Screening and Identification of Human Trafficking

Human Trafficking Training Series

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A Catholic Charities of Louisville
Program to Combat Human Trafficking

KENTUCKY
CABINET FOR HEALTH
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Objectives

- Review definition of human trafficking, focusing on the elements of control

- Increase knowledge of vulnerabilities and red flags specific to human trafficking

- Become familiar with screening tools and techniques for human trafficking identification

- Expand understanding of integrating screening into intake and assessment processes and response to screening outcomes

Screening and Identification of Human Trafficking

DEFINITIONS AND OVERVIEW

Human Trafficking: Federal Definition

The Trafficking Victims Protection Act of 2000 (TVPA) is the first comprehensive federal law to address trafficking in persons. The law provides a three-pronged approach that includes **prevention, protection, and prosecution:**

- Under U.S. federal law, "severe forms of trafficking in persons" includes both **sex trafficking** and **labor trafficking.**

- Human trafficking is a crime that involves exploiting a person for labor, services, or commercial sex.

- TVPA and its subsequent re-authorizations define human trafficking and include protections for victims.

Victims of Trafficking and Violence Protection Act of 2000 (TVPA), Pub. L. No.106-386, 8 U.S.C. §1101, §7101, 114 STAT 1464 (2000)

Human Trafficking: Definitions and Terminology

Sex Trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which the 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

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

Methods of Control

Force: sexual assault, physical assault, confinement, forced drugging

Fraud: false and deceptive offers of employment, relationship, better life

Coercion: threats of serious harm; shame tactics; any scheme, plan, or pattern intended to cause victims to believe that failure to perform an act would result in harm to them or loved ones; threats related to abuse of the legal process

Polaris. (2010). *Human trafficking power and control wheel*. Adapted from the Domestic Abuse Intervention Project's Duluth Model Power and Control Wheel.
https://www.acesdv.org/wp-content/uploads/2014/06/Human-Trafficking-PowerControl-Wheel.pdf

Coercion as a Method of Control

Federal Definition of Coercion

- Threats of serious harm to or physical restraint against any person

- Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person

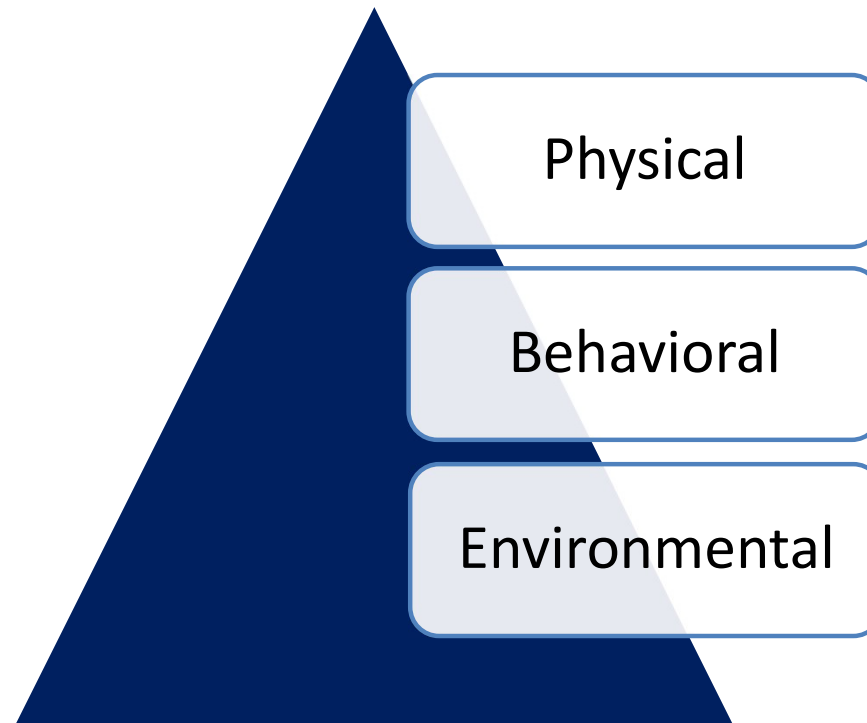- Abuse or threatened abuse of the legal process

Examples of Coercive Control

- Threats to harm the victim or their family

- Threats to shame the victim

- Control by withholding money, food, drugs, medicine, of other needed items

- Control by taking personal identity documents (ID, birth certificate, visa, passport, etc.)

- Threats to call law enforcement and report the victim

22 U.S.C. § 7102, Victims of Trafficking and Violence Protection Act. (2000). Sec. 201–103, 106th U.S. Congress.
https://www.govinfo.gov/content/pkg/BILLS-106hr3244enr/pdf/BILLS-106hr3244enr.pdf

Potential Indicators of Trafficking

Physical

Behavioral

Environmental

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Populations Impacted by Trafficking

At-Risk Populations

- Runaway and homeless youth

- Youth who are or have been in out-of-home care

- Youth who are undocumented

- Black, Indigenous, or Youth of Color

- LGBTQI individuals

- Youth who have physical, emotional and behavioral health challenges

- Survivors of other crimes

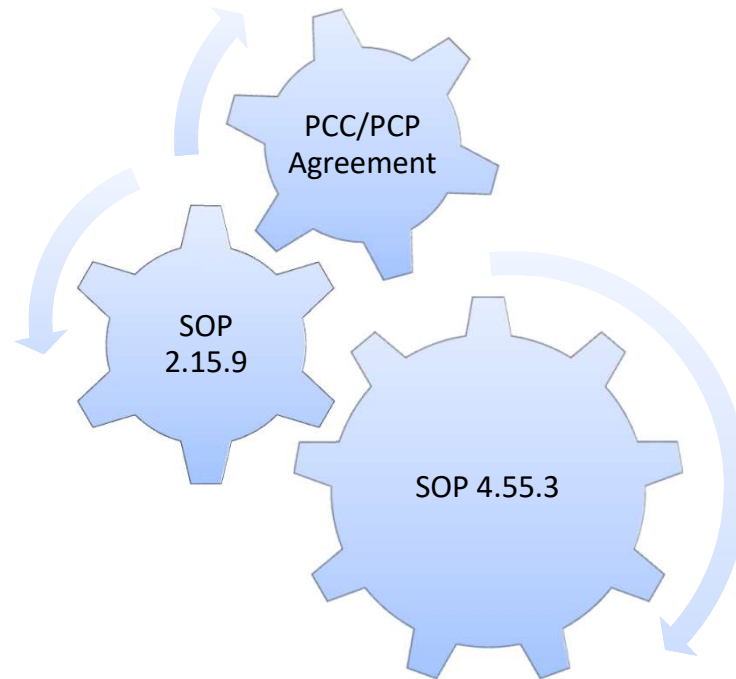- Department of Juvenile Justice involved

Intersectional Issues

- Homelessness

- Substance use disorder

- Interpersonal violence

Screening and Identification of Human Trafficking

SCREENING FOR HUMAN TRAFFICKING

Standards of Practice

Screening for Human Trafficking

- Screening for all potential victims of trafficking
- Rapid screening, followed by in-depth screening as needed
- Utilize validated screening tools as tested
- Include labor trafficking questions in screening
- Train staff on screening prior to use

Implementing Screening Practices
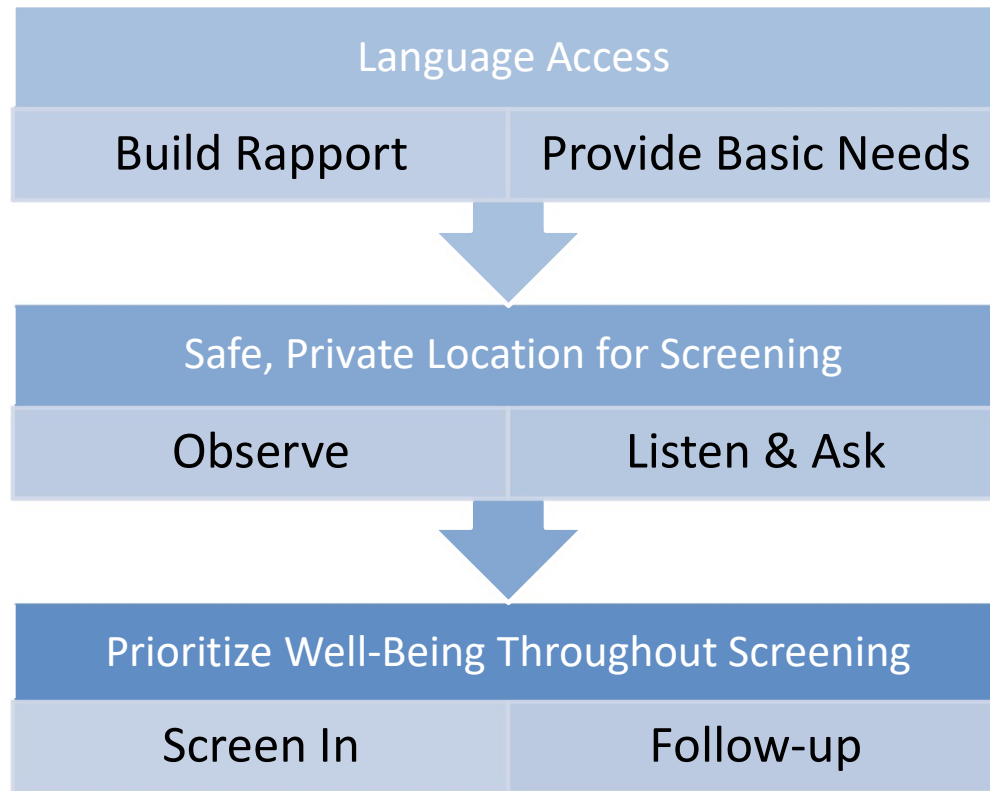
Practical Application

- Process and conducting screening
- Process for "next steps" and referrals
- Screening for sex and labor trafficking

Problematic Practices

- Not screening for human trafficking
- Assumption of trafficking history
- Conflation of other issues with trafficking

The Screening Process

Language Access	
Build Rapport	Provide Basic Needs

Safe, Private Location for Screening	
Observe	Listen & Ask

Prioritize Well-Being Throughout Screening	
Screen In	Follow-up

Screening and Identification of Human Trafficking

THE VERA SCREENING TOOL: TVIT

The VERA Screening Tool: TVIT

- Trafficking Victim Identification Tool (TVIT)
- Developed in 2014 by the VERA Institute of Justice
- Tool validation and evaluation implementation research by the National Institute of Justice
- There is both a short and a long form
- The long form has six sections
- The TVIT is available online in English and in Spanish. It can be translated into other languages as needed, or an interpreter may be used to interpret for the screening

VERA Institute of Justice. (2014). *Screening for Human Trafficking- Guidelines for Administering the Trafficking Victim Identification Tool (TVIT)*. Available online at: https://www.vera.org/downloads/publications/human-trafficking-identification-tool-and-user-guidelines.pdf

Why use the TVIT?

- The Trafficking Victim Identification Tool (TVIT) has been tested, evaluated, and has been found to be valid and reliable in identifying victims of human trafficking.
- The TVIT was validated for use with a broad population: males and females, ages 13+, foreign born and domestic
- The TVIT screens for both sex trafficking and labor trafficking

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TVIT: Tips for Screening

- Setting up the Screening
- Developing trust and demonstrating respect
- Maintaining confidentiality
- Understanding the effects of trauma and victimization
- Asking questions

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TVIT: Additional Considerations

- Screening Purpose
- Screening Timing
- Deferred / Suspended Screening

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TVIT: Frequently Asked Questions

1.   When should this screening tool be used?

2.   Will the tool detect all forms of trafficking victimization

3.   What if there are discrepancies between a person's response and what you know about them?

4.   How do I know if I am using the tool correctly?

5.   How do we determine trafficking once the tool has been completed?

6.   What if there were multiple incidents of trafficking?

7.   What if the potential trafficking situation occurred outside of the United States?

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TVIT: Screening Tool Sections

Long Form	Short Form
Section 1: Screening	Section 1: Screening
Section 2: Personal Background	Section 2: Personal Background
Section 3: Migration to the US	
Section 4: Work	
Section 5: Living and/or Working Conditions	Section 3: Living and/or Working Conditions
Section 6: Post-Interview Assessment	Section 4: Post-Interview Assessment

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Trafficking Victim Identification Tool

Section 1: Screening Background

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Trafficking Victim Identification Tool (TVIT) Long Version

Screening purpose. This screening tool is intended to be used as part of the regular intake process or as part of enrollment for specific programs. In order for the results to be valid, the screening should be administered according to pre-arranged protocols, *whether or not the client is believed to be a victim of human trafficking.* Please refer to the *User Guide* for directions on using this screening tool.

Screening timing. Since each agency's intake process is unique, agencies should determine how to best integrate this screening tool with their other intake forms or procedures. Whatever the timing and context of the interview, please begin and end with comfortable topics of conversation to minimize the client's discomfort.

Deferred/Suspended Screening. In some cases the intake process extends beyond the first meeting with the client. Service providers may sometimes choose to postpone sensitive screenings, judging that clients are not yet ready to disclose or discuss experiences of victimization and would prefer to continue the interview at a later date. If in the course of an interview the client shows acute signs of anxiety, ask the client if s/he would prefer to stop the interview and resume it at a later time.

Section 1: Screening Background *[DO NOT READ TO CLIENT]*

1a. Date of interview: _ _ / _ _ / _ _ _ _   (MM/DD/YYYY)

1b. How client was referred to your agency <u>most recently</u> [*select only one*]:
- ☐ Own agency/ internal referral
- ☐ Other social service provider [*fill in*]:_____
- ☐ Healthcare provider
- ☐ Local Police Department
- ☐ Dept. of Homeland Security (DHS) / Immigration & Customs Enforcement (ICE)
- ☐ Federal Bureau of Investigation (FBI)
- ☐ Other law enforcement [*fill in*]: _____
- ☐ Referred by other client
- ☐ Referred by someone else [*fill in relationship to client*]: _____
- ☐ Walk-in

1c. Client status: Official determination of trafficking known?
[*INTERVIEWER: This includes HHS certification, T-visa approval, or certification by law enforcement or a judge*]
- ☐ No
- ☐ Yes

Trafficking Victim Identification Tool

Section 2: Personal Background

Section 2: Personal Background

INTERVIEWER READ: "I'd like to begin by asking you a few simple questions about your personal and family background."

2a. What is your date of birth? __ / __ / ____ (MM/DD/YYYY)

2b. If you don't know your date of birth, approximately how old are you?_____-
_____
[INTERVIEWER: If respondent cannot provide a number, offer the following response brackets to choose from]
☐ under 12 ☐ 13-17 ☐ 18-19 ☐ 20-24 ☐ 25-29 ☐ 30-34 ☐ 35-39 ☐ 40-44 ☐ 45-49 ☐ 50-54☐
55-59 ☐ 60+

2c. How many years of schooling have you completed?
☐ 1-6 years ☐ 7-12 years ☐ More than 12 years ☐ Other_____

2d. What country were you born in? _____

2e. Are you a citizen of any *other* countries besides where you were born?
[INTERVIEWER: If concept of 'citizenship' is not clear, rephrase as 'Where were your parents born?']
☐ No
☐ Yes → Other country of citizenship # 1 _____# 2
_____
☐ Don't know

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Trafficking Victim Identification Tool

Section 3: Migration to the United States

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Migration *[PLEASE USE THE MIGRATION SECTION WITH FOREIGN-BORN CLIENTS ONLY]*

INTERVIEWER READ: "Now I am going to ask you some questions about your country of origin. I am not asking you this to find out about your immigration status. I am only trying to understand fully what your circumstances are so that we can refer you for the right help, if necessary. The questions ask about your migration to the U.S., who was involved, and how it was arranged."

For children, this may be rephrased: "We would like you to tell us about what happened to you when you traveled to the U.S."

3a. Can you tell me why you left your country?
☐ To find work
☐ To join family
☐ To join romantic partner (spouse/girlfriend/boyfriend)
☐ To escape abuse by family or someone else you know
☐ To escape conflict/violence/persecution
☐ Other *[fill in]*: _____

3b. What country did you live in for at least 3 months before you came to the U.S.?
_____
[INTERVIEWER: If client has come to the U.S. more than once, probe to make sure client refers to most recent place of residence]

3c. In what year was your most recent arrival to the U.S.? _____ (YYYY)
[INTERVIEWER: If client has come to the U.S. more than once, you can ask them about other entries to the U.S. if relevant.]
   → If you don't know exactly when you arrived in the U.S., about how long have you been here *[check one]*?
         ☐ Less than 1 year   ☐ 1 year   ☐ 2 years   ☐ 3 years   ☐ 4 years   ☐ 5 to 10 years   ☐
                  More than 10 years

3d. Did anyone arrange your travel to the U.S.?
☐ No
☐ Yes → Can you tell me who?
_____
      → What did they do?
_____

3e. Did the people or person who arranged your travel pressure you to do anything (for example, did anyone ask you to carry something across the border)?
[REPHRASE: Did you have to do anything so that they would help you?]
         ☐ No
         ☐ Yes → What were you pressured to do?
_____

Trafficking Victim Identification Tool

Section 4: Work

Work

INTERVIEWER READ: "Now I'm going to ask you some questions about work you've done *in the United States* and people you have worked for and with. I'm particularly interested in any kind of work you've done in which you felt that you did not get paid as much as you should, or if you felt scared or unsafe while working. This includes jobs that were not 'official' in regular workplaces. Remember, everything you tell me is confidential and you do not have to answer any questions that you don't want to answer."

4a. How have you supported yourself while in the U.S.? [REPHRASE: How have you paid for food, housing and other items in the U.S?]

_____
_____
_____
_____

4b. Have you worked for someone or done any other activities for which you thought you would be paid?
[INTERVIEWER: This could include activities like unpaid domestic work that might not be readily defined as "work" and should only detail those jobs in which the person felt unsafe or did not get paid what the person felt he/she should.]

☐ No
☐ Yes → What kind(s) of work or activities were you doing?

_____
_____
_____

→ How did you find out about these jobs/activities? [INTERVIEWER: probe for details, especially as they deal with recruitment from abroad]

_____
_____
_____

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Trafficking Victim Identification Tool

Section 5: Living and/or Working Conditions

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Living and/or Working Conditions

INTERVIEWER READ: "Next, I have just a few more questions I'd like to ask about problems you may have had in your living or working situation in the United States."

5a. When you were in that situation, were you living [or do you currently live]: *[INTERVIEWER: Should determine if client still in situation in question]*
☐ by yourself,
☐ with your family, or
☐ with others? If others, who did you live with?_____

5b. Do you live, or have you ever lived, in the same place where you work?
[INTERVIEWER: This could include activities like unpaid domestic work that might not be readily defined as "work"]
☐ No
☐ Yes *[INTERVIEWER: Record volunteered information here]*_____

5c. Have you ever felt you could not leave the place where you worked [or did other activities]?
[INTERVIEWER: Probe for situations where someone threatened to do something bad if client tried to leave.]
☐ No
☐ Yes → Could you tell me why you couldn't leave?
_____
_____

→ What do you think would have happened to you if you tried to leave?
_____
_____

5d. Have you ever worked [or did other activities] or lived somewhere where there were locks on the doors or windows or anything else that stopped you from leaving?
☐ No
☐ Yes *[INTERVIEWER: Record volunteered information here]*_____
_____

5e. Did anyone at the place where you lived or worked [or did other activities] monitor you or stop you from contacting your family, friends, or others? [REPHRASE: did you have to ask permission to contact your family, friends or others?]
☐ No
☐ Yes → Could you tell me why not?
_____
_____

Trafficking Victim Identification Tool

Section 6: Post-Interview Assessment

Post-interview Assessment (to be completed by the interviewer)

6a. Note any nonverbal indicators of past victimization:

6b. Note any indicators that responses may have been inaccurate:

6c. Indicate the likelihood that the client is a victim of trafficking:
☐ certainly not ☐ likely not ☐ uncertain either way ☐ likely ☐ certainly

6d. Briefly state up to three reasons for your rating:
(1)
(2)
(3)

6e. What kind of service referrals, if any, will you make for the client?
(1)
(2)
(3)
(4)
(5)

6f. Additional notes:

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TVIT: Short Form

Section 1: Screening Background

Section 2: Personal Background

Section 3: Living and/or Working Conditions

Section 4: Post-Interview Assessment

Total of 20 Questions

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RESPONSE TO SCREENING OUTCOMES

DCBS Screening Policies

- Positive Screener → Investigation
  - Make a report to Central Intake
    - include all known information regarding the trafficking situation
  - Refer to SOP 2.15.9 Investigations of Human Trafficking
    - Work investigation jointly with law enforcement
    - Ensure child/ren complete a forensic interview at the Child Advocacy Center
    - Consult case with the local Multidisciplinary Team (MDT)
    - Assess child/ren's safety throughout investigation
    - Ensure child/ren and/or family is referred to appropriate services

DCBS Screening Policies

A child who has a positive rapid screen for human trafficking is appropriate for services regardless of investigation outcome.

Intervention corresponds to risk	Least restrictive placement	Safety and Trust

National Human Trafficking Hotline

Source: National Human Trafficking Hotline (2020), online at: https://humantraffickinghotline.org/

Contact Information:

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Screener: Resources

Subjective

Validated

Definitions and Resources

Consultation

Specialized Services and Resources

Contact the human trafficking program leads on the out-of-home care branch or child protection branch for additional information