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# Best Practices to Combat Human Trafficking

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## **PURPOSE**

The purpose of this white paper is to provide an overview of best practices and policies used to identify human trafficking victims, offer appropriate services, and deliver legal remedies to the crime.

The research encompassed a literature review of 35 reports and articles, and email and phone interviews with eight key informants in governmental and nongovernmental organization (NGO) positions (see appendices A and B). Research was conducted over 50 hours during July and August, 2011.

## **FINDINGS**

Human trafficking is often referred to as “modern-day slavery,” but combating the crime is complicated by the hidden nature of the phenomenon. Over the last decade the problem has received increasing attention from law enforcement, social service providers, and state and federal agencies. A number of approaches and programs have emerged as being particularly successful in the following areas.

### ***Best practices for identification of victims include:***

- Increased education and awareness for law enforcement, border officials, and school personnel.
- Programs which “cast a wide net” and provide education to, or survey members of, high-risk groups.
- Increased outreach to non-English radio and TV stations, as well as print media.

### ***Best practices for legal remedies include:***

- Extra care and sensitivity must be employed by law enforcement officers when working with minors and foreign-born workers who may have more distrust of the police than most members of the population.
- Victims need assistance pursuing both criminal and civil charges against trafficking perpetrators. The Equal Employment Opportunity Council has been especially effective assisting victims of labor trafficking.

**Best practices for services for victims include:**

- Offer victims comprehensive, wrap-around services including housing, security, counseling, and job training, among other services.
- The Bridge Program in Seattle, Deborah’s Gate in Vancouver, B. C., and GEMS in New York City are examples of programs that employ best practices in providing such services.

**WASHINGTON STATE AND HUMAN TRAFFICKING**

At its core, human trafficking is the illegal trade in human beings for the purpose of exploitation. The United Nations’ Palermo Protocol defines human trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation.”<sup>1</sup>

Under the U.S. Criminal Code, human trafficking crimes focus on the act of compelling or coercing a person's labor, services, or commercial sex acts. Human trafficking crimes do not require any smuggling or movement of the victim. Undocumented migrant workers, U.S. and foreign-born minors, and documented guest workers are considered the populations most vulnerable to trafficking.<sup>2</sup>

Washington is considered a high-risk state for trafficking because it has an international border, multiple ports, areas of geographic isolation, and a demand for agricultural, domestic, and sex industry workers.<sup>3</sup> However, the state is also considered a national leader in combating the crime, becoming the first state to pass an anti-trafficking law in 2003. Forty-five states have since followed suit,<sup>4</sup> although there are a wide variety of laws and definitions on the books.<sup>5</sup>

The Department of Justice estimates that 14,500 to 17,500 persons are trafficked into the U.S. annually,<sup>6</sup> and experts believe the majority are women and children.<sup>7</sup> According to the U.S. State Department, foreign-born victims are more often found in labor trafficking than sex trafficking. The top countries of origin for foreign victims in FY 2010 were Thailand, India, Mexico, Philippines, Haiti, Honduras, El Salvador, and the Dominican Republic.<sup>8</sup>

Victims are typically defined within the following typologies:

- 1) Labor or sex trafficking victims

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<sup>1</sup> United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, (2000).

<sup>2</sup> U.S. Department of State, *Trafficking in Persons Report*, (June 2011).

<sup>3</sup> Washington State Department of Commerce, *Human Trafficking: Present Day Slavery*, (June 2004).

<sup>4</sup> The U.S. State Department, *Trafficking in Persons Report*.

<sup>5</sup> Polaris Project, 2011 State Rankings Chart, <http://www.polarisproject.org/what-we-do/policy-advocacy/state-policy/current-laws>.

<sup>6</sup> Caliber Associates, *Estimating Human Trafficking into the United States: Development of a Methodology*, (December 2006).

<sup>7</sup> Elzbieta M. Gozdzia and Margaret MacDonnell, “Closing the Gaps: The Need to Improve Identification and Services to Child Victims of Trafficking,” *Human Organization*, Vol. 66, No. 2 (2007).

<sup>8</sup> The State Department, *Trafficking in Persons Report*.

- 2) Domestic or foreign-born
- 3) Youth or adult

Trafficked youth and adults are kept captive through a variety of means, including debt bondage, isolation from their families and communities, confiscation of passports and identification documents, the use or threat of violence, being told they will be imprisoned or deported if they contact authorities, and control of the victims' money.<sup>9</sup>

## **IDENTIFICATION OF TRAFFICKING VICTIMS**

Law enforcement officers and service providers are keenly interested in better identification of victims, which is difficult due to the hidden nature of the crime. No one knows for sure how many youth and adults are trafficked each year in Washington. A 2008 study looking solely at domestic minor sex trafficking (DMST) estimated between 300 and 500 juvenile prostitutes in King County alone, with higher estimates ranging up to 800.<sup>10</sup> Cultural and language barriers, as well as the danger to those attempting to assist victims involved in criminal activity, create impediments to methodologically sound research. Additionally, the nature of agricultural employment in Washington and other agricultural-dependent states (short seasons, remote locations, and mobility of the workforce) poses additional challenges for labor law enforcement efforts.<sup>11</sup> Lastly, some victims may not realize their circumstances fall within the category of trafficking and therefore may not identify as trafficked persons, adding an extra layer of complexity to assessment and identification.

The large majority of victims who receive assistance access services through referrals from law enforcement or other service providers (95 percent) followed by word-of-mouth (54 percent) and community outreach (51 percent).<sup>12</sup> This may mean that most victims do not self-identify as trafficked and seek out assistance on their own – instead, in the majority of cases, someone else assesses them and refers them to services. Therefore, connecting victims to services and legal remedies is often dependent on the awareness level of the first point of contact, for example a school, immigration official, or law enforcement officer.

### **Better Detection at the Borders**

Each year, immigration officials apprehend tens of thousands of children unaccompanied by parents at U.S. borders. Most are returned to their country of origin, but approximately 8,000 children remain annually in federal custody. Few if any of these youth are subsequently reported as trafficked. Experts believe this indicates a need for better education and awareness of immigration officers, because “it is likely that a significant number of potential victims are being overlooked.”<sup>13</sup>

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<sup>9</sup> *Washington State Department of Community, Trade, and Economic Development*, Washington State Task Force against the Trafficking of Persons (July 2008)

<sup>10</sup> Lee van der Voo and Carol Smith, “Prostitution of Children in Seattle Mushrooms, While Portland’s Reputation Suffers,” Investigate West, <http://invw.org/content/prostitution-of-children-in-seattle-mushrooms-while-portlands-reputation-suffers> (January 14, 2011).

<sup>11</sup> U.S. Department of Labor, *List of Goods Produced by Child Labor or Forced Labor*, (2010).

<sup>12</sup> Caliber Associates, *Needs Assessment of Service Providers and Trafficking Victims*, (October 2003).

<sup>13</sup> Gozdzik et al., “Closing the Gaps.”

Because many victims wind up in immigration and deportation facilities, advocates have called for increased efforts to assess the trafficking status of those detained. In response to this concern, Immigration and Customs Enforcement (ICE), in cooperation with the Department of Homeland Security, has developed a “Risk Assessment Tool,” currently in draft form, which includes questions addressing trafficking. In early 2012, officers will be required to use this tool with all detainees. If an individual responds affirmatively to the trafficking questions, their case will be automatically referred to an investigative office for follow-up and appropriate action.<sup>14</sup>

### **“Casting a Wide Net”**

To circumvent the challenges of victim identification, some programs attempt to “cast a wide net” and canvas all members of vulnerable populations. One successful example is the INTERVENE intake process, a pilot project jointly sponsored by Portland State University, the YWCA of Vancouver, WA, and Shared Hope International. During a three-and-a-half-month pilot period, 535 youth were admitted to detention at the Clark County Juvenile Detention Center and were asked a series of questions to determine whether they might be DMST victims. Forty-seven youth were flagged and referred to receive additional levels of assessment, resulting six in being identified as trafficked victims. These youth were then provided with targeted services and access to law enforcement, which resulted in the investigation and prosecution of two traffickers. The INTERVENE tool has since been adopted by other youth detention and residential crisis centers.<sup>15</sup>

Better education of potential victims of trafficking about danger signs and their employment rights is also utilized across various sectors. For instance, all foreign national students receiving J-1 visas, and all guest workers receiving H-2A or H-2B visas, are now given a pamphlet in their language of origin before leaving their home country explaining their rights as workers in the U.S. and the risks of trafficking. Additionally, some states have mandated that certain businesses, such as hotels or establishments with liquor licenses, post the national trafficking hotline number.<sup>16</sup> Washington employs a similar approach by mandating informational posters at all highway rest stops. The posters, translated into Russian, Vietnamese, Tagalog, Spanish, Chinese, Korean and English, are also displayed at community centers, churches, and on light poles in targeted areas.<sup>17</sup>

A 2009 report explained the rationale for this approach: “So far trafficking policy has tended to focus on the trafficked – but targeting may not always be the best way to help combat trafficking in persons. Since many trafficking victims are unknown and not assisted, generic development programs could help this group. Interventions could focus on the socially vulnerable and not just trafficked victims.”<sup>18</sup>

### **Outreach through Non-English Media**

Putting advertisements or promoting stories and editorials into non-English media can reach foreign-born victims in ways that more mainstream publicity means cannot. In a 2007 report, one survivor of trafficking recommended that information about trafficking and employee rights “should be printed out in each language because most victims don’t speak or read English.” Another survivor recommended

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<sup>14</sup> Lindsey Cole, U.S. Immigration and Customs Enforcement, email exchange, August 22, 2011.

<sup>15</sup> Shared Hope International, *Domestic Minor Sex Trafficking: Child Sex Slavery in Washington*, (June 2011).

<sup>16</sup> Nikki Marquez, Polaris Project, telephone conversation, August 18, 2011.

<sup>17</sup> Jennifer Sullivan, “Multi-Language Posters Aimed at Combating Teen Prostitution,” Seattle Times, [http://seattletimes.nwsourc.com/html/localnews/2013450263\\_teenprostitution17m.html](http://seattletimes.nwsourc.com/html/localnews/2013450263_teenprostitution17m.html), (Nov. 16, 2011).

<sup>18</sup> International Organization for Migration, *Trafficking in Persons and Human Development: Toward a More Integrated Policy Response*, (October 2009)

that information about trafficking should be published in non-English newspapers. These recommendations are echoed by a 2003 survey of service providers, who advised “making inroads into ethnic communities through the use of ethnic radio, television, and newspapers.”<sup>19</sup>

## **LEGAL RESPONSE AND REMEDIES**

### **Criminal Remedies**

Under Washington’s statutes, a person commits the crime of trafficking when he or she recruits, harbors, transports, transfers, provides, obtains, or receives another person knowing that force, fraud, or coercion is used to cause that person to engage in forced labor, involuntary servitude, or a commercial sex act. The crime is also committed when a person benefits financially or otherwise from participating in crime of trafficking.<sup>20</sup> Other statutes address the mail order bride industry<sup>21</sup> and illegal harvesting and sale of human organs.<sup>22</sup>

The U.S. State Department reports that some foreign-born victims are misidentified and referred to juvenile justice and immigration systems rather than protective services, in part because understanding of the phenomenon of trafficking has not reached all layers of law enforcement. According to research conducted by Northeastern University, less than 20 percent of police agencies in the U.S. have had any training to know what trafficking is, only 9 percent have protocols or policies in place if a case is identified, and less than 5 percent have investigators specializing in trafficking.<sup>23</sup>

In addition to increased training for law enforcement, experts recommend increasing the availability of legal aid attorneys working with the general populations in immigration facilities. In the year 2000 the Victims of Trafficking and Violence Protection Act (VTVPA) created a special nonimmigrant classification designated as the T visa for victims of trafficking brought into the U.S., and a U visa for immigrant victims of specific crimes who assist law enforcement with the investigation and/or prosecution of the crime.<sup>24</sup> These two visa classifications aim to prevent trafficking victims from being deported and instead allow them to access services, including foster care for youth victims, and legal remedies against their perpetrators. But in order to learn about their options to pursue these visas, foreign-born victims need access to lawyers and advocates fluent in their language of origin.

Because trafficked persons largely come from already-marginalized populations, law enforcement must use extra care when working with suspected victims. A 2010 study assessing the Washington’s response to DMST noted, “The primary barrier stated by law enforcement and prosecutors to successful prosecution of traffickers is victim cooperation.”<sup>25</sup>

The Department of Justice funds 39 anti-trafficking task forces nationwide, each consisting of federal, state and local law enforcement investigators and prosecutors, labor enforcement, and an NGO providing services to victims. Washington’s task force, known as WashACT, is based in Seattle and co-

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<sup>19</sup> Caliber Associates, *Needs Assessment for Service Providers and Trafficking Victims*.

<sup>20</sup> Washington State Senate Committee on Judiciary, “Final Bill Report SSB 5546,” (2011).

<sup>21</sup> Washington State Legislature, “Engrossed Substitute Senate Bill 6412,” Chapter 115, Laws of 2002.

<sup>22</sup> Washington State Senate Committee on Judiciary, “Final Bill Report SSB 5546.”

<sup>23</sup> ICF International, *Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices*, (July 30, 2008).

<sup>24</sup> Northwest Immigrants Rights Project, *Quick Facts*, <http://www.nwirp.org/NWIRPsImpact/QuickFacts.aspx>.

<sup>25</sup> Shared Hope International, *Domestic Minor Sex Trafficking: Child Sex Slavery in Washington*.

chaired by the Seattle Police Department and the U.S. Attorney's Office of the Western District of Washington. Seattle Detective Sgt. Ryan Long, who served on the WashACT task force, shared his perspective on best practices for law enforcement officers:

*Just about all of the victims that the Vice & High Risk Victims Unit (including the [Human Trafficking] detail) work with distrust the police on some level. They are conditioned by their environment and culture (foreign or domestic), not to mention the exploiters, to avoid and distrust the police. Some of the victims have had bad experiences with police contacts. Moreover, law enforcement has reinforced the philosophy perpetuated by offenders that the police will either not believe the victim or arrest them, by doing just that.*

*Our current model is to be forthright with the victims regarding their victim status, and inviting medical professionals and counselors to speak with them even before a police interview. Sometimes we do have to incarcerate the victims, because our state laws only afford us the opportunity to release the victim/offender to a relative, placing them with CPS, or holding them in juvenile detention. Often, family and CPS are not good options, because the victim can run away at will. Detention offers the alternative of court ordered treatment, which is helpful in many of our cases. For those in detention, we visit them every day so they know we care about them. For those in shelter, we communicate via case managers in order to coordinate our involvement for maximum benefit.*

*Foreign victims are the toughest for us to reach. Not only do we have a language barrier, we have to fight their instincts regarding culture, which are based on their experiences in their homeland, where law enforcement is often corrupt.*

*I guess the formula for us has been a combination of persistence, picking good detectives and training them well. We have a real good track record with sex trafficking victims, and this success is something we can point to as examples for victims of what to expect. Another factor is community partnership. The service providers can vouch for us, because we've taken the time to build relationships and trust with them.<sup>26</sup>*

Criminal remedies vary from state to state, and Washington's are generally ranked as being among the most comprehensive in the country. The Polaris Project has compiled a chart comparing state laws addressing trafficking within 11 categories (see appendix C).

### **Civil Remedies**

One avenue for adult victims of human trafficking is to pursue civil remedies, either in addition to or instead of criminal remedies. William Tamayo is Regional Attorney for the U.S. Equal Employment Opportunity Council and serves on the WashACT task force. His office has successfully litigated on behalf of many foreign-born adult victims of trafficking. Mr. Tamayo explained, "[M]y office and the EEOC as a whole want to make sure that immigration law, immigration status, and immigration officers are not weapons in the arsenal of an unscrupulous employer, and that a worker can pursue her federal civil rights claims."<sup>27</sup> In a 2010 speech, he shared a story about one of his experiences with trafficked persons:

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<sup>26</sup> Sgt. Ryan Long, Seattle Police Department, email exchange August 24, 2011.

<sup>27</sup> William Tamayo, "The EEOC and Immigrant Workers," Symposium: The Evolving Definition of the Immigrant Worker: The Intersection Between Employment, Labor, and Human Rights Law (2009).

*Late one night in 2000, I received a disturbing call from the Iowa Coalition Against Domestic Violence telling me that several Mexican women had been trafficked into the United States to work in the poultry plants of DeCoster Farms. These women were repeatedly raped by co-workers and supervisors and had little recourse as they were threatened with termination and deportation if they complained. The EEOC promptly sent a team of investigators to Iowa. But the victims were scared to cooperate with the federal investigation since they had also been threatened with physical harm, including more rapes, if they cooperated. The EEOC quickly filed papers for a preliminary injunction to stop the retaliation so we could investigate. After months of investigation and negotiations, the EEOC announced a \$1.525 million settlement in September 2002. Then EEOC Chair Cari Dominguez stated, 'Protecting immigrant workers from illegal discrimination has been, and will continue to be, a priority for the EEOC.'*

## **SERVICES FOR VICTIMS OF TRAFFICKING**

Human trafficking victims often escape with no resources, community connections, or means to obtain food and shelter, and therefore are in need of comprehensive and integrated services. According to a 2003 report, the top needs for trafficking victims, and the percentage reporting needing each service, are housing (98 percent), medical (98 percent), advocacy (97 percent), legal (97 percent), transportation (96 percent), outreach (96 percent), food (95 percent), info/referral (95 percent), mental health (95 percent), service coordination (91 percent), employment (90 percent), and protection (90 percent).<sup>28</sup>

In Washington, the members of the WashACT task force report that the biggest need for victims of trafficking is for more shelters with services geared to their special needs and experiences. Many victims wind up staying at general women's shelters, domestic violence shelters, transitional housing and rented apartments. In some cases, trafficking victims are not allowed at domestic violence shelters because such shelters are limited to those who have experienced "intimate partner violence."<sup>29</sup>

### **The Bridge Program, Seattle**

Once youth are identified as trafficked, there are limited options for shelter placement in Washington. The Bridge Program, operated by Seattle's YouthCare, is the only DMST shelter in the state. The Bridge Program offers a high level of security for its residents and wraparound services not typically found at other runaway shelters.<sup>30</sup> Currently in a three-year pilot, the Bridge Program is funded by the City of Seattle, King County, the Gates Foundation, and other foundations and nonprofits.<sup>31</sup> The Bridge offers a highly structured environment, providing counseling for trauma recovery, health education, life skills training, job readiness training, and support for GED or high school completion.

### **Deborah's Gate, Vancouver, B.C.**

Deborah's Gate is the only program of its kind in Canada, offering safe housing and comprehensive services for victims of human trafficking. Run by the Salvation Army, the program offers 10 beds for

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<sup>28</sup> Caliber Associates, *Needs Assessment for Service Providers and Trafficking Victims*.

<sup>29</sup> Pacific Northwest National Laboratory, *Technology and Research Requirements for Combating Human Trafficking: Enhancing Communication, Analysis, Reporting, and Information Sharing*, (March 2011).

<sup>30</sup> U.S. State Department, *Trafficking in Persons Report* (2011).

<sup>31</sup> City of Seattle Human Services Department, Commercially Sexually Exploited Children, The Bridge Program, <http://www.seattle.gov/humanservices/domesticviolence/prostitutedyouth/bridgeprogram.htm>.

those escaping both labor and sex trafficking. According to Director Naomi Krueger, the program sees a high need in both areas.<sup>32</sup>

Deborah's Gate maintains a 24-hour crisis line, but most clients are referred by third parties including law enforcement, churches, and domestic violence shelters. Deborah's Gate's first four clients were labor trafficking victims. They were forced to work cleaning a hotel, and one day someone slipped a copy of the Employment Standards Act under the door of the room they were cleaning. The women gained a new understanding of their rights from reading the Act, but still waited a year before seeking assistance.

Deborah's Gate employs a human rights-based approach to service provision, putting a high priority on allowing residents to recover their self-determination. Residents immediately need a safe bed and food, but a less tangible and equally important need is to build rapport and trust with the staff at the shelter. One component of the care offered is risk assessment for each client, which leads to matching the individual with the services they need, including immigration consultation, life skills development, culturally sensitive counseling, and medical services. The length of stay for residents is not limited, because of the time needed for victims to recover, process their options and decide whether to pursue legal action. Ultimately, community reintegration is the goal for each client.<sup>33</sup>

### **GEMS, New York City**

The Girls Educational and Mentoring Services (GEMS) is one of the few organizations in the country designed to serve girls and young women who have experienced commercial sexual exploitation and domestic trafficking. GEMS offers prevention and outreach activities facilitated by peer-led teams, which conduct workshops in residential and detention facilities across New York City to raise awareness about the realities of the commercial sex industry.

GEMS currently offers two housing programs for survivors of DMST. The Transitional Independent Living program provides housing to runaway and homeless youth between the ages of 16 and 21 who require a supportive environment in which they can learn living skills and participate in counseling programs. A second program, the Imani House, provides supportive services to enable individuals ages 18 to 23 who are fleeing domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and to integrate into the community.

Counselors provide one-on-one and group counseling, and support services can include mental health assessments, healthcare, assistance with identifying and acquiring benefits, family intervention, and assistance in obtaining employment. Other support includes incentives for girls and young women to continue their educations, and a leadership development program that encourages members to develop their public-speaking and community-organizing skills through outreach, events, advocacy, and media work.

## **ADDITIONAL APPROACHES TO CURBING TRAFFICKING**

### **Corporate Responsibility**

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<sup>32</sup> Naomi Krueger, Director, Deborah's Gate Safe House, telephone conversation on August 17, 2011.

<sup>33</sup> Deborah's Gate, <http://www.deborahsgate.ca/>.



Businesses are increasingly adopting Corporate Responsibility Statements (CRSs), which are self-regulated policies which seek to articulate a business's positive impact on its consumers, the environment, and/or communities it impacts. In order for such statements to have real effects, consumers and workers must exert pressure. In June of this year, the UN Human Rights Council endorsed the "Guiding Principles on Business and Human Rights" to implement the UN's "Protect, Respect and Remedy" framework, described as a global standard to prevent the risk of adverse impacts on human rights linked to business activity. The Guiding Principles advise businesses to undertake a six-step process, starting with the adoption of a policy that states what human rights the process intends to respect and what violations of human rights it explicitly intends to avoid.

A good example of a human rights code being adopted by businesses is the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* which was initiated in 2001 by businesses in the tourism sector. As of August, 2010 the Code had been signed by more than 970 companies operating in 40 different countries. Tour operators and hotel chains agree to carry out internal checks and also accept external monitoring in the form of spot checks and interviews with their staffs.<sup>34</sup>

In another example, an organization of farm workers has brought significant attention to forced labor in agriculture and has succeeded in winning commitments from retailers to end purchases if "slavery is discovered in their supply chain[s]." The Coalition of Immokalee Workers (CIW) has 4,000 members, most of whom pick tomatoes and other crops in Florida and other southeastern states. Laura Germino, the coordinator of the CIW's Anti-Slavery Campaign explains:

*When the CIW began in the early 1990s, we did not set out to be an anti-slavery organization – it was formed as a labor and human rights organization, fighting for better wages and dignity for farm workers. But in the course of our work, we came across first one forced labor case, then another, then another, and it became clear that the initial cases were not anomalies, but rather that an all-too significant percentage of the overall farm workforce is being held against their will. So today, we have an Anti-Slavery Campaign focusing on investigation, training, and prevention as part of our organization's overall mission. The cases we helped uncover include U.S. vs. Flores, U.S vs. Cuello, U.S. vs. Ramos, U.S. vs. Evans, and, concluded just this past December, U.S. vs. Navarrete – freeing more than 1,000 workers and putting more than a dozen employers behind bars. The slavery charges are brought under federal laws stemming from the 13<sup>th</sup> Amendment.<sup>35</sup>*

Through consumer education, boycotts, and persistent lobbying, the CIW was able to establish a code of conduct with a zero tolerance policy for forced labor. By the end of 2010, nine large food corporations had signed on. The pressure eventually convinced the Florida Tomato Growers Exchange, representing over 90 percent of the Florida tomato industry, to make a direct agreement with the CIW "extending fair food principles across the industry and involving farm workers in the establishment and protection of their own rights."<sup>36</sup>

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<sup>34</sup> The Code, [www.thecode.org](http://www.thecode.org).

<sup>35</sup> Laura Germino, "Trafficking for Labor Exploitation in the Agricultural Sector," Coalition of Immokalee Workers, (April 2009).

<sup>36</sup> Ibid.

## **CONCLUSION**

Understanding of the nature of human trafficking, and the best ways to end it and assist victims, is a rapidly evolving field. Over the last decade there has been substantial growth in the literature on the subject as well as activities within various sectors (primarily law enforcement and social service providers) addressing trafficking.

### **Best Practices for Program Design**

A 2007 evaluation of comprehensive services for trafficking victims provided a list of characteristics of effective initiatives to assist victims, which included a client-centered approach, experience with the population being assisted, cultural sensitivity, comprehensiveness, and a shared vision among the agencies that may be collaborating on the program.<sup>37</sup>

Experts also recommend talking with the intended beneficiaries of a program during the development phase, and getting firsthand information from them. A 2009 report explains, “In the case of anti-trafficking programs, as in many development initiatives, the people who are intended to benefit principally are routinely in an unequal power relationship with law enforcement officials, social workers, NGO staff and others involved in administering programs intended to help them.”<sup>38</sup> Therefore, it requires sensitive and deliberate outreach to members of these populations to inform the design of effective programs to assist them.

Lastly, it is advisable to include well-thought-out processes for measurement and evaluation in program design. A 2009 report recommends, “As in the case of other projects designed to bring about change, it is not sufficient to assess whether a project has simply delivered the ‘outputs’ that it promised at the outset.”<sup>39</sup> Instead, it is necessary to measure “results indicators” to find out whether the actual behavior of people has been transformed in any way.

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<sup>37</sup> Caliber and Associates, *Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned* (June 2007).

<sup>38</sup> International Organization for Migration, *Human Trafficking: New Directions for Research* (2008).

<sup>39</sup> Ibid.

## **APPENDIX A: SELECTED BIBLIOGRAPHY OF RESOURCE MATERIALS**

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## **APPENDIX B: CONTACT INFORMATION FOR KEY INFORMANTS**

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State	Sex Trafficking	Labor Trafficking	Asset Forfeiture And/Or Investigative Tools	Training Requirement And/Or Human Trafficking Task Force	Post HT Hotline	Safe Harbor; Protecting Sex Trafficked Minors	Lower Burden of Proof for Sex Trafficking of Minors	Victim Assistance	Access to Civil Damages	Vacating Convictions For Sex Trafficking Victims	PENALTY - Failure To Enact Basic Anti-Trafficking Provisions	Out of 12
<u>NJ</u>	<u>X</u>	<u>X</u>	<u>X(2)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>5</u>
<u>NM</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>X(2)</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6</u>
<u>NY</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X(2)</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>2011</u>	<u>-</u>	<u>8</u>
<u>NC</u>	<u>X</u>	<u>X</u>	<u>X(2)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6</u>
<u>ND</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>4</u>
<u>OH</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>4</u>
<u>OK</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>6</u>
<u>OR</u>	<u>X</u>	<u>X</u>	<u>X(2)</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>*</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>5</u>
<u>PA</u>	<u>-</u>	<u>X</u>	<u>X(2)</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-1</u>	<u>3</u>
<u>RI</u>	<u>X</u>	<u>X</u>	<u>X(2)</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6</u>
<u>SC</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-1</u>	<u>0</u>
<u>SD</u>	<u>2011</u>	<u>2011</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>*</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2</u>
<u>TN</u>	<u>X</u>	<u>X</u>	<u>2011</u>	<u>-</u>	<u>2011</u>	<u>2011</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6</u>
<u>TX</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X(2)</u>	<u>X</u>	<u>-</u>	<u>2011</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>9</u>
<u>UT</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>4</u>
<u>VT</u>	<u>X</u>	<u>2011</u>	<u>*</u>	<u>2011</u>	<u>2011</u>	<u>X</u>	<u>X</u>	<u>2011</u>	<u>2011</u>	<u>-</u>	<u>-</u>	<u>8</u>
<u>VA</u>	<u>X</u>	<u>X</u>	<u>X*</u>	<u>2011</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2011</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>5</u>
<u>WA</u>	<u>2011</u>	<u>X</u>	<u>2011</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>7</u>
<u>WV</u>	<u>*</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-2</u>	<u>-2</u>
<u>WI</u>	<u>X</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>4</u>
<u>WY</u>	<u>-</u>	<u>*</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-2</u>	<u>-2</u>
<b>Total</b>	<b>45</b>	<b>48</b>	<b>22 / 28</b>	<b>15 / 11</b>	<b>8</b>	<b>7</b>	<b>25</b>	<b>20</b>	<b>14</b>	<b>4</b>	<b>-</b>	<b>-</b>

**SCORING and KEY:** Each “X” is worth one point, out of a total of twelve points that span ten categories. Categories three and four have two sub-parts, which are each worth one point. The year “2011” is also worth one point and indicates that the bill was signed into law during the 2011 Legislative Cycle. An asterisk indicates that a state has passed a law that partially covers the category, but did not receive the full point because it did not meet the requirements of the category description. The asterisk is meant to signify our recognition of the state’s efforts to pass the law required to receive credit.

**SUMMARY RESULTS:**

**-2: MA, WV, WY**

**0: SC**

**1: -**

**2: SD, MT, CO, AK, AR**

**3: MS, NH, OH, PA,**

**4: AZ, HI, KS, KY, LA, ME,**

**MI, ND, NE, UT, WI**

**5: AL, DE, ID, IA, NV, NJ, OR**

**VA**

**6: DC, IN, MD, NC, NM, OK,**

**RI, TN**

**7: CA, GA, MO, WA**

**8: FL, IL, NY, VT**

**9: CT, TX**

**10: MN**

**NINE LAGGING BEHIND: AK, AR, CO, MA, MT, SC, SD, WV, WY**

States that have failed to enact any laws against human trafficking: **MA, WV, and WY**



## 2011 STATE RATINGS CHART CATEGORY DESCRIPTIONS

- 1. Sex Trafficking:** A statute that criminalizes sex trafficking and includes elements of inducing another through force, fraud, or coercion to engage in a commercial sex act. Some states have related laws in the prostitution code and were given credit if they had the same criminal elements.
- 2. Labor Trafficking:** A statute that creates the crime of labor trafficking or trafficking in persons, in which a person is compelled through force, fraud or coercion into providing labor or services.
- 3. (a) Asset Forfeiture for Human Trafficking:** A statute that provides for the forfeiture of assets used in the course of the crime or acquired with proceeds from the crime of human trafficking.
- 3. (b) Investigative Tools for Law Enforcement:** A statute that amends existing Racketeering (RICO) statutes to include the crime of human trafficking or authorizes the use of wiretapping by law enforcement in human trafficking investigations.
- 4. (a) Training on Human Trafficking for Law Enforcement:** A statute that mandates or encourages law enforcement to be trained in human trafficking issues and the law.
- 4. (b) Human Trafficking Commission or Task Force:** A statute that creates, establishes or encourages a task force, commission or advisory committee dedicated to addressing human trafficking.
- 5. Posting a Human Trafficking Hotline:** A statute that mandates or encourages the public posting of a human trafficking hotline, such as the National Human Trafficking Resource Center hotline or a state human trafficking hotline.
- 6. Safe Harbor; Protecting Sex Trafficked Minors:** A statute that dictates that minor victims of sex trafficking cannot be prosecuted for prostitution, and instead are diverted to the child protection system and/or victim service programs rather than criminal/juvenile detention programs for prostitution crimes.
- 7. Lower Burden of Proof for Sex Trafficking of Minors:** A statute that ensures that the elements of force, fraud or coercion are not required for a trafficker to be prosecuted for the sex trafficking of a minor. This statute must be under the sex trafficking section in order for the state to receive credit.
- 8. Victim Assistance:** A statute that provides assistance, mandates the creation of a victim services plan, or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, continuing education, legal services, and/or a human trafficking caseworker privilege.
- 9. Access to Civil Damages:** A statute that provides victims of human trafficking with the ability to seek civil damages from their traffickers.
- 10. Vacating Convictions for Sex Trafficking Victims:** A statute that permits victims to have convictions for prostitution that were committed as a result of being trafficked vacated and/or expunged from their criminal records.