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## Victim Centered Approach: Protecting & Assisting Victims of Human Trafficking

*"I freed a thousand slaves. I could have freed a thousand more if only they knew they were slaves."*

*Harriet Tubman (1822-1913)*

The nature of human trafficking presents significant obstacles to those who seek to protect and assist victims. As noted in earlier chapters of this report, identifying the crime can be difficult because traffickers often isolate victims from their families, communities, and the public. Victims are sometimes kept locked behind closed doors.

Victims of human trafficking can also be hidden in plain sight. They may have a seemingly legal job at a legitimate hotel, factory, or restaurant, but are actually working for little or no money.

To maintain control, traffickers feed and exploit a victim's fears, using violence or threats of violence against a victim and his or her loved ones. Traffickers may tell victims that if they attempt to escape or seek help from the authorities, they will be imprisoned or deported. Traffickers may also take advantage of social and cultural stigma that results from the victimization by threatening to expose the circumstances to the victims' family and friends.

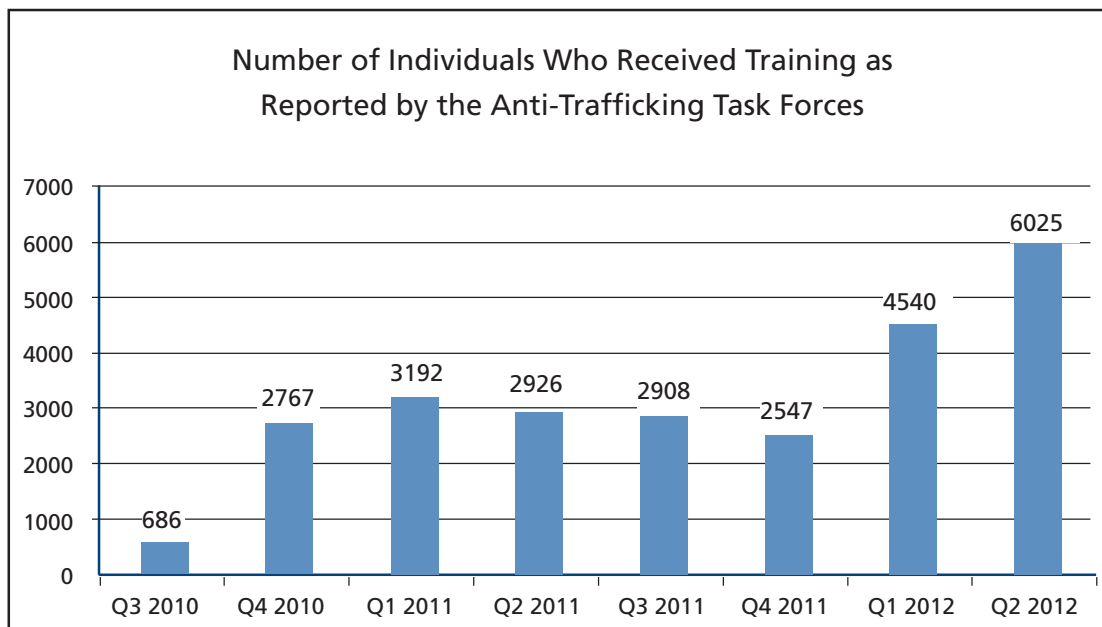
Those who suffer from labor or sexual exploitation are not likely to self-identify or report themselves as victims of human trafficking. Even when trafficking victims recognize their situation, they may not know what services are available or how to reach out for help.

Building on the discussion in Chapter 4 of the ways in which law enforcement agencies can work with each other, other government agencies, and victim service providers to bring traffickers to justice, this chapter examines some of the current efforts in California to protect and assist victims of human trafficking.

## Human Trafficking Training with a Victim-Centered Approach

The foundation for a victim-centered approach is appropriate training for law enforcement and other first responders in how to recognize and respond to incidents of human trafficking. The regional task forces funded by California Emergency Management Agency (Cal EMA) report quarterly on the number of individuals who receive human trafficking training through the task forces.<sup>1</sup> As shown in Chart 7, California's nine regional task forces have trained 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders between July 1, 2010 and June 30, 2012.

Chart 7



One reason why victim-centered training is important for law enforcement is because individuals who have been trafficked may not always be identified by law enforcement as victims. Human trafficking victims may be charged with prostitution in connection with their victimization, for example. In order to address this problem, the Legislature might consider additional legislation permitting human trafficking victims to seal and expunge records of a conviction that result from forced labor or services.

### Training for First Responders, Health Care Professionals, and Non-Traditional First Identifiers

In addition to training law enforcement, the task forces and NGOs provide training on human trafficking to non-law enforcement first responders. Fire fighters, emergency medical professionals, and health care professionals are often in a unique position to encounter and identify

victims of trafficking. In emergencies, first responders may be given access to victims and locations that are not accessible to law enforcement. Health care professionals may encounter trafficking victims when they observe chronic or severe health problems; victims typically only receive care, if at all, when their condition becomes advanced. These professionals must have the necessary knowledge to identify the signs of human trafficking and to support their patient-victims' needs. Medical professionals are encouraged to report suspicious activity (though not required by law to do so), and the Legislature might consider legislation to make human trafficking a mandated reportable event for medical professionals.

The Work Group noted the need for additional training tailored for first responders and other health care professionals. Information is available, including an article to help nurses recognize the signs of trafficking<sup>2</sup> and a tool kit for health care providers produced by the Office of Refugee Resettlement that provides tips for identifying and helping victims of human trafficking, among other information.<sup>3</sup> Health care providers, academia, and the victim service community can work together to develop training that addresses how first responders and other health care professionals might identify potential human trafficking victims, determine victims' mental health and medical needs, and access available resources.

Beyond first responders and health care professionals, a broad range of community members are in a position to encounter potential human trafficking victims. Training programs are also capitalizing on opportunities to train these non-traditional first identifiers. For example, as noted in Chapter 2, Airline Ambassadors International (AAI) has offered training for airline and airport support personnel after identifying human trafficking on four separate flights in 2009. In another example, the nonprofit Truckers Against Trafficking developed a website, mobile application, and hotline to help members of the trucking and travel plaza industries to identify and report instances of human trafficking. (See Chapter 6) Another potentially fruitful set of first identifiers are investigators who work for administrative agencies that inspect for health, labor, or tax code violations. These investigators should also receive training on how to identify potential instances of human trafficking.

Other potential first identifiers targeted by the National Human Trafficking Resource Center (NHTRC) for awareness and training include hotel/motel staff, labor rights organizations, restaurant associations, neighborhood associations, and faith-based organizations. For example, the NHTRC hotline identified taxi drivers and educational professionals as sources of valuable information regarding potential trafficking cases.<sup>4</sup> In the case of taxi drivers, Polaris Project, which runs the NHTRC hotline, found that taxi services are utilized by traffickers as a means of transporting victims to and from locations where sex or labor trafficking occurs. As a result, taxi drivers are ideal first identifiers because they often have an exact description and location of a victim.

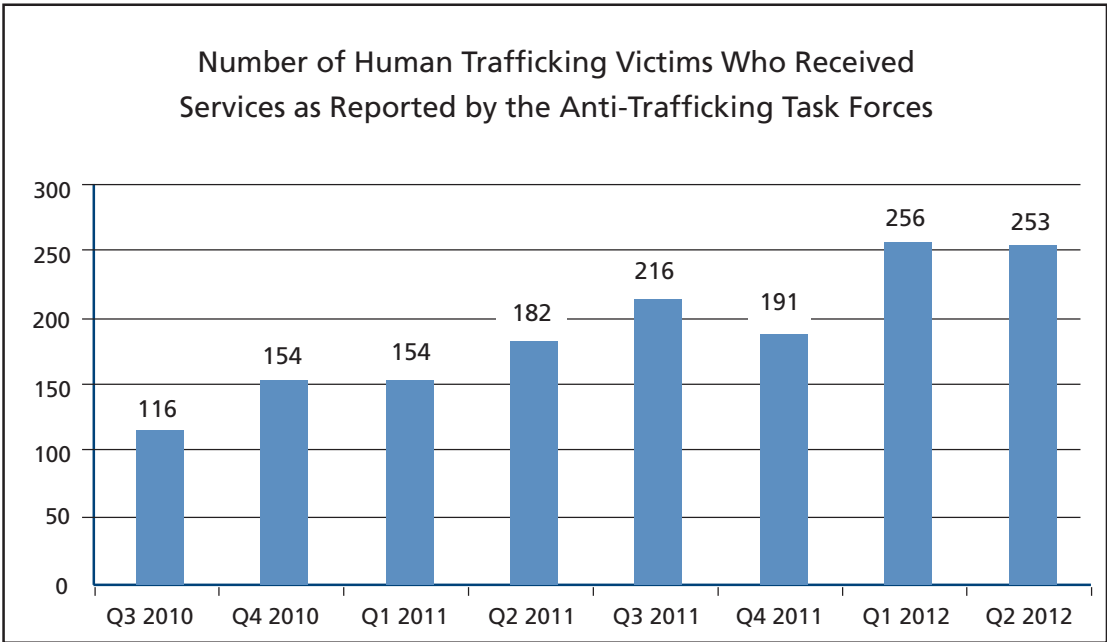
For a list of questions to help identify the signs of a human trafficking victim, see Appendix F.

# Comprehensive Services for Victims

NGOs throughout California provide a range of services to victims of human trafficking. Once free from their exploiters, victims often require comprehensive services, starting with immediate safety, health, and housing needs. Victims’ medical needs may include treatment for injuries resulting from beatings or torture, treatment for malnourishment, treatment for sexually transmitted diseases, or substance abuse treatment. Trafficking victims’ mental health needs include counseling, treatment and recovery services for post-traumatic stress disorder, depression, anxiety, self-blame, suicidal thoughts or attempts, or other mental trauma. Victims may also have a need for legal services, witness protection, and interpreters. Finally, trafficking victims may need education and life skills training. (For a list of NGOs in California, see Appendix D.)

California’s nine regional task forces have played an important role in connecting victims of human trafficking to services. Services provided to trafficked victims include: shelter, intensive case management, safety planning, crisis intervention, victim advocacy, interpretive services, mental health treatment, support in family reunification and/or preservation, medical care, dental care, substance abuse treatment, assistance with educational needs, life skills training, transportation, and assistance with obtaining visas, among other services. The task forces report quarterly to Cal EMA on progress toward meeting the goal of providing comprehensive services to human trafficking victims.<sup>5</sup> As Chart 8 shows, the task forces have connected 1,522 victims with services between July 1, 2010 and June 30, 2012. As this number is larger than the 1,277 victims identified by the task forces during this same period (see Chapter 3), it is likely that some individual victims are counted more than once when separate organizations provide services to the same victim.

Chart 8



Members of the Work Group reported that they have seen an increase in trafficking victims, both male and female, and that as a result, there is a continuing need for shelter and support services for trafficking victims of both genders. Safe, long-term shelter is particularly scarce for male and underage sex trafficking victims. Minors who are sex trafficked are often temporarily housed in the juvenile justice system or in group or foster homes because of a lack of safe housing alternatives. These facilities typically do not have the resources young trafficking victims need to recover. Because of this continuing lack of shelter and support services, leaders and policy makers in California should explore public and private options for creating long-term centers that provide housing and comprehensive services tailored to meet the needs of trafficking victims, especially male victims and victims under age 18.

The provision of legal services for victims of human trafficking has not kept up with the demand for assistance. The 2007 report recommended efforts to encourage attorneys to obtain training to work on a *pro bono* basis with organizations that serve human trafficking victims. Organizations across the state responded by conducting training for attorneys on the need for legal services for human trafficking victims, including the Asian Pacific Islander Legal Outreach (San Francisco) and the Legal Aid Foundation (Los Angeles). Strive2Free, a Sacramento-based non-profit, was formed by legal professionals to learn more about human trafficking and provide legal services for victims. The Coalition to Abolish Slavery and Trafficking (CAST) has also developed an 8-hour *pro bono* training and resource manual for attorneys and provides training for volunteer attorneys twice a year in the Los Angeles area. Despite these efforts, human trafficking victims' legal needs are still not adequately met. The legal community in California (e.g., bar associations, legal assistance organizations, and *pro bono* attorneys) should create regional and statewide networks of legal service providers who are proficient in services, benefits, and immigration options for human trafficking victims and who can train and mentor other legal service providers to assist NGOs and victims. These networks should examine the need for legal services in rural and underserved populations of California and establish ways to help meet those needs. For example, members of the Work Group identified Native American and LGBT populations, among others, as underserved groups in need of services related to human trafficking.

Finally, members of the Work Group expressed concern that a standardized training program for human trafficking caseworker confidentiality privilege does not exist in California. The California Evidence Code provides that a trafficking victim has a privilege to refuse to disclose and to prevent others from disclosing a confidential communication between the victim and a human trafficking caseworker. Victims are more likely to interact freely and openly with caseworkers who are able to assure them that the information they are sharing is confidential. One way that a qualified caseworker could be classified as a "human trafficking caseworker" and thus offer the benefits of confidential communication as provided for by the California Evidence Code is through specialized training in the counseling of human trafficking victims.<sup>7</sup> However, a standardized training program for caseworker confidentiality is not currently available. A standardized training program would aid human trafficking caseworkers in offering the benefits of privileged communication to the victims they serve.

## **Crime Victim and Witness Assistance Programs Available for Human Trafficking Victims**

There are many crime and witness assistance programs available for victims of human trafficking in California. However, members of the Work Group reported that human trafficking victims and victim service organizations are not always connected with these county, health and social service assistance programs. Often this was due to a lack of understanding and awareness of the benefits and services available to assist trafficking victims. County victim assistance, and health and social service agencies should be included in local or regional human trafficking coalitions to coordinate outreach and education about the resources available for human trafficking victims in the region, and how victims can access those resources.

### **Trafficking Victims Protection Act and Trafficking Victims Protection Reauthorization Act**

Human trafficking victims who are not United States citizens or lawful permanent residents may be eligible to receive federally-funded benefits and services provided for under the Trafficking Victims Protection Act of 2000 (TVPA) and the Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008.<sup>8</sup> (See Table 4, “Certification and Eligibility Letters Issued to Foreign Human Trafficking Victims in California,” for the number of trafficking victims in California receiving benefits under this program from 2006 to 2011.) The TVPA makes housing, health care, education, job training, and other federally funded social services programs available to assist trafficking victims.

In passing the TVPA, Congress created the “T” and “U” nonimmigrant status, also known as T visa and the U visa.<sup>9</sup> The T Visa provides immigration protection to victims of trafficking; the U Visa provides immigration protection to crime victims who have suffered substantial mental or physical abuse as a result of the qualifying crime. These visas allow victims to remain in the United States to assist law enforcement agencies in an investigation or prosecution of human trafficking or other qualifying crime.

### **Unaccompanied Refugee Minors Program**

Non-citizen minors who are identified as trafficking victims by the Office of Refugee Resettlement (ORR) are eligible to participate in the Unaccompanied Refugee Minors (URM) program.<sup>10</sup> The URM program provides foster care and other services to minors, including those who are trafficking victims, who are in the U.S. alone without a parent or close relative willing or able to care for them.

At the time of the 2007 report, minors could receive URM services through just one site in California, the Catholic Charities of Santa Clara County. The 2007 report included a recommendation that ORR consider funding a second URM program site, preferably in Southern California. In 2008, the ORR and the California Department of Social Services established a second URM site, operated through the Crittenton Services for Families and Children (CSFC)

in Fullerton in Orange County.<sup>11</sup> To date, CSFC has provided services to 15 minor victims of human trafficking, including 10 minors who are currently in the program.

### **Trafficking and Crime Victims Assistance Programs**

The state-funded Trafficking and Crime Victims Assistance Program (TCVAP) provides benefits and services to non-citizen trafficking victims who have not yet been certified by the ORR to receive federal benefits and services under the TVPA.<sup>12</sup> Benefits and services available to trafficking victims through this program include cash assistance, food stamps, medical assistance, and refugee social services to assist with adjustment and facilitate self-sufficiency. (See Table 3, “Number of Trafficking Victims in California Served by TCVAP” for the number of trafficking victims in California receiving benefits under this program from July 2010 to June 2012.)

### **Victim Compensation Program**

The California Victim Compensation Program (CalVCP) provides victims and their families with compensation to help cover the cost of treatment and other support services.<sup>13</sup> If a person meets eligibility criteria, CalVCP will compensate many types of services when the costs are not covered by other sources. Eligible services include medical and dental care, mental health services, income loss, funeral expenses, rehabilitation, and relocation. Funding for CalVCP comes from restitution fines and orders, penalty assessments levied on persons convicted of crimes, and traffic offenses and matching federal funds.

Despite the benefits of CalVCP, the program’s eligibility criteria for benefits may be too restrictive when applied to trafficking victims and could lead to the denial of benefits for many of these victims. The regulations governing CalVCP permit the denial of benefits to a victim who was involved in the events leading to the qualifying crime.<sup>14</sup> Factors that are considered include whether the conduct of the victim caused, resulted in, or reasonably could have led to the qualifying crime and whether the victim was negligent and placed him or herself in a position to be injured or victimized. While the regulations also provide for factors to be considered to mitigate or overcome involvement in the events leading to the qualifying crime,<sup>15</sup> the potential denial of benefits to trafficking victims when applying these regulations is problematic. CalVCP is committed to serving human trafficking victims but members of the Work Group voiced concern that some victims may none the less fall through the cracks of their eligibility criteria. The denial factors could be re-evaluated to ensure the program is fairly applied.

### **California Witness Relocation and Assistance Program**

The California Witness Relocation and Assistance Program (CalWRAP) provides protection for witnesses and their families, friends or associates who are endangered due to ongoing or anticipated testimony in gang, organized crime, narcotic trafficking cases, or in other cases that have a high degree of risk to the witness.<sup>16</sup> Because some human trafficking cases involve



gangs and organized crime or other situations that present a high degree of risk, witnesses in human trafficking cases may be eligible to receive protection through CalWRAP.

### **California Victim/Witness Assistance Program**

The Victim/Witness Assistance Program is administered by the California Emergency Management Agency and provides comprehensive services to assist victims and witnesses of violent crime, including human trafficking, through Victim and Witness Assistance Centers in each of California's 58 counties.<sup>17</sup> Forty-seven of these Centers are in District Attorney's Offices, eight are in Probation Departments, and three are in community-based organizations. Services provided by the Victim and Witness Assistance Centers include crisis intervention, emergency assistance, resource and referral assistance, direct counseling, victim of crime claims, property return, orientation to the criminal justice system, and restitution.

### **Harnessing Technology to Connect with Victims and Potential Victims of Human Trafficking**

To reach victims and potential victims of human trafficking as effectively as traffickers, it is critical that government entities and others focus on new ways to use technology and social media for education and outreach, which should be available in multiple languages and an easy-to-access format. Below are some examples of efforts to leverage technology in service of victims.

#### **Internet Search Terms and Website Widgets**

Of all ways that the Californians who called the National Human Trafficking Resource Center (NHTRC) hotline in 2011 reported having found the hotline, a web search was the most common. To ensure that those searching the web for assistance related to human trafficking are connected with the hotline, the Attorney General's Office launched a project in 2012 with Yahoo!, Microsoft Bing, and Polaris Project, which runs the NHTRC hotline, to provide Internet users with the NHTRC hotline number when they search for specific words or phrases in the Yahoo! and Bing search engines. If key search terms such as "human trafficking" are entered on Yahoo! Search, Internet users will see a banner that states: "Call the National Human Trafficking Resources Center at 1-888-373-7888 to report sex trafficking, forced labor, or to get help." Similarly, if terms like "human trafficking" are searched through Bing, an ad titled "Report Human Trafficking" appears along with "Call the National Human Trafficking Resource Center at 1-888-373-7888." The goals of these initiatives are to quickly identify victims of human trafficking by connecting survivors and community members to resources and support, and to raise public awareness about human trafficking.

The California Attorney General's Office has also created a website widget for download to allow operators of any website to display a banner with the NHTRC hotline. This widget can be found on the Attorney General's website at <http://oag.ca.gov/widgets/human-trafficking>.



## **National Human Trafficking Resource Center Hotline – Text Short Code**

Polaris Project is partnering with the DNA Foundation to develop a text short code to allow victims who are unable to make an audible call to text an easy-to-remember number to reach out for help. The text short code is expected to be introduced to the public in 2013.

### *Conclusion*

Although the nature of human trafficking makes it difficult to identify, protect, and assist victims of trafficking, efforts are already underway in California to train law enforcement and other first responders on how to recognize and respond to human trafficking. In the two years between July 1, 2010 and June 30, 2012, California's nine regional task forces have provided training for over 25,000 law enforcement personnel, prosecutors, victim services providers, and other first responders. Still, further efforts are needed to train non-traditional first identifiers who may be in a position to encounter human trafficking victims. Identifying and assisting victims of human trafficking should be a broad effort, and as such, training is needed across the board in California's professional communities.

Human trafficking victims have a broad range of needs including safety, health, and housing needs and a need for legal services, witness protection, and interpreters. While over 1,500 victims have been connected with services between July 1, 2010 and June 30, 2012, there is still more to be done to adequately meet the needs of human trafficking victims in our state. There are continuing deficiencies in the availability of long-term shelter and legal services and in the awareness of available benefits. Further, more can be done in California to promote the victim-centered approach, including permitting human trafficking victims to seal and expunge records of a conviction that resulted from forced labor, or services, ensuring that CalVCP benefits are fairly applied to victims of human trafficking, and making sure that human trafficking caseworkers receive standardized training to offer privileged communication to the victims they serve.

## Recommendations

### 1. Improve Health Care Providers' Ability to Help Victims.

- a. **Training for First Responders and Health Care Professionals:** Health care providers, academia, and the victim services community should work together to develop appropriate training that helps first responders and health care professionals identify human trafficking victims, determine victims' mental health and medical needs, and access available resources.
- b. **Mandatory Reporting:** Human trafficking is not a mandated reportable offense for medical professionals. The Legislature may consider legislation to make human trafficking a mandated reportable event for medical professionals.

### 2. Improve Victims' Ability to Seek Help.

- a. **Accessible Information Online:** Many victims of human trafficking have Internet access. Internet companies should collaborate with law enforcement and community groups to develop online tools to give victims access to help and to generally raise public awareness of human trafficking.
- b. **Caseworker Confidentiality Privilege:** The California Evidence Code provides that a trafficking victim has a privilege to refuse to disclose and to prevent others from disclosing confidential communication between the victim and a human trafficking caseworker. This privilege can be asserted only if the human trafficking caseworker who receives the communication has received specialized training in the counseling of human trafficking victims. There is, however, no such standardized training program in California. A standardized training program would aid human trafficking caseworkers in offering the benefits of privileged communication to the victims they serve.

### 3. Improve Services and Benefits Available to Victims.

- a. **Long-Term Centers:** There is a continuing need for safe, long-term shelter for trafficking victims. Key leaders and policy makers in California should explore public and private options for creating long-term centers that provide housing and comprehensive services tailored to meet the needs of trafficking victims, especially male victims and victims under age 18.
- b. **Access to Legal Services:** The provision of legal services for trafficking survivors has not kept up with the demand for assistance. The legal community in California (e.g., bar associations, legal assistance organizations, and *pro bono attorneys*) can help by creating regional and statewide networks of legal service providers who are proficient in assistance, benefits, and immigration options for human trafficking victims and who can train and mentor other legal service providers to

assist NGOs and victims. The need for legal services in rural and underserved populations of California is an issue especially worthy of examination.

- c. **Eligibility for CalVCP Benefits:** The factors for denial of CalVCP benefits may be overly broad as applied to victims of human trafficking. The California Victim Compensation and Government Claims Board, which administers CalVCP, is encouraged to re-evaluate the eligibility of human trafficking victims for benefits and propose any appropriate modifications to ensure the program is fairly applied for victims of human trafficking.
- d. **Awareness of Services:** Human trafficking victims and victim service providers are not always connected with county health and social service programs. Including county victim assistance, health, and social service agencies in local or regional human trafficking coalitions can help coordinate outreach and education about the resources available for human trafficking victims in the region, and how victims can access those resources.

#### 4. Help Victims Rebuild.

- a. **Conviction Records:** Human trafficking victims who are coerced by traffickers into commercial sex may be prosecuted for crimes like prostitution in connection with their victimization. The Legislature may wish to consider legislation permitting human trafficking victims to seal and expunge records of a conviction that results from coercion into forced labor or services.

## End Notes:

- <sup>1</sup> There are additional human trafficking training programs in California that are not included in the task force reporting to the California Emergency Management Agency. Therefore, these data reflect only a segment of all of the human trafficking training in California.
- <sup>2</sup> Donna Sabella, "The Role of the Nurse in Combatting Human Trafficking: Learn How to Recognize the Signs that Someone is Being Trafficked and How to Safely Intervene," *American Journal of Nursing* 111, (February 2011).
- <sup>3</sup> "Rescue and Restore Campaign Tool Kits," Office of Refugee Resettlement, accessed October 26, 2012, <http://acf.hhs.gov/programs/orr/resource/rescue-restore-campaign-tool-kits>.
- <sup>4</sup> National Human Trafficking Resource Center, "Increasing Awareness and Engagement: Strengthening the National Response to Human Trafficking in the U.S.: Annual Report 2011," (2012), available online at: <http://polarisproject.org/resources/hotline-statistics>.
- <sup>5</sup> There non-governmental organizations in California providing services to victims of human trafficking that are not included in the task force reporting to the California Emergency Management Agency. Therefore, these data reflect only a segment of all the victims identified and provided services or assistance in California.
- <sup>6</sup> California Evidence Code § 1038 (2012).
- <sup>7</sup> California Evidence Code § 1038.2 (2012).
- <sup>8</sup> U.S. Department of Health & Human Services, "Services Available to Victims of Human Trafficking: A Resource Guide for Social Services Providers," (May 2012), accessed October 26, 2012, [http://www.acf.hhs.gov/sites/default/files/orr/traffickingservices\\_0.pdf](http://www.acf.hhs.gov/sites/default/files/orr/traffickingservices_0.pdf).
- <sup>9</sup> "Victims of Human Trafficking and Other Crimes," U.S. Citizenship and Immigration Services, accessed October 26, 2012, <http://uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=829c3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=829c3e4d77d73210VgnVCM100000082ca60aRCRD>.
- <sup>10</sup> "About Unaccompanied Refugee Minors," Office of Refugee Resettlement, accessed October 26, 2012, <http://acf.hhs.gov/programs/orr/programs/urm/about>.
- <sup>11</sup> "Human Trafficking Victims," California Department of Social Services, accessed October 26, 2012, <http://cdss.ca.gov/refugeeprogram/PG1268.htm>.
- <sup>12</sup> Ibid.
- <sup>13</sup> "California Victim Services," Victim Compensation and Government Claims Board, accessed October 26, 2012, <http://vcgcb.ca.gov/victims/>.
- <sup>14</sup> California Code of Regulations, Title 2, § 649.52. (2012).
- <sup>15</sup> California Code of Regulations, Title 2, § 649.57. (2012).
- <sup>16</sup> "California Witness Relocation and Assistance Program," State of California Department of Justice, accessed October 26, 2012, <http://oag.ca.gov/witness-protection>.
- <sup>17</sup> The California Emergency Management Agency, "Victim/Witness Assistance Program," available online at: <http://calema.ca.gov/PublicSafetyandVictimServices/Documents/JLBC%20pieces/VW%20Final%20JOAM.pdf>.