

KEY CONCEPTS IN HUMAN TRAFFICKING



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Table of Contents

What is Human Trafficking?.....	2
Federal Laws Pertaining to Human Trafficking.....	2
Risk Factors for Children who are Trafficked for Sex.....	3
Identifying & Working with Trafficked Youth: Tips & Tools.....	3
Links to Resources	7
Interstate Compact for Juveniles and Human Trafficking Flowcharts.....	8
ICJ Rules as Applied to Human Trafficking (HT) Cases	9
Glossary of Terms	10

What is Human Trafficking?

As addressed in the Trafficking Victims Protection Act of 2000 (22 USC § 7102), human trafficking includes:

1. **Sex trafficking**, which is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes 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 an act has not attained 18 years of age; and
2. **Labor trafficking**, which is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 USC § 7102).

Federal Laws Pertaining to Human Trafficking

[Trafficking Victims Protection Act \(TVPA\)](#): Establishes Human Trafficking and related offenses as federal crimes and defines minors in trafficking as victims and not criminals. The TVPA takes a three-pronged approach: prevention (public awareness programs), protection for victims (access to federally funded social service programs such as housing assistance, health care, education and job training and the T-Visa for international victims who have been trafficked in the U.S. to become temporary residents) and prosecution (through new federal crimes).

[Victims of Child Abuse Act](#): Expands the definition of “child abuse” to include physical or sexual abuse or neglect of a child, including human trafficking and the production of child pornography.

[Preventing Sex Trafficking and Strengthening Families Act of 2014](#):

1. States must develop policies and procedures to identify, document, screen and determine appropriate services for children under the child welfare agency’s care and supervision, who are victims of, or at risk of, sex trafficking.
2. State child welfare agencies must immediately report children in their care identified as sex trafficking victims to law enforcement.
3. State child welfare agencies must report missing youth to law enforcement, within 24 hours, for entry into the National Crime Information Center (NCIC) and to the National Center for Missing and Exploited Children (NCMEC).
4. Requires child welfare agencies to develop and implement protocols to locate children who runaway or are missing from foster care, determine the child’s experiences while absent from care, develop screening to determine if the child is a sex trafficking victim, and report information to HHS.

Risk Factors for Children who are Trafficked for Sex

As described by the [National Human Trafficking Training and Technical Assistance Center](#), risk factors include:

1. Age (especially 12-16 years)
2. Runaway and homeless youth
3. Involvements with child protection or juvenile justice systems
4. History of sexual or physical abuse, or neglect
5. Mental health challenges (often related to exposure to Adverse Childhood Experiences—ACEs)
6. Substance abuse
7. Living in poverty or in areas with high-crime rates
8. LGBTQ+ identifying youth
9. Dysfunctional family systems (substance abuse, criminality, violence)
10. Family involvement in trafficking or gangs

Identifying & Working with Trafficked Youth: Tips & Tools

There is currently a lack of evidence-based best practices that are specific to human trafficking. Nonetheless, principles related to trauma-informed responses and child sexual abuse investigations are generally applicable to cases involving human trafficking.

Multidisciplinary Approach to Identification

Identifying victims of trafficking can be difficult because many juveniles don't identify themselves as "victims." Furthermore, many professionals lack training and education about human trafficking and/or fear of retribution from trafficker. Identification of youth who are victims of trafficking often falls to first responders, law enforcement, doctors, teachers, social workers and juvenile justice providers.

Many juveniles who are being trafficked are already involved with multiple systems, such as child protection, juvenile justice, law enforcement, medical, and/or education systems. Professionals who have come into contact with trafficked youth may not know it because of lack of training. When systems work together, they can pool information and resources, and share training curricula and experience. Training and awareness help improve identification. Communication among lawyers, caseworkers, social workers, mental health providers, detention staff, and probation officers can prevent youth from moving deeper into systems that are not designed to meet their underlying needs.

Numerous Screening tools have been developed help professionals identify trafficking victims. A partial list is provided on in the [Links to Resources](#) section of this document. Unfortunately, very few were specifically designed and validated for use with juveniles.

Indicators that a Youth May be Involved in Sex Trafficking

As described in [Human Trafficking in America's Schools](#), the following indicators may be signs that a youth is a victim of human trafficking and should be evaluated with an established screening tool:

1. Lack of school attendance/unexplained school absences
2. Running away from home
3. References made to travel to other cities
4. Bruises or other signs of trauma
5. Withdrawn behavior, depression, anxiety, fear
6. Lack of control over schedule
7. Signs of drug addiction
8. Responds to questions in ways that appear coached/rehearsed
9. A sudden change in attire, behavior, relationships or material items
10. References to sexual situations/terminology beyond what is developmentally normal, uncharacteristic promiscuity
11. Presence of a "boyfriend" or "girlfriend" who is older and/or controlling
12. Attempt to conceal scars, tattoos or bruises
13. A sudden change in attention to personal hygiene
14. Tattoos that appear to display a name or moniker of a trafficker
15. Hyperarousal or hypoarousal

Initial Response

The first priority must be to focus on the youth's **immediate needs** for safety, emergency housing, access to food, water, clothing, access to interpretation services if needed and establishing who has legal guardianship of the youth.

Immediate Housing Considerations: Use of Detention

Detention is Permitted by ICJ Rules and OJJDP

Pursuant to ICJ Rules [6-101](#), [6-102](#), and [6-103](#), a non-delinquent runaway may be securely detained to allow such juvenile to be safely returned to a parent or guardian having custody of the youth. While the federal Juvenile Justice and Delinquency Prevention Act (JJDP) generally prohibits placing status offenders in custody, it expressly includes an exemption for juveniles "held in accordance with the Interstate Compact on Juveniles as enacted by the State;" see 34 U.S.C. 11133(a)(11)(A)(III). See also [Temporary Secure Detention of Non-Adjudicated Juvenile Runaways, revised May 2019](#).

Detention is Required by ICJ Rules if Juvenile is “a Danger to Themselves or Others”

Pursuant to [Rule 6-102\(1\)](#): “Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.” Similar language is reflected in Rule 6-103.

Advantages to Detention

A juvenile is less likely to run away from detention and more likely to be returned to the home state. Detention can eliminate or greatly reduce communications with trafficker, and thereby increase the juvenile’s safety and reduce the risk of the juvenile returning to the trafficker.

Concerns regarding Detention

Many trafficking victims experience additional trauma when held in detention, especially when treated as “offenders.” The likelihood of a juvenile returning to the trafficker may be increased if the trafficker’s promises are preferable to detention experiences. As discussed in [Youth Trafficking: Systems of Care](#), victims of trafficking who are inappropriately placed in detention often experience low treatment rates and high recidivism rates.

Alternatives to Detention

Residential facilities specific to youth who have been trafficked are limited, but available in some locations. Reunification with family may be an option. Foster homes may be considered, especially if child protective services are involved.

Reporting and Investigation

Once a youth has been identified as a trafficking victim, law enforcement must be notified. Typically, a local, state or federal law enforcement agency will open an investigation, which will include interviewing the victim. In addition to reporting, state ICJ office personnel should educate law enforcement agencies regarding ICJ timelines applied to returns to help ensure that investigations are planned and carried out in a timely manner.

A report to the state’s child protection system should also be made. Please note, responses by state child protective services (CPS) agencies may vary. In some states, CPS agencies will only investigate reports related to human trafficking if the trafficker is a caretaker.

Multidisciplinary Teams (MDT) in Investigations

The [U.S. Department of Justice](#) recognizes that the best approach to child abuse and neglect (including sexual exploitation of children) investigations is through the formation of an MDT. [MDTs allow providers](#)

[to better coordinate joint responses to human trafficking investigations](#), avoid the risk of multiple professionals interviewing a youth separately about traumatic events and allows for information to be shared about survivor's needs for services, treatment and placement.

The most basic MDT includes members of law enforcement (consider federal, state and local LE), child welfare agency staff and juvenile justice agency staff. Other professionals to include are a case coordinator, a victim's advocate, schools, runaway and homeless youth providers, prosecutors, mental health providers, medical providers, probation and substance abuse providers.

State laws often permit sharing information within multidisciplinary teams that would otherwise be subject confidentiality laws. Depending on state laws and resources, state ICJ office personnel may be involved in multi-disciplinary teams. It is essential to know whether the state ICJ office is listed as a member of the MDT to determine what, if any, information may be shared. Prior to participation in a MDT, state ICJ office personnel should review state laws and agencies policies regarding information sharing.

Forensic Interviewing

Many states have local forensic interviewers who work out of a [Children's Advocacy Center \(CAC\)](#) and/ or have trained law enforcement officers and child protection workers in forensic interviewing. While the CAC forensic interviewing model recommends a single investigative interview, human trafficking investigations may require multiple interviews given the complex nature of these cases.

Both the Federal Bureau of Investigations (FBI) and Homeland Security Investigations (HSI) have forensic interviewers who conduct forensic interviews with individuals identified through an investigation by their agency. State ICJ office personnel can request FBI involvement by contacting an FBI Victims Specialist or local FBI office in either the home state or the holding state. If the juvenile has been trafficked across state lines, a Child Adolescent Forensic Interviewer (CAFI) may be assigned to conduct an interview.

Links to Resources

Multidisciplinary Responses

[Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls](#), by Rebecca Epstein and Peter Edelman, provides an overview of the MDT approach to human trafficking and includes case studies of multidisciplinary anti-trafficking teams.

[Human Trafficking Task Force e-Guide](#), published by [Office for Victims of Crime Training & Technical Assistance Center](#), provides an overview of human trafficking and suggestions on how to form an anti-human trafficking task force, supporting different populations of victims and building/prosecuting human trafficking cases.

[Preliminary Recommendations to Strengthen the Nation's Response](#) from the [National Advisory Committee on the Sex Trafficking of Children and Youth in the United States](#) is an outline regarding preliminary recommendations related to best practices with two literature reviews that support the content.

[Youth Trafficking: Systems of Care](#) is a literature review published by the [National Human Trafficking Training and Technical Assistance Center](#)

Literature Reviews

[Sex Trafficking of Children and Youth: A Summary of Research and Recommendations for the Field](#) is a literature review published by the [National Human Trafficking Training and Technical Assistance Center](#).

[Trafficking and Commercial Sexual Exploitation of Minors: A Selected Bibliography](#) provides extensive information regarding trafficking related research complete with abstracts for most articles, published by the [National Children's Advocacy Center](#).

Screening Tools

[Human Trafficking Screening Tool](#) published by the [Urban Institute](#)

[Comprehensive Human Trafficking Assessment Tool](#) published by the [National Human Trafficking Resource Center](#)

[Commercial Sexual Exploitation Identification Tool](#) published by the [WestCoast Children's Clinic](#)

[Human Trafficking Screening Tool](#) published by the [Ohio Human Trafficking Task Force](#)

[Trafficking Victim Identification Tool](#) published by the [VERA Institute of Justice](#)

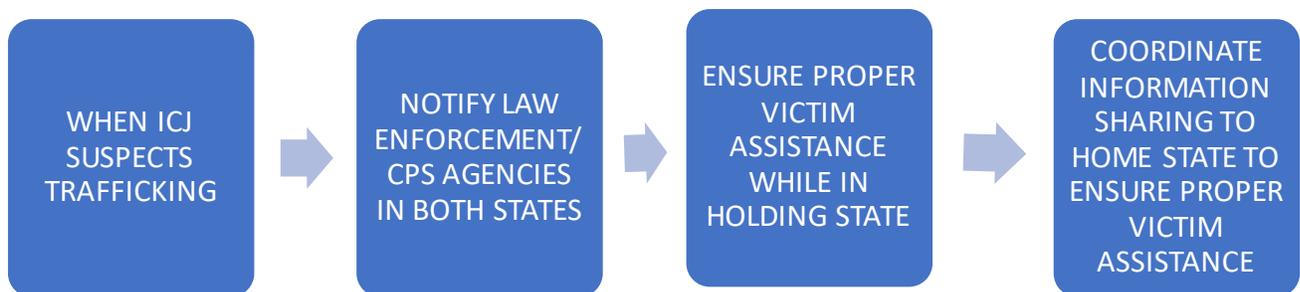
[A Short Screening Tool to identify Victims of Child Sex Trafficking in the Health Care Setting](#) published by the [Semantic Scholar](#)

Interstate Compact for Juveniles and Human Trafficking Flowcharts

When a Human Trafficking Victim Has Been Identified



When Human Trafficking Is Suspected



ICJ Rules as Applied to Human Trafficking (HT) Cases

RULE 6-101(1) states: “Juvenile authorities may release a non-delinquent runaway to his/her legal guardian or custodial agency within the first twenty-four (24) hours (excluding weekends and holidays) of detention without applying the Compact, except in cases where the holding authority suspects abuse or neglect in the residence of the legal guardian or custodial agency.”

APPLICATION: Abuse or neglect may be assumed in HT cases and the juvenile will not be released to a parent/legal guardian under this rule.

RULE 6-102(1) states: “Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.” Similar language is reflected in Rule 6-103.

APPLICATION: Secure detention is required in cases where the juvenile has been determined to be a danger to themselves or others. However, that does not exclusively mean a juvenile detention center. Under ICJ, a staff secure facility meets the definition of a secure facility.

RULE 6-105 states: “When a holding state has reason to suspect abuse or neglect by a person in the home/demanding state, the holding state’s ICJ Office shall notify the home/demanding state’s ICJ Office of the suspected abuse or neglect. The home/demanding state’s ICJ Office shall work with the appropriate authority and/or court of competent jurisdiction in the home/demanding state to affect the return of the juvenile.”

APPLICATION: Holding state ICJ office will notify home state of HT of a juvenile from their state. The home state must work with a home state court, i.e. a child welfare court, to affect a safe return of the juvenile.

Glossary of Terms

Adverse Childhood Experiences (ACEs): Experiences in childhood that have been linked to risky health behavior, chronic health conditions, low life potential and early death. Some ACEs that have been identified include childhood physical, emotional and sexual abuse, neglect, parental substance abuse, parental absence (divorce, abandonment, death), witnessing domestic violence, parental mental health, and parental incarceration

Assessment vs. Screening: A screening is a process for evaluating the possible presence of a particular problem that helps determine if someone is in need of an assessment. An assessment is a way to gather detailed information regarding a person's needs in a certain area. Example: the UNCOPE screening helps identify whether someone may be misusing substances and an assessment would help determine if someone meets criteria for a substance abuse disorder and what kind of treatment is

Child Advocacy Center (CAC): CACs are child-focused, facility-based programs in which representatives from many disciplines, including law enforcement, child protection, prosecution, medical and mental health, victim advocacy, and child advocacy, work together to conduct interviews and make team decisions about investigation, treatment, management, and prosecution of child abuse cases.

Exploitation: Unfair, if not illegal, treatment or use of somebody or something, usually for personal gain

Forensic Interview: A non-leading, victim sensitive, neutral, and developmentally appropriate investigative interview that helps law enforcement determine whether a crime occurred and what happened. The goals of a forensic interview are to minimize any potential trauma to the victim, maximize information obtained from victims and witnesses, reduce contamination of the victim's memory of the alleged event(s), and maintain the integrity of the investigative process.

LGBTQ+: Acronym for lesbian, gay, bisexual, transgender, queer, plus others who identify as part of this community

Multidisciplinary Team (MDT): A team of professionals from multiple agencies/systems who collaborate with each other to coordinate responses to complex issues, such as child sexual abuse and human trafficking in order to establish a more effective approach to the issue and to better meet the needs of children and families

Survival Sex: Trading sex for food, a place to sleep, clothes, other basic needs, drugs, or anything of value

System of Care: Community-based approach that includes a full range of services and effective coordination between providers to deliver a holistic response to a targeted population