



## The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

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### **Guiding Principles to Address the Needs of Victims of Human Trafficking in Pennsylvania**

#### **Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness**

##### **Introduction**

Over the past three years, the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness ("Commission") has hosted a series of meetings of statewide stakeholders, including prosecutors, law enforcement, victim advocates, and direct service providers, among others, to develop a set of best practices to aid victims of human sex trafficking throughout the state. While the stakeholders discussed resources that currently exist for victims, they also identified areas that require special attention and improvement, specifically: (1) Identification of Victims, including Emergency Response and Interim Solutions; (2) Long-Term Victim Needs; (3) Special Considerations for Juvenile Victims; and (4) Education. Based upon these discussions, the stakeholders produced a set of Guiding Principles and Elements of Model Programs for use by communities throughout the Commonwealth.

##### **Overview of Legal Protections**

Human trafficking of adults and juveniles in Pennsylvania is prohibited by both state and federal law. Pennsylvania Act 105 makes it a felony for someone who "recruits, entices, harbors, transports or provides, or obtains by any means...another person, knowing that the other person will be subjected to forced labor or services."<sup>1</sup> The law also requires that the Pennsylvania Commission on Crime and Delinquency ("PCCD") develop a database of community resources and benefits available for victims of human trafficking. Finally, the PCCD is responsible for making grants to improve services to victims (particularly healthcare, temporary/permanent housing, legal/immigration assistance, and employment placement or educational opportunities), increase public awareness of human trafficking, and train first responders who may encounter such victims.

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<sup>1</sup> Federal prohibitions are similar, with 22 U.S.C. §7102 defining "sex trafficking" as "the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act."

In order to address the special needs of juvenile victims of commercial sexual exploitation, the Pennsylvania legislature recently passed the Safe Harbor Act<sup>2</sup>, which was signed into law by Governor Wolf on October 24, 2018. The law prohibits the state from prosecuting sexually-exploited children for the offenses of obstruction of highways and prostitution, and requires that sexually-exploited children who are charged with other offenses, such as trespass, false identification, and others, during the course of their abuse, be referred for treatment and social services to a county agency through dependency proceedings. Additionally, the law requires that the Department of Human Services (DHS) work in conjunction with county agencies to develop training program and protocols for providers who offer services to address the needs of sexually exploited children.

### **Guiding Principles**

Recognizing that every victim of human trafficking is different and comes into contact with law enforcement and the courts in a different manner, the stakeholders developed a set of "guiding principles" that could be utilized by jurisdictions throughout the Commonwealth to address the needs of victims of sexual exploitation in their unique communities. They include the following:

1. *A victim-centered, trauma-focused approach* - This approach should be used by professionals who are working with victims of human trafficking. Those professionals should be trained on the specific type of trauma that victims face, and should work to empower, not re-traumatize, these victims.
2. *Non-criminalization* - Victims of human trafficking should be treated as victims, not as criminals. Charging victims of human trafficking with offenses they commit as a direct result of being trafficked (such as prostitution, providing a false ID, and other non-violent offenses) ignores their trauma, can be re-traumatizing, and discourages victims from seeking help.
3. *Individualized response* - While an array of services, such as crisis counseling, trauma therapy, addiction treatment, residential placement, continuing education, and career counseling, should be available to victims of human trafficking and tailored to each individual's specific needs, they should not be mandatory.
4. *Collaboration among stakeholders* - Many different groups may encounter victims of human trafficking and play a role in assisting victims: police, prosecutors, first responders, judges, attorneys, and service providers. It is important that these groups

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<sup>2</sup> PA Act 130 of 2018, formerly Senate Bill 554.

work together and communicate, within the confines of confidentiality, to prioritize victim safety and well-being.

### **Elements of a Model Response**

#### *1. Identification of Victims*

The first step to assisting victims of human trafficking is to identify them as such. Professionals who may encounter human trafficking victims, such as police, judges, medical professionals, DHS staff, social workers, educators, attorneys, hospitality industry staff, service providers, among others, should receive specialized training on victim identification. Specialized training should be consistent for all involved in each county's coordinated response. This training would educate those most likely to come into contact with human trafficking victims on how to identify potential victims and whom to contact when they suspect someone may be a victim. Trainings can be conducted by victim services staff or trained Children, Youth and Families (CYF) staff. To proactively identify potential juvenile victims, law enforcement should coordinate with local the CYF office to identify the repeated runaways.

##### *a. Emergency Response*

Once a victim has been identified by police, medical personnel, victim advocates, or DHS staff, emergency protocols should be implemented to address immediate needs victims may face: crisis support, physical safety, medical care, emergency housing, drug/alcohol treatment, and other basic needs.

A victim services advocate should be notified immediately to provide the victim with support and assess her/his individual needs. Victim services advocates are available in each county. They are aware of local resources and will accompany the victim to appropriate emergency and medical services. Advocates should provide the continuum of victim services, including crisis counseling and accompaniment, and connect the victim to trauma-therapy services. The advocate should also facilitate a coordinated response between systems and providers to ensure the victim's needs are met. Since needs may be met through collaboration with various stakeholders, it is important that the victim have an advocate who has knowledge about available resources and can make the connections for the victim.

##### *b. Interim Solutions*

Emergency housing needs for the victim must be addressed. While some victims need simply a clean bed in a safe location, others may need immediate specialized placement, such as in an in-patient addiction treatment program.

Unless charged with an independent violent offense or requested by the victim, emergency residential placement should NOT be a jail or other criminal detention facility. This violates the principles of non-criminalization and a trauma-informed approach to the care of the victim. Adult victims who have been in an intimate relationship with their trafficker may be eligible for placement in domestic violence shelters. Other residential programs open to sexual assault victims can be used to house adult victims who did not have an intimate relationship with their trafficker. Because many of these programs in Pennsylvania are at or near capacity, this type of placement would only be an interim solution.

## *2. Long-Term Needs of Victims*

Once established, each county would follow a similar model, providing emergency housing, short and long-term residential treatment, and an array of services to meet the individualized needs of each victim. Each county would have a 24/7 on-call advocate, available to assist any first responder who may have encountered a victim. Advocates will work with all stakeholders, police, prosecutors, judges, medical personnel and other service providers, to create an individually tailored plan for each victim. This plan would first address emergency needs, which can include hospitalization. Once the victim is stabilized, the advocate would help with the transition to the level of service the victim's plan requires.

## *3. Special Considerations for Juvenile Victims*

Identification and Emergency Response for these victims for the most part would be the same as adult victims. However, it is important to note that juvenile victims will have needs that differ from adult victims, which may alter both the Interim Solutions and Long-Term Needs portions of the Model Response Plan for juvenile victims.

In particular, the provisions of the new Safe Harbor Law require that juvenile victims who are charged with certain offenses during the course of their abuse must be referred to a county agency through dependency proceedings, allowing the victims to receive treatment and social services. Additionally, the law requires that the DHS, in conjunction with county agencies, develop training programs and protocols for providers who offer services to address the needs of sexually-exploited children. The law lists specific needs of victims that must be included in such protocols, including safe and stable housing, education, employment/life-skills training, comprehensive case management, physical and behavioral health care, and drug/alcohol treatment. Additionally, the Municipal Police Officers' Education and Training Commission and the State Police are required to provide training to law enforcement officers on methods to identify, interview, assist, and minimize trauma for sexually-exploited children.

#### *4. Education*

The final element of the Model Response Plan calls for statewide education for a range of stakeholders on identifying and responding to victims of human trafficking. Trainings should be tailored to each individual audience. Victim service providers are adept at identifying and responding to victims in a victim-centered, trauma-focused approach, and can train others in the community. This training would have two levels: (1) a cursory introduction to signs of human trafficking and available resources, appropriate for police officers, hotel/hospitality employees, medical professionals, CYF personnel, and others who may only have brief contact with victims; and (2) an in-depth, human trafficking trauma-informed training for detectives, prosecutors, defense attorneys, social workers, judges, and others who will have more prolonged, regular contact with victims.

Trainings are important for each jurisdiction to help them recognize these victims as such and to create a "coordinated response." A collaborative model among community stakeholders will improve long-term survivor engagement, create awareness of victims and their needs, and can aid in building strong criminal cases against traffickers.