IACP for no charge. This brochure is designed to give direction to organizations interested in working with law enforcement agencies. To request copies—email [vaughna@theiacp.org](mailto:vaughna@theiacp.org) or call (703)-836-6767 x821.

We believe that these tools and services will help enhance the quality of law enforcement services for victims through improving service providers' understanding of the needs of law enforcement and continuing training of law enforcement.

Sincerely,

Alison Vaughan  
Project Coordinator

*“Backing the Badge: Working Effectively with Law Enforcement is being distributed... through the IACP for no charge.”*



### Human Trafficking: continued

#### Trafficking Victims

Approximately 800,000 to 900,000 victims annually are trafficked across international borders worldwide, and between 18,000 and 20,000 of those victims are trafficked into the U.S., according to the U.S. Department of State. These estimates include women, men and children. Victims are generally trafficked into the U.S. from Asia, Central and South America, and Eastern Europe. Because many victims trafficked into the U.S. do not speak or understand English, they are isolated and unable to communicate with service providers, law enforcement and others who may be able to help them.

Victims of trafficking are often subjected to debt-bondage, usually in the context of paying off

transportation fees into the destination country. Traffickers often threaten victims with injury or death, or harm to victims' families back home. Traffickers commonly take away victims' travel documents and isolate them to make escape more difficult.

Victims often do not realize that it is illegal for traffickers to dictate how they have to pay off their debt. In many cases, the victims are trapped into a cycle of debt because they have to pay for all living expenses in addition to the initial transportation expenses. Fines for not meeting daily quotas of service or “bad” behavior are also used by some trafficking operations to increase debt. Most trafficked victims rarely see the money they are supposedly earning and may not

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## DNA / Victims' Rights Bill Sent to President

*Courtesy of: Capitol Report: IACP's Legislative Update*

After weeks of negotiation, and just days after it was declared dead for the year, the Senate approved a bill (HR 5107) that will provide over \$1 billion in funding and assistance for DNA analysis and training. In addition, the bill will confer eight specific rights on crime victims. The measure now goes to the President for his signature.

The DNA bill had been passed overwhelmingly by the House last November, but had stalled in the Senate. In order to pressure the Senate to act on the bill, the House tied its fate to a Senate-passed victims' rights bill (S 2329). On October 6, the House passed HR 5107, which contained provisions from both bills. The Senate followed on October 9.

### DNA:

The bill combines President Bush's initiative to spend \$1 billion to reduce the backlog of evidence awaiting DNA testing with proposals that will assist state and local law enforcement expand the collection of DNA samples and evidence. Specifically, the bill would authorize \$755 million over five years (\$151 million per year) to eliminate the current backlog of over 300,000 rape kits and other crime scene evidence awaiting DNA analysis in crime labs.

The measure also authorizes \$500 million for other new grant programs, including:

- \$62.5 million (\$12.5 million per year through 2009) to provide DNA training and education for law enforcement, correctional personnel, and court officers.
- \$150 million (\$30 million per year through 2009) for training and education assistance for medical professionals using DNA samples and evidence.
- \$75 million (\$15 million per year through 2009)

for research and development to improve forensic DNA technology.

- \$42.1 million for FBI DNA programs.
- \$50 million over five years (\$10 million per year) in grants to state, local, and tribal governments to eliminate forensic science backlogs.
- \$10 million (\$2 million over five years) to promote the use of DNA technology to identify missing persons and unidentified human remains.

The bill also expands the DNA database system (CODIS) to allow states to include the DNA profiles of all felons convicted of federal crimes and all people required to submit DNA samples.

In addition, the bill contains portions of the Innocence Protection Act, which aims to ensure that defendants in state capital punishment cases have access to adequate legal counsel and that death row inmates could use sophisticated new DNA testing to assert their innocence. It would also give selected federal inmates access to DNA testing that could lead to reversal of their convictions if they assert under penalty of perjury that they are not guilty.

The majority of the DNA bill enjoyed widespread support. However, several Senators objected to the several provisions in the Innocence Protection Act. Specifically, opponents objected to conditions placed on states that opt to accept some of the federal aid authorized by the bill. Most of the money would be awarded on the condition that states preserve biological crime evidence for post-conviction DNA testing. Critics have also argued that the bill would encourage inmates to seek DNA tests and retrials even when they are guilty.

Before passage, the House made several changes to the bill to try to assuage critics, including the

**“HR 5107 would grant eight specific rights to crime victims”**

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ficked victims  
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## Human Trafficking: continued

even know the specific amount of their debt. Even if the victims sense that debt-bondage is unjust, it is difficult for them to find help because of language, social, and physical barriers that keep them from obtaining assistance.

### Trafficking vs. Smuggling

Trafficking is not smuggling. There are several important differences between trafficking and smuggling:

Human Trafficking	vs.	Migrant Smuggling
<ul style="list-style-type: none"> <li>• Fraud and coercion used. Even if victims appear to consent, an initial statement of consent is rendered meaningless by the actions of the traffickers. A person cannot consent to being trafficked.</li> <li>• Ongoing exploitation or forced labor of victims to generate illicit profits for the traffickers.</li> <li>• Trafficking need not entail the physical movement of a person (but must entail the exploitation of the person for labor or commercial sex).</li> </ul>		<ul style="list-style-type: none"> <li>• Person consents to being smuggled.</li> <li>• Smuggling is always transnational and always involves an unauthorized border crossing.</li> </ul>

### Help for Victims of Trafficking

Prior to the enactment of the TVPA in October 2000, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers. The new law addresses various ways of combating trafficking, including prevention, protection and prosecution. It is intended to prevent human trafficking overseas, to increase prosecution of human traffickers in the United States, and to protect victims and provide Federal and state assistance to certain victims. Victims of human trafficking who are not U.S. citizens may be eligible for a special visa and to receive benefits and services through the TVPA to the same extent as refugees. Victims of trafficking

who are U.S. citizens may already be eligible for many benefits due to their citizenship.

The TVPA also created new law enforcement tools to strengthen the prosecution and punishment of traffickers, making human trafficking a Federal crime with severe penalties.

For example, if a trafficking crime results in death or if the crime includes kidnapping, an attempted kidnapping, aggravated sexual abuse, attempted aggravated sexual abuse, or an attempt to kill, the trafficker could be sentenced to life in prison. Traffickers who exploit children (under the age of 14) using force, fraud or coercion, for the purpose of sex trafficking (a commercial sex act) can be imprisoned for life. If the victim was between the age of 14 and 18 and the sex trafficking did not involve force, fraud or coercion, the trafficker could receive up to 20 years in prison.

Moreover, the law addresses the subtle means of coercion used by traffickers to bind their victims in servitude, including: psychological coercion, trickery, and the seizure of documents. These activities were difficult to prosecute under pre-existing involuntary servitude statutes and case law.

If you think you have come in contact with a victim of human trafficking, call the Trafficking Information and Referral Hotline at 1.888.373.7888. This hotline will help you determine whether you have encountered a victim of human trafficking, will identify local resources available in your community for victims, and will assist you in coordinating with local social service organizations to protect and serve victims so they can begin the process of restoring their lives. For more information on human trafficking visit [www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking).

*A Trafficking Information and Referral Hotline is available at 1.888.373.7888*

*For more information on Trafficking of Humans visit <http://www.acf.hhs.gov/trafficking/>*

## DNA / Victims': continued

Department of Justice. The amendment adopted by the House will encourage defendants to apply for DNA testing promptly after their convictions by establishing a presumption only in the first five years after a conviction that tests should be ordered. After five years, a defendant's motion for new tests still could be granted if a court found the applicant was not competent at his or her trial, if there was newly discovered DNA evidence, or if denying the application would result in "manifest injustice."

The amendment also made changes to the standard for getting a new trial based on the outcome of DNA testing. The original bill would have allowed retrials if test results and other evidence established, by a preponderance of the evidence, that a new trial would result in an acquittal. The amendment raises the threshold to instances where there was "compelling evidence that a new trial would result in an acquittal."

**Victims' Rights:**

HR 5107 would grant eight specific rights to crime victims, including the right to timely notice of public court proceedings and the right to be reasonably heard at those proceedings.

It would require that crime victims or their representatives receive advance notification of judicial proceedings and parole hearings. The bill would also give victims or their representatives the right to be heard at public release, plea sentencing and other proceedings and would require judicial officials to consider victims' safety when deciding the fate of defendants.

The bill represents a compromise between supporters and opponents of another bill (S J Res 1) that would have amended the Constitution to guarantee victims' rights. Supporters of the amendment, including sponsors Sen. Dianne Feinstein (D-CA) and Sen. Jon Kyl (R-AZ), were not confident that they had the 67 votes needed for approval. (Proposed constitutional amendments

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## SCHOLARSHIP PROGRAM

### Scholarships available for the Third National Sexual Assault Response Team Training Conference

The Office for Victims of Crime is pleased to provide funding to support two types of scholarships for the Third National Sexual Assault Response Team Training Conference to be held June 1-3, 2005 in San Francisco, CA. A limited number of scholarships for teams are available, in addition to scholarships for law enforcement officers.

For information on the SART Team Scholarship visit the Conferences/Courses link at:  
[www.sane-sart.com](http://www.sane-sart.com)

For a law enforcement scholarship, visit:  
<http://www.theiacp.org/research/ScholarApp.pdf>

For more information, please contact:  
**Alison Vaughan**  
1-800-THE-IACP Ext. 821



## New Resources—May 2003

### Drug-Facilitated Sexual Assault Resource Guide

PUBLISHED JOINTLY BY

National Drug Intelligence Center and George Mason University Sexual Assault Services

Review by: Connie J. Kirkland, Director, George Mason University Sexual Assault Services

The topic of drug-facilitated sexual assault has been highly publicized in recent years and is especially prevalent within the college student population. As the number of drug-facilitated sexual assaults grows, familiarity with assisting victims of such crimes has become imperative for all service providers. In 2000, George Mason University Sexual Assault Services (GMU) received funding from the Virginia Department of Health to develop a reference guide for campus law enforcement and medical professionals who work with survivors of sexual assault. The guide (*Responding to Drug-Facilitated Sexual Assault*) was published in summer 2000 and distributed to professionals throughout college communities in Virginia.

The National Drug Intelligence Center (NDIC), an office of the United States Department of Justice, reviewed this

document and found it a valuable addition to their previously published materials. Over two years, GMU and NDIC worked jointly to revise and update this guide for national distribution. Published in May 2003, the *Drug-Facilitated Sexual Assault Resource Guide* provides comprehensive, current information on the drugs most often implicated in the commission of drug-facilitated sexual assault and outlines recommended practices for first responders - law enforcement and medical personnel - investigating or attending to a suspected drug-facilitated sexual assault. Also identified are federal and state laws enacted specifically to address this issue.

*Product No. 2003-R0502-001*

*To request a copy, contact the NDIC Dissemination Line at (814)-532-4541*

#### DNA / Victims': continued

require a two-thirds vote of approval by each chamber.) As a result, they decided on a legislative approach, although they had argued for many years that nothing short of a constitutional amendment would guarantee the rights of victims.

Critics of the proposed amendment had argued that Congress should first try to enact victims' rights protections statutorily instead of through a constitutional amendment. They argued that even a well-worded constitutional amendment could have unintended consequences. They also noted

that it would take another amendment to correct any problems.

While the amendment would have applied to victims of violent crimes in both federal and state courts, the bill would apply to all crime victims in federal courts.

The bill also authorizes more than \$16 million in FY 2005 and \$28.5 million each subsequent year through 2009 to improve victim notification, encourage states to protect victims' rights, and support the National Crime Victim Law Institute. ■

SAVE THE DATE



**THIRD NATIONAL  
TRAINING  
CONFERENCE**  
www.sane-sart.com

**Third National  
Sexual Assault Response Team  
Training Conference**

**June 1 - 3, 2005  
San Francisco, California**

Workshops for all Sexual Assault Response Team (SART) members—  
law enforcement, SANEs, advocates, crime lab specialists and prosecutors—  
will be featured in breakout sessions. All aspects of forensic evidence  
collection and utilization will be addressed by experts in the field.

For conference updates, log on to:  
[www.sane-sart.com](http://www.sane-sart.com)

**Registration Opens January 2005**




Sponsored by Sexual Assault Resource Service, Minneapolis, MN 55417 800-848-8488 with funding provided by the  
Office for Victims of Crime/Justice Programs, U.S. Department of Justice, Grant No. 04-17-221-0211.

## Cyber Crime Fighting Tape

*Cyber Crime Fighting* is a 3-part training video hosted by John Walsh of *America's Most Wanted*. Award-winning TV news reporter John Spiropoulos takes you to online crime scenes and interviews online crime investigators at federal, state, and local law enforcement agencies. There is an accompanying manual, designed as an education resource and reference guide.

### **PART 1** • Running Time 23:00

Part 1 is for everyone from dispatchers to patrol officers who respond to online crime scenes - an introduction to the online world and the types of crimes committed there. It includes key cyber-questions police officers should ask online victims and complainants.

### **PART 2** • Running Time 18:30

Part 2 concentrates on conducting online crime investigations and will be of interest to detectives and investigators. Street criminals

use disguises and getaway vehicles. So do online crooks. Part 2 shows how to track down criminals hiding in cyberspace.

### **PART 3** • Running Time 18:00

Part 3 covers the "bagging and tagging" of computers and computer evidence - the procedures for seizing and preserving computer evidence from the crime scene to the evidence room.

Distribution of the *Cyber Crime Fighting* tape and manual is supported by grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The National White Collar Crime Center is the sole authorized distributor of the tape. It is intended for law enforcement personnel only. Find out more about availability and order the tapes and manual at: [www.cybercrime.org/tape\\_eligibility.html](http://www.cybercrime.org/tape_eligibility.html)



## Victim Assistance Standards Kit

### National Victim Assistance Standards

Standards for Victim Assistance Programs & Providers were developed by the National Victim Assistance Standards Consortium, a multidisciplinary group of victim-service professionals established by the Office for Victims of Crime through the University of South Carolina's Center for Child & Family Studies. Consortium members researched literature, reviewed existing standards, and hosted Town Hall meetings across the country in order to draft the model standards. The standards are appropriate for providers working in a wide variety of victim service settings and can be adapted to unique personal, programmatic, or community needs.

#### THE STANDARDS KIT CONTAINS:

- National Competency Standards
- National Program Standards
- National Ethical Standards
- Directory of credentialing programs
- Directory of related standards
- Promising practices
- Implementation guidelines
- Sample assessment tools
- Professional development resources

Download a copy of the standards kit at <http://www.sc.edu/ccfs/products.html>.

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*The Office for Victims of Crime is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention.*



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