

# PENNSYLVANIA MODEL

## SEX TRAFFICKING RESPONSE PROTOCOL FOR ADULTS

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# PENNSYLVANIA MODEL SEX TRAFFICKING RESPONSE PROTOCOLS FOR ADULTS

## I. Introduction

### A. Overview

The policies and procedures outlined below are a guide for professionals handling cases of suspected adult victims of human trafficking (HT) and commercial sexual exploitation (CSE) to be applied by counties in Pennsylvania. Human trafficking is a brutal and dehumanizing crime and, because of its nature, is often unreported. The following reflects a collaborative effort and expertise of individuals representing victim services, law enforcement, prosecutors, the county child advocacy center (CAC), social workers, prosecutors, government agencies, community non-profits, and survivors from Montgomery County, PA. We have worked to identify, study, and agree upon the most effective and efficient ways to address the sex trafficking of adults. It is expected that every case will likely be handled differently depending on the facts of each case, and the services may be applied fluidly to best fit each particular case. Therefore, the responses are developed to be complementary and build off each other in a way that best supports the victim's unique strengths and needs, while also employing the best use of resources. We are also aware that these policies and procedures may be modified as more adult victims are recovered and lessons are learned from the victims.

*The Guiding Principles to Address the Needs of Victims of Human Trafficking in Pennsylvania* (see Appendix A), developed by the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness, was adopted by the team of professionals who developed the Pennsylvania Model Sex Trafficking Response Protocols for Adults. The Commission's guiding principles served as a strong foundation for the Sex Trafficking Response Protocols for Adults to be built upon. In agreement with these guiding principles, it is required that all professionals involved in the multidisciplinary response will engage with the victim in a manner that is person-centered and trauma-informed. All policies should be followed in a way that elevates and respects the voice and input of the identified victim. Operating out of the understanding that charging a victim with offenses related to their trafficking can be traumatic and possibly dissuade an individual from seeking further support, team members will not charge adult victims of sex trafficking and CSE when possible. All team members will operate in a manner which is empowering to the individual.

The specific protocol developed and implemented by the multidisciplinary team in Montgomery County, PA can be obtained by contacting Mission Kids Child Advocacy Center [484-687-2990]. *The Montgomery County Sex Trafficking Response Protocol for Adults* provides an example of one of the several different ways the outline below can be adapted based on a community's unique strengths and needs. Each county will need to develop its response based upon the available resources in that community.

*The Best Practices for Providing Services to Victims of Sex Trafficking* (see Appendix C) was developed by the Montgomery County Sex Trafficking Response Team (STRT). This document was designed to enhance *The Sex Trafficking Response Protocols* for both minors and adults, as it includes more detailed information on how to provide services in a trauma-informed and

victim-centered manner. Professionals should refer to this document for a comprehensive explanation of how to work alongside victims to help meet their basic needs (e.g. food, clothing, housing, safety planning, language services, communication and personal technology, transportation, comfort items, personal care, and hygiene items). The guide also provides information on how to best support victims in gaining access to various services (e.g. mental health, substance abuse treatment, legal, case management and service planning, medical sexual healthcare, immigration relief).

All responding personnel from responding agencies should receive training on the complex dynamics of sex trafficking and commercial sexual exploitation (CSE). Responding personnel should also receive training on how to identify and respond to exploited persons in their professional role.

The crime of sex trafficking is committed when a perpetrator, by force, fraud, or coercion, causes another individual to perform a sex act in exchange for any item of value. It is important to note that the definition of a “perpetrator” in sex trafficking should also include the sex buyers or the facilities that allow or encourage sex trafficking to occur, such as hotels, motels, and other similar locations. Human trafficking is believed to be one of the fastest-growing crimes in the world, including the United States. However, the complex nature of this crime enables perpetrators to operate unnoticed while victims suffer. Uncovering this crime is difficult because victims rarely self-identify or report their victimization out of fear for themselves or others, out of love, or for several other reasons. There is no single profile of a trafficking victim as victims may be men, women, transgender persons, LGBTQIA+ persons, citizens, legal permanent residents, or foreign nationals. Just as there is no one type of victim, there is no one type of trafficking perpetrator.

The purpose and goal of these protocols are to improve the trauma-informed and holistic response to victims of sex trafficking and CSE across the state of Pennsylvania. The coordinated efforts of all partners must support the well-being of victims and offer various options to respond to the unique needs of victims.

#### **i. Victim-Centered, Trauma-Informed Approach and Engagement**

A guiding principle of the Montgomery County Sex Trafficking Response Team (STRT) is that the response to sex trafficking must be both victim-centered and trauma-informed. When a person experiences trauma it can impact every aspect of their functioning, including physical, mental, behavioral, and social interactions. A trauma-informed response is crucial when talking and engaging with victims. Organizations and agencies should understand that trauma is widespread and can present in several different ways. When encountering trafficking victims, responders should fully integrate their knowledge of trauma and the impact that trauma has on the way a victim may respond to a perceived authority figure.

The first interaction that a victim has with any type of system is crucial. Engaging a trafficking victim starts with meeting their basic needs, such as food, shelter, clothing, and safety. First responders and members of the STRT should ensure that when engaging with a victim, they are

cultivating both a physically and emotionally safe space.<sup>1</sup> It is understood that these victims have experienced complex trauma, and therefore, their basic needs have often gone unmet. Showing the victim that their basic needs are a priority is critical in building rapport and trust. Professionals should always seek to build and maintain trust with victims. Engaging a victim in this manner may help in relieving or diminishing any feelings of shame or self-blame and can assist them in regaining a sense of control in their lives after experiencing multiple traumatic experiences over an extended time.

The STRT believes that victims should be empowered to use their voice and make their own choices. Team members recognize that success will look different for each victim, and that success should be defined by the victim and not the STRT. The STRT is committed to actively recognizing and addressing any biases or discrimination, whether personal or organizational, to provide a truly trauma-informed response. Providing a trauma-informed response also requires that team members provide services that meet a victim's unique needs<sup>2</sup>. The following factors should be considered by all multidisciplinary team members in service delivery:

- Race
- Ethnicity
- Culture
- Gender Identity
- Sexual Orientation
- Age
- Prior Experience with the justice system and/or authorities
- Ability to speak and understand the English language

The STRT commits to creating policies and providing services in a manner that is responsive to the needs of individuals served, thereby fostering an environment where victims are more likely to feel safe, empowered, and heard. All team members are required to complete training in trauma and trauma-informed care.

## **ii. Importance of Collaboration**

There can be many benefits and advantages of coordination among partners; however, such collaboration may not always be possible or even recommended. It is determined by the victim whether they would like to engage with other agencies and systems. Service providers may work with victims to identify other agencies that they are receiving support from or would like to engage with, such as law enforcement, mental health providers, case managers, survivor leaders, and Children and Youth Services. A victim has the right to immediate support regardless of whether they choose to cooperate with law enforcement or other responding agencies.

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<sup>1</sup> Substance Abuse and Mental Health Services Administration. Rep. *SAMHSA'S Concept of Trauma and Guidance for a Trauma-Informed Approach*. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

<sup>2</sup> Ibid.

If a victim chooses to engage with other systems, service providers can inform the victim of their options for a continuing service plan. A multidisciplinary team (MDT) approach can be presented as one possible option for a service plan. However, victims may choose to work with their caseworker separately from the other systems with whom they engage. It is the service provider's responsibility to provide the victim with information about what a service plan could look like with or without the collaboration of other providers.

Service providers must provide a clear explanation of a victim's right to determine their service plan. It must be stated that **only** the victim may give written consent to release information to other parties. It must also be explained what information can and will be released if the victim chooses to do so, and what that would entail for the service plan. Service providers must adhere to confidentiality guidelines as outlined in Pennsylvania's Act 105 (*See* Appendix D, "Act 105: Pennsylvania's First Comprehensive Anti-Trafficking Legislation").

### **iii. Working with Victims from Marginalized Communities**

The STRT recognizes that gaps in services continue to exist for victims and survivors from underserved and marginalized communities. Historically marginalized communities may include persons with disabilities; older adults; persons of color; individuals with Limited English Proficiency (LEP); foreign nationals; formerly incarcerated individuals and LGBTQIA+ individuals<sup>3</sup>. Victims and survivors who identify as part of a marginalized community often face barriers and challenges in accessing necessary services and supports and may encounter "racial bias, homophobia, and discrimination which influence help-seeking behaviors"<sup>4</sup> Victims and survivors of sex trafficking who identify as belonging to one of the aforementioned groups may be reluctant to seek help from systems which have contributed to the discrimination they have experienced<sup>5</sup>.

The STRT will work to reach underserved victims in the community and to provide a culturally competent response for suspected victims of trafficking. Team members should only connect victims with community resources that the victim trusts, understanding that a victim may be reluctant to seek support outside of their cultural community. Team members should work collaboratively with culturally-specific organizations, where appropriate, to best meet a victim's unique needs.

If a victim identifies as part of the LEP or deaf community, partners should first empower the victim to express how they feel most comfortable communicating, whether that is using in-person or telephone interpretation services. It is important that STRT members have access to

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<sup>3</sup> The Office for Victims of Crime. "Reaching Underserved Victims," 2017.

<https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/reporttonation2017/reaching-underserved-victim-groups.html>.

<sup>4</sup> Georgia Domestic Violence Fatality Review Project, and The Georgia Commission on Family Violence. "Improve Access to Culturally Relevant Services for Victims from Marginalized Communities." Georgia Domestic Violence Fatality Review Project. Accessed February 22, 2021. <http://georgiafatalityreview.com/key-goals/improve-access-to-culturally-relevant-services-for-victims-from-marginalized-communities/>.

<sup>5</sup> Ibid.

interpretation services 24 hours a day, and that only a trained interpreter should be relied upon for interpretation services (*See* Appendix C, “Language Services Best Practices”). Members of the STRT should continue to receive ongoing training on how to address needs and provide services to members of marginalized communities.

#### **iv. Data Collection**

Data tracking is an integral element needed in the effort to combat sex trafficking. Data tracking helps to broaden partners’ understanding of the issue of sex trafficking and how it impacts the local community. It also allows for causes and trends to be more thoroughly examined. This data can then be utilized to develop approaches that are better informed and more effective at reducing trafficking and supporting victims.

Data collection should adhere to confidentiality guidelines as outlined in Pennsylvania’s Act 105 (*See* Appendix D, “Act 105: Pennsylvania’s First Comprehensive Anti-Trafficking Legislation”) and The Violence Against Women Act (VAWA) by reporting aggregate numbers but no identifying information. Agencies can track data using their tracking systems, and data can be shared and reviewed quarterly by the STRT. In some cases, aggregate, non-identifying data may still hint at a person’s identity and not adequately protect their confidentiality. If the aggregate data does not adequately protect a person’s confidentiality, then the aggregate data should not be provided to the STRT for data tracking purposes.

## **II. Victim Service Agency Response**

Victim services are agencies that have specially trained victim advocates who are experts in providing services to victims of crime, which include victims of sex trafficking. These agencies provide victims with the necessary services to “address expressed needs and concerns and promote feelings of healing and justice in the aftermath of a crime.”<sup>6</sup> Victims of sex trafficking may be identified by various agencies including the county rape crisis center, county domestic violence agency, local anti-trafficking organization, and/or any other victim service agency in the county. It is recognized that a victim of sex trafficking can access assistance through many different pathways and that one of those pathways includes victim services agencies.

The victim advocate involved in the response to an adult victim of trafficking may primarily serve sexual assault and/or domestic violence victims and survivors. Depending upon each county’s access to different advocacy services, the victim advocate’s primary purpose may be to provide support to victims of human trafficking. If the victim advocate’s primary purpose is to support victims of human trafficking, they qualify under 18 Pa. C.S. § 5945.3(c) as a human trafficking caseworker.

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<sup>6</sup> The Office for Victims of Crime. Publication. *Achieving Excellence: Model Standards for Serving Victims & Survivors of Crime*. Washington, DC: The National Victim Assistance Standards Consortium, 2003.

## **A. Human Trafficking Caseworker**

Under 18 Pa. C.S. § 5945.3(c), a human trafficking (HT) caseworker is an individual who is engaged by any organization, whether financially compensated or not, whose primary purpose is the rendering of advice or assistance to a victim of human trafficking. An HT caseworker, based on the county's unique resources, could be an advocate at a domestic violence shelter, victim services center, anti-human trafficking organization, or any other victim service agency in the county with the necessary resources and expertise.

An HT caseworker is required by law to either hold a master's degree or equivalent in a human services profession, hold an undergraduate degree or equivalent in a human services profession, or be supervised by someone who holds either one of the aforementioned degrees or equivalents. Under Act 105, human trafficking caseworkers are also required to have completed at least 80 hours of training on the following topics:

- The history of human trafficking;
- Civil law and criminal law as they relate to human trafficking;
- Societal attitudes toward human trafficking;
- Peer counseling techniques;
- Housing, public assistance, and other financial resources available to meet the needs of victims of human trafficking;
- Referral services available to victims of human trafficking;
- Privileged communications; or
- Human trauma therapy counseling.

An HT caseworker may not disclose a confidential communication without the written consent of the suspected victim of trafficking who made the confidential communication. Confidential communication as defined in 18 Pa. C.S. § 5945.3(c) is all information, oral or written, transmitted between a victim of human trafficking and a human trafficking caseworker in the course of their relationship. This includes advice, reports, statistical data, memoranda, working papers, and records, given or made during that relationship, including matters transmitted between the human trafficking caseworker and the victim using an interpreter. The HT caseworker will educate the victim about their legal rights and privilege, as well provide the victim with information about possible ramifications of signing a written consent to release information. This legal protection allows victims to more freely discuss their case with their caseworker without the fear of confidential information being disclosed and also protects human trafficking caseworkers from being subpoenaed by a defense attorney.

## **B. Release of Information and Confidentiality**

Victim service providers are required to adhere to state and federal confidentiality laws. The federal Violence Against Women Act (VAWA) provides confidentiality provisions for victims receiving services from agencies that receive VAWA funding. Each agency that receives VAWA funding must adhere to the provisions stated in this federal law. The VAWA Confidentiality

Provision states that these agencies may not disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through agency programs.

Pursuant to 42 Pa. Cons. Stat. § 5945.3, victims are given privilege to have confidential communications with their caseworkers. Caseworkers for victims of human trafficking cannot disclose any communications without the victim's written consent according to the law. This legal protection allows victims to more freely discuss their cases with their caseworkers without the fear of confidential information being disclosed. 42 Pa. Cons. Stat. § 5945.3 also protects human trafficking caseworkers from being subpoenaed by a defense attorney. If a human trafficking caseworker is subpoenaed, a motion to quash may be considered by the county's District Attorney's Office.

Both state and federal law requires written, informed, and time-limited consent from the victim to release information. The service provider must explicitly explain what information can be shared by signing a release and the possible ramifications of this information being released to the identified parties. A service provider should always provide a victim with information about their rights and privileges so that they are well-equipped to make an informed decision. The decision to sign a release of information (ROI) should always be decided by the victim. For individuals with limited English proficiency, interpretation services must be provided for legal documents.

Victim service providers must also inform the suspected victim of their status as a Mandated Reporter. Under Pennsylvania's Child Protective Services Law, 23 Pa. Cons. Stat. § 6303, , any Mandated Reporter who suspects human trafficking of a minor in PA is required to make a ChildLine report of their suspicions.

#### **i. Other Relevant Confidentiality Statutes**

Per statute 42 Pa. Cons. Stat. § 5945.1, no sexual assault counselor or an interpreter translating the communication between a sexual assault counselor and a victim may, without the written consent of the victim, disclose the victim's confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding.

Furthermore, in accordance with 23 Pa. Cons. Stat. § 6116, unless a victim waives the privilege in signed writing before testimony or disclosure, a domestic violence counselor/advocate or a coparticipant who is present during domestic violence counseling/advocacy shall not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the counselor/advocate by or to a victim. The privilege shall terminate upon the death of the victim.

Neither the domestic violence counselor/advocate nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual assault under Chapter 63

(relating to child protective services), a Federal or State mandatory reporting statute, or a local mandatory reporting ordinance. For purposes of 23 Pa. Cons. Stat. § 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate to secure advice, counseling, or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling, or assistance from a domestic violence counselor or advocate regarding the abuse of the victim.

### **C. Initial Response and Meeting**

Victim advocates and/or HT caseworkers should be aware of the common signs of sex trafficking and commercial sexual exploitation (CSE), make an inquiry where appropriate, and respond in a trauma-informed manner to the suspected victim. Following a suspicion of sex trafficking or CSE, a victim advocate and/or HT caseworker should assess and respond to any basic needs, as well as assess any immediate safety needs and begin safety planning with the victim (*See* section C, “Needs Assessment”).

If an adult victim of sex trafficking or CSE is referred to a victim service agency, then a victim advocate and/or HT caseworker should connect with the victim within 24 hours. Depending upon the nature of the referral, a victim service provider may connect with the victim using various means (i.e. in-person, virtually, etc.). Upon meeting with the victim of sex trafficking or CSE, the victim advocate and/or HT caseworker should begin the process of conducting a needs assessment and safety planning with the victim as outlined above.

If the suspected victim has limited English proficiency (LEP), service providers should first empower the victim to express how they would feel most comfortable communicating. If the victim feels uncomfortable with in-person interpretation services, then utilize telephone interpretation services. Conversely, if a victim feels uncomfortable with using telephone interpretation services, then use in-person interpretation services. Only trained professionals may be used for interpretation. Do not use any accompanying person or family member for interpretation (*See* Appendix C, Section 1.3, “Language Services”).

### **D. Needs Assessment**

Upon the first contact, victim service providers should conduct an assessment to determine the individual needs of each victim. Victim service providers are to collaborate with a suspected victim to identify their immediate and long-term needs. (*See* Appendix C, Best Practices for Providing Services to Victims of Sex Trafficking).

Immediate needs may include, but are not limited to the following:

- Food;

- Clothing;
- Language services;
- Personal care and hygiene items;
- Housing
- Comfort items;
- Transportation; and
- Access to personal technology (*See Appendix C, Section 1, Basic Needs*).

Long term needs may include but are not limited to the following:

- Mental health treatment;
- Substance use disorder treatment;
- Immigration relief;
- Legal support;
- Medical treatment; and
- Case management and service planning (*See Appendix C, Section 2, Services*).

Victim Advocates/Sexual Assault Counselors and/or HT caseworkers should work alongside the suspected victim of trafficking to first assist with meeting their basic needs. It is best practice for service providers to make referrals for immediate needs once the needs assessment is completed; however, a suspected victim of trafficking should only be connected to services and supports if they so choose. Service providers must follow their internal procedures for referring clients to other agencies, which may include obtaining clients' written permission. Victim service providers should make referrals to organizations and agencies which are equipped and capable of providing programs and services in a manner that is trauma-informed and person-centered.

Victim service providers should *see* Appendix C for a detailed explanation of how to best support trafficking victims in accessing the aforementioned immediate and long-term needs. Each of the immediate and long-term needs listed above is addressed at-length in Appendix C, and information on local community resources is provided to assist service providers in the referral-making process. Due to the comprehensive nature and length of this content, it is included as a separate appendix. Service providers are strongly encouraged to read Appendix C in its entirety.

## **E. Safety Planning**

Service providers must engage in varying levels of safety planning with victims of sex trafficking as soon as possible. Victim service providers should assist the victim in developing a safety plan that works best for their unique circumstances and honors their personal needs and strengths. This should include planning for physical and emotional safety. Physical safety planning can include discussions about safe ways to use technology, protecting important personal documents, and keeping numbers for emergency lines easily accessible. Emotional

safety planning can include identifying safe people in their lives, coping mechanisms, recognition of triggers, and education around important hotlines (*See* Appendix C, Best Practices, Section 1.2, “Safety Planning,” for more detailed information on how to effectively safety plan with suspected victims of sex trafficking).

#### **F. Multidisciplinary Team (MDT) Approach**

After an initial needs assessment is completed, dependent upon the case, there may be more than one agency working with a victim (e.g. an anti-human trafficking organization providing mobile case management, the rape crisis center providing hospital accompaniment, and law enforcement investigating the case). Victim service providers and law enforcement will be transparent and explain their roles to the suspected victim of sex trafficking. Victims will be the “driver” of the services they receive, which includes taking the lead in deciding which resources they will accept.

Any of the agencies working with the client may present to the victim the option an MDT approach. If the victim of suspected sex trafficking chooses an MDT approach, victim service providers will obtain a release of information for those involved in the MDT before proceeding with the MDT approach. Victim service providers must follow confidentiality guidelines under their respective statutes when communicating with other members of the MDT. An MDT meeting occurs when the various agencies and entities that are working with a victim convene with the victim’s consent to discuss and support the needs of that victim. Members of the MDT will be transparent with the victim on the content of meetings and discussions between the members of the victim’s team. The MDT should meet with the victim, if requested. Any referrals or items discussed are thoroughly explained to the victim and they are educated on the various systems involved. All members of the MDT will provide the victim with the option of one or several breaks throughout these meetings. It is a best practice that meetings should not last longer than an hour. The emotional, physical, psychological, and relational safety of the victim is always prioritized during the MDT approach.

If at any point the victim decides to revoke consent to the release of information, the service agency will comply and immediately cease interagency communications moving forward.

#### **G. Relevant Protections for Undocumented Victims**

Victims who do not have legal status in the county may fear the involvement of the government and other agencies in their life will result in deportation. Victim service providers need to be aware that certain protections are available for victims of crimes who are undocumented. Pennsylvania has resources available to victims of human trafficking and included in this section are related available federal immigration assistance. Victim service providers should make referrals, when appropriate, to agencies that retain attorneys who can support victims in applying for these protections and support them throughout the legal process.

These resources include temporary visas and other protections, known as the “T” visa, the “U” visa, and “continued presence” status.

1. “T” Visa: The “T” visa is a non-immigrant visa which protects individuals who the Attorney General determines is a victim of a severe form of trafficking. This visa applies to federal investigations and prosecutions, and it is limited to 5,000 people during a fiscal year.
2. “U” Visa: The “U” visa is a non-immigrant visa that can be sought by victims of certain crimes who are currently assisted or who previously assisted law enforcement in the investigation or prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of criminal activity. It permits the individual to remain in the United States for up to four years.
  - Qualifying crimes include abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, felonious assault, female genital mutilation, being held hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, torture, trafficking, witness tampering, unlawful criminal restraint, and other related crimes including any substantially similar elements.
  - “U” visa eligibility requires the law enforcement certification USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification form. This form serves as primary evidence that the person was a victim of trafficking and complied with reasonable requests from law enforcement.
  - This particular visa applies to federal, state, and local investigations and prosecutions.
3. “Continued presence” status: A victim of human trafficking who is a potential witness against a trafficker may be eligible for this temporary immigration status. Federal officials must submit these types of applications. The status lasts for one year, but it is renewable. This status does not require cooperation by the victim, charges being filed against the trafficker, or acceptance of a trafficking case for prosecution. This status can be authorized solely based on a credible uncorroborated victim statement.

### **III. Social Services Agency Response**

Social services agencies in the community work to deliver public services to individuals and families and can vary widely in the scope of their work, as well as the population that they serve. Social service agencies are well-positioned to identify sex trafficking victims and those who are at a high-risk to become trafficked. Staff at social service agencies must be aware of the indicators of sex trafficking and commercial sexual exploitation (CSE).

### **A. Suspicion of Trafficking**

If a social service provider suspects that an individual who is 18 years or older may be a trafficking victim, the social service provider should provide the individual with information about local victim services agencies that may be able to meet the individual's expressed needs. Agencies that may be well-positioned to meet the needs of a suspected victim of trafficking include an anti-trafficking organization, the local rape crisis center, domestic violence agency, or any other local victim service agency. If the suspected sex trafficking victim expresses that they would like to be connected with a victim service agency, then the social service provider should support the individual throughout this process. The social service provider can introduce and connect the suspected victim with the victim advocate and/or HT caseworker employed by the victim service agency. The social service provider should also provide information about local and statewide hotlines, as well as the National Human Trafficking Hotline [1-888-373-7888], should the victim want to utilize this resource. If the individual expresses that they would like support in contacting a hotline, a social service should support the victim throughout this process.

If the victim does not consent to contact a victim service agency and/or hotline for support, then it is recommended that the social service provider suggest working out a safety plan with the individual (*See* Appendix C, Section 1.2, "Safety Planning"). The suspected victim of trafficking should always be provided with the information needed to make an informed decision, but it is ultimately the individual's decision whether or not they would like to receive services. If the victim chooses to continue receiving services from the social service agency, the service provider should continue to build rapport and establish trust with the individual. Social service providers should meet the suspected victim of sex trafficking where they are at in their journey, as well as respect and honor the victim's voice and choice (*see* Section B for more detailed information).

If the social service provider is unsure whether a situation qualifies as a trafficking case, the provider should contact the National Human Trafficking Hotline [1-888-373-7888] and/or other applicable local hotlines for technical assistance and support.

### **B. Engaging and Communicating with Victims of Trafficking**

When working with victims of trafficking, reliability, consistency, and honesty must all be demonstrated by social service agencies. Victims of sex trafficking often have a history of being lied to, coerced, and manipulated. Social service providers should be straightforward about the support that they can provide and set realistic expectations for the victim. Social service agencies must be careful not to adopt a "savior mentality," as this mentality suggests that a person is capable of rescuing or saving someone from their problems and situation. Conversely, victims should be recognized as the authors and experts of their own stories, and social service providers should operate to empower the victim in making their own decisions. By valuing the self-determination of victims, social service agencies give power back to victims who historically have had power taken from them (*See* Appendix C, Best Practices for Providing Services to Victims of Sex Trafficking).

## **IV. Healthcare Provider Response**

### **A. The Healthcare Setting and Staff**

The healthcare setting provides a unique opportunity to identify, and respond to, victims of sex trafficking. Healthcare staff is well-positioned to identify trafficking victims, as many trafficking victims report receiving healthcare services during their exploitation. However, data also reveals that many victims who encounter healthcare providers are not identified as such and are consequently not provided with information on available resources<sup>7</sup>. All healthcare staff must understand the warning signs of trafficking, as well as how to provide a trauma-informed response to suspected victims of trafficking. All healthcare staff should follow the sex trafficking protocol to assure a seamless flow of activities.

#### **i. Identifying Trafficking Victims**

Healthcare staff should be trained in understanding and identifying red flags for sex trafficking. Healthcare staff should be able to recognize general warning signs that may indicate trafficking (*See* Appendix A, The Red Flags for Human Sex Trafficking Card), as well as indicators that are specific to the healthcare setting. Staff should be aware that certain physical and psychological problems occur more often among trafficking victims as a result of being forced, frauded, and/or coerced into violent and dangerous situations. Health problems that may indicate a likelihood of trafficking include:

- Multiple or recurrent sexually transmitted infections;
- Pregnancy (secondary to rape and/or prostitution);
- Bruises, scars, signs of abuse and/or torture;
- Trauma to vagina and/or rectum;
- Substance Use Disorder;
- Overdose;
- Malnourishment;
- Dental problems;
- Infections like tuberculosis;
- Undetected/untreated diseases (e.g. diabetes, cancer);
- Psychological trauma, depression, stress, disorientation, confusion, phobias, panic attacks.

#### **ii. Suspicion of Trafficking**

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<sup>7</sup> Lumpkin, Carolyn Liu, and Adriana Taboada. Rep. *Identification and Referral for Human Trafficking Survivors in Health Care Settings: Survey Report*. Los Angeles, California: Coalition to Abolish Slavery and Trafficking, 2017.

Hospitals and healthcare settings have their own internal policies and procedures which should be followed by staff. The following policies outlined for frontline and healthcare providers should be followed only when in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and internal protocols.

Frontline healthcare staff should attend to the patient's health care needs. If healthcare staff identify red flags and suspects the patient may be a victim of trafficking, then a local victim service agency with experience and specialization in hospital accompaniment should be called. A victim advocate and/or HT caseworker will arrive on-site at the healthcare facility to meet with the suspected victim of trafficking and explain the services that they can provide to the individual. The victim has the right to choose whether to accept the services being offered by the victim advocate and/or HT caseworker. If healthcare staff is uncertain if a situation qualifies as a suspected trafficking case, contact the National Human Trafficking Hotline [1-888-373-7888].

If the patient declines the offered services, the victim advocate and/or HT caseworker will offer the patient information regarding local, statewide, and national resources, as well as offer to work out a safety plan with them (*See Appendix C, Section 1.2, "Safety Planning"*). A victim should be encouraged to reach out to service agencies of their choice to obtain access to needed services.

If the patient is under 18 years of age, then healthcare providers will immediately contact ChildLine [1-800-932-0313] and follow the mandated reporting procedure (*See Montgomery County Sex Trafficking Response Protocol for Minors*).

Healthcare staff should ensure that they are not placing themselves and/or the victim at an increased risk of danger. If there is an immediate danger posed to the suspected sex trafficking victim or the healthcare site staff, then staff should call 911. It is beneficial for staff to know if the local police department has been trained about human trafficking and has specific policies regarding the issue.

### **iii. Communicating and Engaging with Suspected Victims**

Frontline healthcare staff have limited time with patients, and the healthcare setting is both demanding and fast-paced. However, healthcare staff are encouraged to build trust and rapport with patients they may suspect are victims of trafficking and remember that building trust requires patience and determination. To identify and appropriately respond to victims, healthcare staff should practice good communication skills. This includes asking open-ended questions, allowing for few interruptions, and providing a private place for the patient to talk.

Best practices for engaging with a possible victim include:

- Beginning the conversation by first meeting immediate needs (e.g. providing food, water, or a blanket);
- Asking about the suspected victim's safety;
- Sitting at eye level with the suspected victim; and
- Maintaining eye contact.

Healthcare staff should never use the accompanying person for interpretation services, as the accompanying person could be the victim's trafficker or exploiter (For more information on how to provide interpretation and/or translation in a culturally sensitive manner, *See* Appendix C, Section 1.3, "Language Services"). When communicating with a suspected victim of trafficking, to protect both the safety of the victim and of staff, it is important to be aware of who is in the room when questions are being asked. The individual, when appropriate, should be separated from any accompanying persons. Healthcare staff should also not ask about the patient's immigration status.

#### **iv. Health Examination**

The person accompanying the patient may be their trafficker or someone involved in their exploitation. The patient should always be given the choice to determine whether they would like the accompanying person to be present during the health examination. If the patient expresses that they would like to be separated from the accompanying person, the healthcare provider should complete a thorough health examination and necessary documentation only when the accompanying person is removed from the room.

Depending upon the county and unique situation, a Forensic Nurse Examiner (FNE) may be notified to conduct a forensic exam. If a forensic exam is conducted, a victim advocate from the sexual assault and/or rape crisis center should be notified using the agency's hotline. The victim advocate will arrive on-site at the healthcare setting to offer accompaniment services to the victim. Advocates are trained to provide comprehensive, confidential support to sexual assault survivors. Advocates can be present during the medical forensic examination if requested by the victim and can assist victims with making a report to law enforcement. Advocates can provide options to help victims stay safe, access their civil legal options, and understand the criminal justice system. The advocate will present all options for support which may include calling and referring to other victim service agencies specialized in working with trafficking victims. In cases where there is a forensic examination is conducted, a victim should be informed in advance that law enforcement is responsible for obtaining the kit from the medical setting.

#### **v. Reporting to Law Enforcement**

It is important to note that hospitals may have policies that require healthcare providers to report a crime to law enforcement. Hospitals should have "...procedures for determining whether other laws – whether state, local or federal – may require disclosure to the law enforcement official

under the specific circumstances presented by the request.”<sup>8</sup> While frontline or medical personal may be required to disclose information to law enforcement in certain cases, this in no way requires the victim to speak with law enforcement. When a report to law enforcement is required, “...patients should be informed of the legal obligations of health care personnel, what triggers a mandatory report, that a report is being made, and the contents of the report. Patients should understand that even if health care personnel make a mandatory report, they are not obligated to talk with law enforcement officials.”<sup>9</sup> The victim should be provided with thorough information about their rights and privileges, as well as reporting consequences, so that they can make their own well-informed choice about whether they want to speak with law enforcement.

## **V. Law Enforcement Response**

### **A. Initial Reports**

There is no single source from which law enforcement will receive information relating to suspected trafficking. Reports of suspected trafficking may be received via a report for suspected prostitution or a specific tip regarding suspected trafficking from the Polaris Project, a non-profit organization that works to combat human trafficking globally, or from the Pennsylvania State Police. In such circumstances, law enforcement may choose to conduct proactive investigations to address the demand in that particular location; or conduct a more focused investigation where a particular person has been identified as a potential perpetrator or victim.

Furthermore, there are varying levels of law enforcement in Pennsylvania, each with its own sets of rules and laws to enforce and agency protocols by which they must abide. Local police agencies will generally enforce Township/Borough ordinances as well as State laws. County agencies and the Pennsylvania State Police also enforce State statutes, but Federal law enforcement, such as The Office of Homeland Security and/or the Federal Bureau of Investigation, are charged with enforcing federal laws which may be applied differently than State or local laws. Each representative should be well-versed in their respective agency’s protocols and goals, as well as be flexible in working with other law enforcement and non-law enforcement service providers for each case.

#### **i. Suspicions that Arise in Various Police Contacts**

Police most often come into contact with potential victims in various circumstances—i.e. while on patrol, during a routine traffic stop, while executing a warrant on an unrelated matter, responding to an unrelated call in an area known for prostitution, or planned operations at a motel/hotel. When interacting with individuals present during any call for service, law

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<sup>8</sup> American Hospital Association, and National Association of Police Organizations. “Guidelines for Releasing Patient Information to Law Enforcement,” 2017.

<sup>9</sup> Office on Violence Against Women. “A National Protocol for Sexual Assault Medical Forensic Examinations.” U.S. Department of Justice, April 2013.

enforcement should always be aware of common signs of exploitation, make an inquiry where appropriate, and respond accordingly.

Whenever a law enforcement officer either receives a report of suspected trafficking or comes into contact with a suspected trafficking victim, the officer should focus on the following as early as possible:

- Ensuring the safety and wellbeing of the victim, including medical attention where appropriate;
- Collaborating with a victim service agency to ensure the victim is supported, safe and their basic needs are being met [early in the process];
- Conducting an investigation, including the collection and preservation of evidence & conducting interviews.

Law enforcement should always engage with suspected victims of trafficking in a trauma-informed manner. Law enforcement's knowledge of trauma and complex trauma's impact on the whole person should guide their interactions with victims and approach to investigating cases. For more information, see Section I(A)(i) "Victim-Centered, Trauma-Informed Approach and Engagement" and Section V(B)(ii) "Engaging & Interacting with Adult Trafficking Victims."

### **1. Common locations**

There are a variety of locations in our communities that serve as ideal venues for perpetrators of sex trafficking to exploit their victims. The circumstances of these locations foster anonymity, easily serve to mask illegal activities and facilitate isolation and control of victims, allowing perpetrators to operate unnoticed. For example, sex trafficking has been found to frequently occur in locations such as:

- Hotels, rooming houses & extended stays,
- Massage parlors,
- Private residences,
- Transportation centers and truck stops,
- On the street.

### **2. Signs of Exploitation**

The dynamics between perpetrators of trafficking crimes and their victims are complex, and perpetrators often seek to exert power and control over the victim through manipulation, coercion/threats, economic means, isolation, and other strategies. This leads many victims of sex trafficking to deny, minimize, or fail to recognize their exploitation, making it impossible to rely solely on self-identification.

There are many warnings signs law enforcement should look for when performing their normal duties:

- Are there circumstances that lead you to suspect the individual is being controlled by another person?
- Does the person exhibit unusually fearful, anxious, depressed, submissive, nervous, or paranoid behavior?
- Is the person in control of their own money and/or identification documents?
- Is the person not allowed to speak for themselves?
- Has the person been “branded?” (i.e. tattoos of names or symbols)
- Do they provide inconsistent or inaccurate information regarding their relationship with others they are with or with whom they are present?
- Do they know what city they are in and/or what day/week it is?
- Do they claim to be “visiting” and are unable to clarify where they are staying or provide an address?
- Are they carrying large amounts of cash or multiple luxury items?
- Are they showing signs of malnourishment/dehydration, physical/sexual abuse, physical restraint, or confinement?
- Are they showing signs of substance abuse or addiction?
- Are they accompanied by a significantly older individual?
- Has the person lied about their age?

#### **a. Law Enforcement Red Flags Card**

To better assist law enforcement in identifying and responding to suspected trafficking, officers are encouraged to use the Human Trafficking Red Flags Card (*See Appendix A, The Red Flags for Human Sex Trafficking Card*).

### **B. Initial Response**

Upon receiving a report of suspected trafficking or identifying a suspected trafficking victim in another manner, the responding law enforcement officer should immediately:

1. Engage with the victim in a respectful and trauma-informed manner;
2. Assess and respond to any immediate safety or medical needs;
3. Contact the designated victim service agency in your county that has resources and expertise supporting victims of human trafficking.

#### **i. Engaging the Victim Advocate**

Victim advocates should be engaged by law enforcement as soon as possible after identifying a suspected victim of sex trafficking. An advocate may be able to build trust and rapport with victims of trafficking in a way that law enforcement cannot due to the victim’s possible prior history and perspective on the role of law enforcement. Law enforcement should contact a victim

advocate at a victim service agency in the county who is knowledgeable about commercial sexual exploitation of children. Based on the county, this may include the county rape crisis center, county domestic violence agency, local anti-trafficking organization, and/or any other victim service agency in the county. It is recommended that the county designate one victim service agency to receive law enforcement referrals to make the initial response to suspected trafficking cases as streamlined as possible.

Although there may be one designated agency to respond to and support victims of human trafficking, *all service agencies* in the county should fully embrace the perspective that each member of the STRT has different resources for achieving safety and services to victims. All victim service agencies should be equipped and willing to handle a referral and provide support and resources that assist with the needs of the victim. Once the victim is safe and their basic needs have been addressed, the responding service agency will refer the victim to the designated agency specializing in human trafficking, if the victim is willing to work with the designated agency.

## **ii. Engaging & Interacting with Adult Trafficking Victims**

The first point of contact in a case of human trafficking is critical, not just to the investigation, but to the well-being and ultimate recovery of the victim. The first point of contact in a trafficking case may be with a law enforcement officer. A first responding officer's interaction with a victim may have a vital impact on the future well-being of the victim as well as their courage, self-confidence, and willingness to participate in any subsequent investigation. Victims should always be treated with the utmost compassion, dignity, and respect.

Law enforcement should practice a trauma-informed approach and utilize engagement and de-escalation strategies. Law enforcement should work to build rapport with the suspected victim of trafficking as soon as possible. The law enforcement officer should also meet the basic needs of a victim early in the process, and this may be done effectively with the support of a victim advocate. Beginning a conversation inquiring about basic needs such as, "When is the last time you ate?", "What do you need right now?", or "When is the last time you slept?" is a trauma-informed approach and by doing their best to fulfill those needs, an officer may better establish rapport and build trust with a victim. Throughout the process of working alongside a victim of trafficking, a law enforcement officer should be clear and consistent with their timeframes, ensuring realistic and potential outcomes are shared with the victim. Victims may be triggered by interactions with authorities like law enforcement due to their prior history and unique experiential perspective. Every effort must be made to engage with the victim in a trauma-informed manner, regardless of if their demeanor is uncooperative or combative.

Every victim should be provided with supports from an anti-trafficking organization, local rape crisis center, domestic violence program, and other victim service providers, whether they choose to cooperate with law enforcement or not. All victims should, at a minimum, be provided with the hotline numbers and contact information for relevant victim services agencies.

## **iii. Forensic Evidence & Medical Examinations**

It is important to provide information about the availability of forensic medical examinations to sex trafficking victims. If the last known sexual encounter occurred within 120 hours, the victim should be provided with information about a forensic medical examination. If more than 120 hours have passed, a forensic examination of the individual for trace or DNA evidence may not be productive because the likelihood of collecting DNA evidence is minimal; however, evidence of injuries, such as bruising or scarring, may be identified and documented for a significantly longer period. Additionally, the victim may still benefit from a specialized trauma-informed examination and treatment for sexually transmitted infection (STI), pregnancy, dehydration/malnutrition, or physical abuse.

A victim advocate and/or HT caseworker should explain the full range of options to the victim and so that the victim can make an informed decision. An individual's cooperation with law enforcement is not a prerequisite to forensic or other medical evaluations and treatment. .

### **C. Criminal Investigation & Prosecution**

#### **i. Unique Aspects of/Issues in Human Trafficking Investigations**

##### **1. Collection & Preservation of Evidence in trafficking cases & the importance of electronic evidence—cell phones & other electronic devices, and social media**

Electronic evidence is crucial in a prosecution for sex trafficking. It can make or break a case and must be obtained, documented, and stored within policies, procedures, and the law. Electronic evidence can aid in the investigative process in many ways. It can provide information about persons, places, times, etc. It can also document elements of the crime(s) committed, show a course of conduct, and show knowledge, intent, and/or admission(s) of guilt by a suspect(s) just to name a few. This can happen through typed words, voice, and/or photographs. It is important to:

- Obtain custody of the device legally;
- Use best practices to preserve the integrity of the device and its content;
- Obtain passcodes (if possible);
- Keep a proper chain of custody for the device;
- Obtain and document the device's content legally;
- If appropriate, send a preservation order to social media companies to preserve potential evidence. Then, follow up to obtain the information legally.

If there are any questions regarding the appropriate legal procedure (consent, court order, search warrant, etc.) in obtaining the device or its content, consult with the District Attorney's Office (*See* Section III, Prosecutor's Role).

Human trafficking investigations are unique for law enforcement in that there is rarely a definitive "crime scene" for evidence to be easily identified and collected. Victims of human trafficking may be found in hotel rooms, cars, or simply out on the street. Oftentimes, the

evidence indicating that a person is being trafficked is located within their belongings. Investigators should look for:

- Multiple key cards for hotels;
- Fast food wrappers;
- Multiple phones; other electronic devices
- Condoms/empty condom wrappers;
- Paper with internet sites listed;
- The holding of another's identification;
- Drug paraphernalia/dependency;
- Recent, visible branding/tattooing showing "ownership;"
- Jewelry and/or accessories that seem expensive, excessive, or out-of-place.

In many instances of human trafficking, the victims are not permitted to keep cellular phones with them unless they are actively engaged in a commercial sex act. If law enforcement does encounter a victim of human trafficking who has a cell phone, valuable information is likely contained within that device, such as:

- Telephone numbers, call log, text messages;
- GPS can show prior locations;
- Rideshare apps showing prior hotel or sex buyers' locations;
- Advertisements for sex;
- Credit card/financial information (e.g. Apple Wallet, Venmo, BitCoin);
- Hotel rewards applications;
- Contact info for sex-seller – "Daddy" or "BF;"
- Limited other saved contacts;
- Social media accounts.

Lawful search and seizure of evidence will depend on the circumstances that are presented to the investigator. Remember to evaluate the totality of the circumstances and document everything that is said and/or observed. A signed "Consent to Search" form is better than verbal consent. Investigators should always document conditions and injuries in a report and take photographs.

Law enforcement must also remember that Local Rule of Criminal Procedure 201 requires approval by the District Attorney's Office for any search warrant related to an investigation under the following statutes:

- Rape (18 Pa.C.S. §3121)
- Involuntary Deviate Sexual Intercourse (18 Pa.C.S. §3123)
- Sexual Assault (18 Pa.C.S. §3124.1)
- Institutional Sexual Assault (18 Pa.C.S. §3124.2)
- Aggravated Indecent Assault (18 Pa.C.S. §3125)
- Indecent Assault (18 Pa.C.S. §3126) (victim less than 16 years old)
- Incest (18 Pa.C.S. §4302)
- Sexual Abuse of Children (18 Pa.C.S. §6312)
- Unlawful Contact with a Minor (18 Pa.C.S. §6318)

- Attempt, Conspiracy, or Solicitation to Commit any Above Offense

## **2. Interviewing suspected trafficking victims—a trauma-informed, victim-centered approach**

Rapport building is especially important in human trafficking investigations as it helps to create an environment in which a trafficking victim may be able to share more openly about their exploitation. Due to the complex and unique experience of human trafficking victims, rapport building may require multiple contacts with the victim before conducting a comprehensive interview. All contacts with a victim must be properly documented, and investigators must follow the existing policies and procedures of their departments. It is imperative to note that sex trafficking investigations can take months, and more likely years, to see a resolution on various levels, but that the victim's health and well-being should always be the primary focus of all service providers involved.

If the victim is ready to move forward with a criminal investigation, law enforcement with specific training in interviewing trauma victims should conduct a comprehensive interview. Especially in trafficking investigations, a comprehensive interview may be time-consuming and an interviewing officer must dedicate the appropriate amount of time to conduct the interview. Engaging a victim advocate and/or HT caseworker to support and advocate for the victim's needs during interviewing and providing statements can be beneficial to the overall wellbeing of the victim.

The purpose of the comprehensive interview is to provide as complete a picture as possible of the exploitation at issue. It is an opportunity for the victim to reflect on and recall details of their victimization that they may not have remembered, been too embarrassed or afraid to share, or suppressed upon initial contact with law enforcement or medical personnel.

Investigators should work to minimize, as much as is practicable, re-victimization during the comprehensive interview. The comfort of the victim should also be considered during the interview, and the interviewing officer should offer breaks during the interview where appropriate. Law enforcement should understand that each victim is unique and consider how to approach each victim individually based on:

- Trauma suffered;
- Cultural differences;
- Cognitive ability;
- Fear;
- Self-blame;
- Race;
- Ethnicity;
- Age;
- English language proficiency;
- Gender identity;

- Sexual orientation;
- Prior experience with the justice system or law enforcement
- Immigration status;
- Any other factors that may impact a victim's ability to provide clear and concise details of their victimization.

A victim-centered approach to interviewing in these cases is crucial. Every effort should be made to first meet a victim's basic needs prior to an interview. Important steps and considerations for the interview include:

- Work at the victim's pace;
- Establish a rapport with the victim before the interview;
- Explain the process and why questions are necessary;
- Allow the victim to ask questions before beginning the interview;
- Encourage the victim to provide comprehensive details about their victimization;
- Ask the victim about sensory details that are often imprinted and recalled more vividly after experiencing a traumatic event, such as visual images, smells, sounds, or sense of touch;
- Minimize interruption while the victim is answering a question, and instead, ask follow-up questions after the victim has concluded their answer;
- Acknowledge the impact of trauma during the interview including on one's ability to recall events in chronological order;
- Recognize that all individuals respond uniquely to trauma and do not rely solely on the individual's emotional response or lack thereof to evaluate credibility.

### **3. Barriers to Reporting**

It is not unusual for a victim of human trafficking to be reluctant about reporting their victimization to law enforcement. Similarly, it is not uncommon for a victim who already reported exploitation to recant.

There are many reasons why victims often deny, minimize or recant. Human trafficking victims suffer complex and multi-layered trauma during their time with their traffickers and, as a result, often present with a unique set of physical and emotional signs and symptoms. They experience confusing and often conflicting emotions ranging from fear to love and loyalty. Some victims are ashamed to admit they have been involved in the commercial sex industry, even though it was under duress. They fear the loss of friends, family, or community reputation, and fear retaliation. They also fear future repercussions of admitting to engaging in sex work, including the loss of potential educational or professional opportunities in the future and fear of possible criminal prosecution.

They may also fear future repercussions of admitting to involvement in the commercial sex industry, including the loss of potential educational or professional opportunities in the future and possible criminal prosecution. Victims may also be reluctant or unwilling to report due to prior negative experiences with responders and systems that further traumatized them, either intentionally or unintentionally.

All these issues require investigators to adopt a distinct approach to interacting with, questioning, and interviewing trafficking victims. By understanding and in some cases acknowledging the following factors, law enforcement may encourage participation and avoid recantation:

- Feelings of embarrassment and shame;
- Fear of the future and the ability to meet basic needs without the perpetrator's assistance;
- Fear of retaliation;
- Desire to put their victimization behind them and "move on;"
- Anxiety over having to face the perpetrator in court;
- Pressure from the perpetrator, friends, or others in the community;
- Concern about the likely outcome of a prosecution;
- Concern that the victim will not be believed.

When encountering a reluctant or recanting victim, law enforcement should remember that the victim's participation should always **be respectfully encouraged and never coerced:**

- Engage in a victim-centered fashion;
- Acknowledge the difficulties and risk to a victim who chooses to make a report;
- Acknowledge and, where possible eliminate, the factors outlined above;
- Document any inconsistencies with the understanding that a recantation of one or more aspects of a prior statement does not mean there has been a completely false report;
- Understand that various factors affect a victim's willingness to participate and/or recant.

## **VI. Prosecutor Response**

Due to the unique and complex nature of human trafficking cases, the best outcomes are achieved when handled by a consistent team of specially trained professionals. To this end, law enforcement should contact the District Attorney's Office to request a prosecutor be assigned early on in an investigation of suspected human trafficking. The assigned prosecutor will work together with the investigator and a victim advocate, and through consistency establish a rapport with the victim. Where criminal charges are filed, the assigned prosecutor should continue to handle the case through its final disposition.

This model provides stability and comfort to victims who are often understandably distrustful and reluctant to move forward with a criminal investigation and/or prosecution. Providing stability builds victim confidence and trust, and in turn, enhances willingness to cooperate with prosecution. Also, having the same prosecutor handle a case from investigation through final

disposition minimizes the delay and disruption which might accompany transferring a case to a new prosecutor who must familiarize themselves with the case and begin the rapport-building process with the victim.

#### **A. Working with Sex Trafficking Victims After Initiation of Criminal Charges**

Just like a first responding officer, prosecutors must recognize how their interactions with a victim will have a significant impact on the victim's future well-being as well as their continued cooperation through the final disposition of any criminal case. Prosecutors should always be engaging and trauma-informed (*See* Section I(A)(i) "Victim-Centered, Trauma-Informed Approach and Engagement). However, it is equally important for prosecutors to maintain professionalism and objectivity and make clear their unique role in the criminal justice system. Prosecutors should thoroughly explain their role to victims of trafficking, as well as clearly share how they can support victims throughout the legal process. It is important for prosecutors to set realistic expectations and timelines for victims of trafficking, as well as explain what intended and unintended consequences could arise as a result of moving forward in the criminal justice process.

When appropriate, the prosecutor, an investigator, and/or victim advocate, should meet with the victim to introduce themselves, explain their role and the criminal justice process, and build rapport with the victim. Such a meeting will assist in establishing a relationship of trust that is important to ensure the victim is supported and heard throughout the case.

Although the prosecutor ultimately maintains sole discretion regarding how a case proceeds from investigation through prosecution, input from the victim is an important aspect of the decision-making process. Victims should feel comfortable that prosecutors will effectively explain each stage of the criminal justice process and adequately prepare them for any proceeding where their appearance may be necessary.

##### **i. Relevant Criminal Statutes**

The prosecutor plays a critical role in the outcome of human trafficking cases. Perhaps the most critical aspect of this role is the decision to prosecute or not prosecute after evaluating the evidence collected during the investigation with an eye toward the ultimate burden of proof: beyond a reasonable doubt.

The following is a list of the criminal statutes specific to trafficking. Other, non-trafficking offenses may also be appropriate depending on the facts and circumstances revealed by the investigation.

##### **1. Buyer Beware Act**

On April 6, 2020, new legislation became effective that refocused criminal penalties to punishing traffickers and sex buyers. In brief, the Act increases the grading of some trafficking offenses; increases the penalties for sex buyers; and removes recidivist penalties for prostituted people.

The following is a list of the criminal statutes specific to trafficking. Other, non-trafficking offenses may also be appropriate depending on the facts and circumstances revealed by the investigation.

## 2. Definitions 18 Pa. C.S. 3001

**“Victim of human trafficking” or “victim:”** an individual who has been subjected to human trafficking.

**“Human trafficking:”** any activity in violation of section 3011 (relating to trafficking in individuals) either alone or in conjunction with an activity in violation of section 3012 (relating to involuntary servitude).

**“Involuntary servitude:”** labor servitude or sexual servitude.

**“Sexual servitude:”** Any sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual and is induced or obtained from:

- (1) A minor,
- (2) Any other individual by any of the means set forth in section 3012(b).

**“Sex act:”** any touching or exposure of the sexual or other intimate parts of any individual for the purpose of gratifying sexual desire of any individual.

## 3. Trafficking in Individuals, 18 Pa. C.S. 3011(a)

The offense of **Trafficking in Individuals** requires the following elements be proven beyond a reasonable doubt:

- the defendant recruited, enticed, solicited, advertised, harbored, transported, provided, obtained, or maintained an individual;
- the defendant knew or recklessly disregarded the risk that the individual would be subject to involuntary servitude; OR
- the defendant knowingly benefited financially or received anything of value from any act that the defendant knew facilitated the recruitment, enticement, solicitation, advertisement, harboring, transportation, provision, obtaining, maintaining, or advertising a person who would be subject to involuntary servitude

## 4. Involuntary Servitude, 18 Pa. C.S. 3012

The offense of **Involuntary Servitude** requires the following elements be proven beyond a reasonable doubt:

- the defendant subjected an individual to labor servitude or sexual servitude
- the defendant did so through any of the following means:

- Causing or threatening to cause serious harm to any individual
- Physically restraining or threatening to physically restrain another individual.
- Kidnapping or attempting to kidnap any individual
- Abusing or threatening to abuse the legal process
- Taking or retaining the individual's personal property or real property as a means of coercion
- Engaging in unlawful conduct with respect to documents, as defined in section 3014
- Extortion
- Fraud
- Criminal coercion, as defined in section 2906
- Duress, through the use of or threat to use unlawful force against the person or another
- Debt coercion
- Facilitating or controlling the individual's access to a controlled substance
- Using any scheme, plan, or pattern intended to cause the individual to believe that, if the individual does not perform the labor, services, acts, or performances, that individual or another individual will suffer serious harm or physical restraint
- the defendant did so knowingly

#### **5. Patronizing a Victim of Sexual Servitude, 18 Pa. C.S. 3013**

The offense of **Patronizing a Victim of Sexual Servitude** requires the following elements be proven beyond a reasonable doubt:

- the defendant engaged in a sex act or performance with another individual, meaning any touching or exposure of the sexual or other intimate parts of any individual for the purpose of gratifying sexual desire of any other individual
- the individual with whom the sex act or performance was performed was a victim of human trafficking, meaning they were recruited, enticed, solicited, harbored, transported, provided, obtained, or maintained in a condition of involuntary servitude
- the defendant engaged in the sex act or performance knowing or with reckless disregard for the fact that the individual with whom the act or performance was committed was a victim of human trafficking

#### **6. Promoting Prostitution, 18 Pa. C.S. 5902(b)**

The offense of **Promoting Prostitution** requires the following elements be proven beyond a reasonable doubt:

- the defendant knowingly promoted prostitution of another person;
- the defendant did so by any of the following means:

- owning, controlling, managing, supervising, or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business
- procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate
- encouraging, inducing, or otherwise intentionally causing another to become or remain a prostitute

OR

- the defendant did so by:
  - soliciting a person to patronize a prostitute
  - procuring a prostitute for a patron
  - transporting a person into or within this Commonwealth with intent to promote the engaging in prostitution by that person, or procuring or paying for transportation with that intent
  - leasing or otherwise permitting a place controlled by the defendant, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means
  - soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do [action]; and
- the defendant compelled another to engage in or promote prostitution

#### **7. Living off Prostitutes, 18 Pa. C.S. 5902(d)**

The offense of **Living off Prostitutes** requires the following elements be proven beyond a reasonable doubt:

- that the defendant was financially supported in whole or substantial part by the proceeds of prostitution
- that the defendant did so knowingly

#### **8. Patronizing Prostitutes, 18 Pa. C.S. 5902(e)**

The offense of **Patronizing Prostitutes** requires the following elements be proven beyond a reasonable doubt:

where the misdemeanor is charged,

- the defendant hired a prostitute or any other person for the purpose of engaging in sexual activity OR
- the defendant entered or remained in a house of prostitution for the purpose of engaging in sexual activity

or, where the felony is charged,

- the defendant either

- hired a prostitute or any other person for the purpose of engaging in sexual activity OR
- entered or remained in a house of prostitution for the purpose of engaging in sexual activity
- the defendant knew that he/she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS)

The grading of a misdemeanor is determined by the number of prior convictions for the same offense.

- 1<sup>st</sup> or 2<sup>nd</sup> Offense: Misdemeanor 3<sup>rd</sup> degree
- 3<sup>rd</sup> Offense: Misdemeanor 2<sup>nd</sup> degree
- 4<sup>th</sup> or Subsequent Offense: Misdemeanor 1<sup>st</sup> degree

## **ii. Co-Occurring Crimes**

- Drug crimes
- Personal Injury Crimes—physical & sexual assault

## **iii. Evidence & Defenses to Human Trafficking, 18 Pa. C.S. 3018 & 3104**

Just as in all cases of sexual assault, evidence pertaining to the past sexual conduct of a victim of human trafficking is not admissible absent an applicable exception. 18 Pa. C.S. 3018; 18 Pa. C.S. 3104. In addition, evidence of the age of the victim of human trafficking with respect to the age of consent to sex or the legal age of marriage is also inadmissible. 18 Pa. C.S. 3018.

## **B. District Attorney Approval**

The law enforcement officer assigned to investigate a report of suspected human trafficking should consult with the District Attorney's office throughout the investigation. In addition, before the execution of any search or arrest warrant, the officer will need to obtain approval from the District Attorney's office as required by local Rules of Criminal Procedure 201 and 507.

## **VII. Conclusion**

The policies outlined above are a guide for professionals handling cases of suspected sex trafficking of adults. The specific response in each case will be personalized to each victim given the facts of each case, and it is understood that the response to victims should be tailored to meet each person's unique strengths and needs.

Human trafficking is a dynamic and unfolding field. As such, best practices continue to be updated regularly. It is therefore the responsibility of all multidisciplinary partners involved in the response to adult victims of sex trafficking to keep abreast of all new techniques and theories as we continue to combat this issue. All agencies involved in the response protocol should

commit to receiving ongoing training in the dynamics of human trafficking and commercial sexual exploitation, as well as the best ways to identify and respond in their specific roles to suspected sex trafficking victims. As new methodologies and best practices emerge, these policies and procedures may be modified to enhance their overall effectiveness. Furthermore, as more adult victims are recovered, and insight and feedback are gleaned from victims, the policies will continue to be modified.

## Appendix A



### 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 programs 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 the local 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*

For the most part, identification and Emergency Response for these victims 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.

## Appendix B

### The Red Flags for Human Sex Trafficking Card

(Front of Card)

#### RED FLAGS FOR HUMAN TRAFFICKING

- ▶ Are they free to come and go as they wish?
- ▶ Do they exhibit unusually fearful, anxious, depressed, submissive, or nervous/paranoid behavior?
- ▶ Are they in control of their own money and/or ID documents?
- ▶ Have they had multiple STIs, pregnancies or abortions?
- ▶ Are they accompanied by a significantly older adult and/or not allowed to speak for themselves?
- ▶ Have they been “branded” by a trafficker (*tattoos with someone’s name, etc.*)?
- ▶ Do they know what city they are in or what day/week it is?
- ▶ Do they claim to be “visiting” and are they unable to clarify where they are staying or provide an address?
- ▶ Are they under 18 years of age and having sex in exchange for something of perceived value?
- ▶ Are they carrying large amounts of cash or multiple luxury items?
- ▶ Are they showing signs of physical/sexual abuse, physical restraint, confinement, or torture?

*If Red Flags Are Identified Turn Over For Next Steps*

(Back of Card)

#### Steps to take in Montgomery County, PA if human trafficking is suspected:

- ▶ **Victim under the age of 18**  
**ChildLine: 1-800-932-0313**  
<http://keepkidssafe.pa.gov>
- ▶ **Montgomery County’s Human Trafficking Hotline**  
(Salvation Army)  
**267-838-5866**
- ▶ **National Human Trafficking Hotline (Polaris)**  
**1-888-373-7888**  
Text “help” to: **BeFree (233733)**

##### **Human sex trafficking is defined as:**

*When someone uses force, fraud, or coercion to cause a commercial sex act with an adult or causes a minor to commit a commercial sex act.*

##### **Commercial sex act:**

*Includes prostitution, pornography and sexual performance done in exchange for any item of value, such as money, drugs, shelter, food, or clothes.*

(Classified by: Shared Hope)



## APPENDIX C

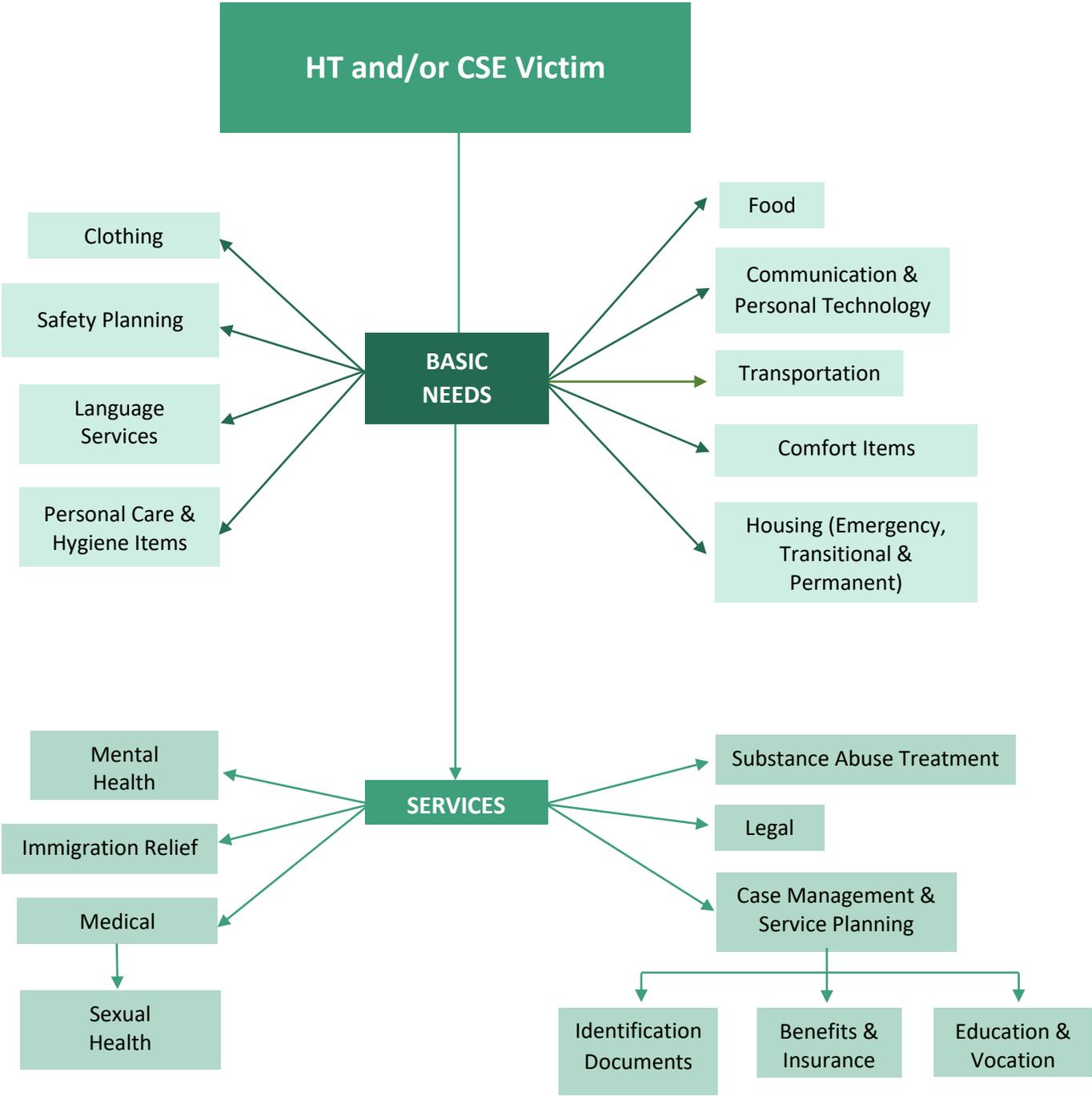
# BEST PRACTICES FOR PROVIDING SERVICES TO VICTIMS OF SEX TRAFFICKING

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# Necessary Services Provided to Victims of Human Trafficking (HT) and/or Commercial Sexual Exploitation (CSE)



## Introduction: Overview

When working with victims of trafficking, reliability, consistency, and honesty must all be demonstrated by service providers. Victims of sex trafficking have often been lied to or manipulated several times before, so honesty and reliability are crucial. Service providers should be consistent and straightforward about what support they can offer. They must be consistent in their actions so that meaningful rapport building can take place. Service providers should also maintain boundaries with victims. By doing so, a victim knows what they can or cannot expect from a service provider.

Service providers must be careful not to adopt a “savior mentality.” This mentality suggests that a person is capable of rescuing or saving someone from their problems and situation. Instead, victims must be recognized as the authors of and experts on their own stories. Service providers operate to support the victim in making their own decisions. Service providers do not save anyone, but rather act in a manner that empowers victims to make the changes they want to see in their lives. Service providers should operate within a trauma-informed framework to better understand why victims may react as they do, and then offer the most helpful support. By valuing the self-determination and autonomy of victims, service providers give power back to victims who historically have had power taken from them.

Lastly, service providers should celebrate success in its various forms. Success may look like a person returning to a housing program for a safe place to sleep, or a victim texting a service provider back to schedule a meeting. Success may mean a victim securing employment or advocating for oneself. A victim talking more openly about their feelings or recognizing that a relationship is unhealthy may be a pivotal success. Ultimately, success looks different for each victim, and service providers should recognize all different types of success. They should also understand when working with victims of trafficking (or any part of humanity), it is rare to see a consistently linear uphill climb towards “success.” Both relapse and success happen in small moments. Service providers should ask the victim what success means to them and celebrate when they take steps towards their goals, even if this is amid relapse or a victim returning to an unsafe situation. Something as small as waking up and trying again can be a huge success.

The rest of this guide offers practical information on services that are needed for victims of sex trafficking. Victims may need support in managing complicated systems while simultaneously working to get their basic and emotional needs met. Service providers play a valuable role in supporting victims of trafficking towards the next phase of their life.

## Introduction: Burnout & Vicarious Trauma

Direct service professionals often build strong bonds with victims who may have experienced tremendous and complex trauma. As service providers work with victims in a trauma-informed way, the effect of trauma on a provider’s own body and mind must be recognized. To prevent burnout and/or compassion fatigue, a service provider should be able to identify warning signs.

**Burnout** is the gradual physical, mental, and emotional exhaustion due to long-term involvement in emotionally demanding or unfulfilling situations at work.<sup>10</sup>

Symptoms include: mental and physical exhaustion, feeling numb, feeling unsatisfied with your work, irritation, inability to concentrate, etc.

The American Counseling Association defines **vicarious trauma** as “the state of tension and preoccupation with the stories and trauma experiences described by victims.”<sup>11</sup>

Symptoms include: difficulty managing emotions, apathy, persistent fight or flight state, feeling numb, sleeping too much or too little, worrying excessively about potential dangers in their personal life, employing negative coping skills (drugs, alcohol, gambling, etc.)<sup>12</sup>

Strategies to prevent burnout and vicarious trauma do exist. Many of the guidelines outlined in Section 2.6 demonstrate techniques on how to prevent burnout.

- 1. Be self-aware.** Notice how your body and mind react to the stories and experiences victims share with you. Be careful not to jump into a crisis with victims. Determine whether the victim is experiencing a true crisis. Advocates should assist with coping mechanisms, but not be determined to “solve” problems for victims.
- 2. Create and maintain boundaries.** Inform victims of the days and times when you are available. Provide clients with resources for support for off-hours, holidays, and weekends. Clear boundaries allow for individuals to delineate work from personal time.
- 3. Maintain your role as the “supporter” and not the “rescuer”.** Ultimately, victims are in control of their journeys. It is important to remember that we cannot rescue our victims from the problems they face. Allow victims to use their autonomy to make their own decisions and problem solve.
- 4. Practice self-care.** Allow time in your schedule for yourself. Find a creative outlet that is not work-related. Attend to your basic needs by eating well, sleeping, and exercising.

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<sup>10</sup> “Job Burnout: How to Spot It and Take Action.” Mayo Clinic. Mayo Foundation for Medical Education and Research, June 5, 2021. <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/burnout/art-20046642>.

<sup>11</sup> “Vicarious Trauma.” The American Counseling Association, n.d. <https://www.counseling.org/docs/trauma-disaster/fact-sheet-9---vicarious-trauma.pdf>

<sup>12</sup> “The Vicarious Trauma Toolkit.” Office for Victims of Crime. U.S. Department of Justice Office of Justice Programs. Accessed August 25, 2021. <https://ovc.ojp.gov/program/vtt/what-is-vicarious-trauma>.

- 5. **Utilize supervision.** Seek support from your supervisor or coworkers if you are experiencing a challenging case. Ask for support from your team to debrief after a difficult meeting. As professionals, service providers encounter challenges both from individuals and systems. It is helpful to have continuing conversations about challenging topics to monitor individual and systemic factors that may affect a person’s work.

## Basic Needs

Basic needs should be identified by service providers and/or first responders and addressed as soon as possible; however, foremost, basic needs should be identified by the victim. Basic needs should typically be met before any services are pursued.

Please note that the numerical order in which the basic needs are listed does not designate the order in which each area should be addressed. The victim and their situation are unique, and the victim should always be empowered to identify which course of action is best to take.

### 1.1. Clothing

CLOTHING POLICY BEST PRACTICES
1. A supply of seasonally appropriate clothing will be maintained.
2. Clothing will be made available for people of all genders. Clothing will be provided in various sizes that will fit children ages 10 and up, as well as adults.
3. Ideally, all clothing will be new. If this is not possible, it all will be clean and “gently worn” at most. Clearly outdated clothing will not be included.
4. ALL undergarments and socks will be new.
5. Shoes will be “gently used,” if not new, and will be seasonally appropriate.
6. Jackets, coats, hats, gloves, and scarves will be available during the fall and winter months.
7. Whenever possible, clothing recipients will be given choices as to which clothing items they select.
8. When possible, clothing will be on hangers, and/or neatly folded and stacked by sizes so that recipients can make selections easily.

9. It may be possible for some providers who work with victims of sex trafficking to simply maintain a small supply of clothing for emergencies (stretchy items that fit multiple sizes work well for this) and then refer recipients to a local clothes closet, thrift shop, or another clothing provider with whom the trafficking service provider has developed a memorandum of understanding (MOU) for this purpose.
10. Providers may also wish to keep a supply of basic clothing for children and infants who may be accompanying the victims.
11. Programs serving trafficking victims will work with local thrift shops to develop an MOU that will allow victims to select needed clothing from the thrift shops at no cost.
12. Programs serving trafficking victims will also compile a list of local low or no-cost clothing providers. The list will include information about how victims can access these resources (i.e. hours of operation; any referrals needed, etc.).

**CLOTHING RESOURCES**

Service providers with the first contact should have access to, or policies surrounding how to access basic clothing items. Service providers are encouraged to have gift cards available for places such as Walmart, Target, CVS, etc. to purchase these items.

## 1.2. Safety Planning

Service providers must engage in varying levels of safety planning with victims of sex trafficking as soon as possible. Safety planning “...refers to formal or informal risk assessments, preparations, and contingency plans designed to increase the safety of a sex trafficking victim or an individual at-risk for sex trafficking, as well as any agency or individual assisting a victim. A successful safety plan will:

1. Assess the current risk and identify current and potential safety concerns;
2. Create strategies for avoiding or reducing the threat of harm; and

3. “Outline concrete options for responding when safety is threatened or compromised.”<sup>13</sup>

Service providers should work with victims to plan for safety in the following areas:

- 1. Physical**

Service providers should work with the victim to create a plan surrounding prioritizing their physical safety. Each victim’s safety plan should be unique and specific to their situation. However, some generalized areas that a service provider should address include: helping the victim plan out an escape or exit route; encouraging the victim to obtain (if possible) their identification and other important documents; preparing a bag with essential items should they need to leave the situation quickly; and writing down and/or memorizing important phone number for resources and support.

- 2. Emotional**

While an emphasis is normally placed on physical safety planning, it is important to also consider emotional safety planning. Support the victim in emotional safety planning in a way that honors their unique strengths and needs. This may include helping the victim seek out supportive people in their life; assisting them with identifying and working towards achievable goals; and encouraging them to create a peaceful space for themselves. Emotional safety planning may include the victim acknowledging and validating their emotions, and then identifying what coping skills they will utilize when they experience those emotions.

- 3. Technological**

Traffickers routinely leverage technology to control their victims. It is important to develop a safety plan around technology, including social media, with victims. Service providers should encourage victims to use a public computer if possible, and/or ensure that when using an electronic device a trafficker may have access to, the device’s search history and browser history have been cleared. Service providers should work with victims to ensure that their location is protected and that all location sharing is disabled from mobile devices, applications, and all other accounts. Mobile phone providers can be contacted and will be able to disclose if any location sharing services are in use. Service providers should additionally address using discretion and adjusting privacy settings on social media accounts.

Agencies and organizations should ensure that their offices are a safe, non-threatening, and inviting space for victims of trafficking who may come into their office(s). The waiting area/lobby of the office should be warm, welcoming, and clean. It is a best practice that the

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<sup>13</sup> The National Human Trafficking Resource Center. “Safety Planning and Prevention.” Polaris Project, 2011. <https://humantraffickinghotline.org/sites/default/files/Safety%20Planning%20At%20A%20Glance.pdf>

décor on the walls of the office does not feature any images of people and that the walls of the office be painted a warm, pleasing color or a cool, relaxing color. When possible, an individual should be in the waiting/area lobby of the office to greet the victim and provide information surrounding the next steps during their visit to the office.

It may be beneficial to explain the safety features of the office and explain the set-up of the space (i.e. where exits are, etc.). Be sure to ask the victim if there is anything that they do not like about the physical space they are meeting in, and/or if there is anything that can be done to make space feel safer and more comfortable.

<b>SAFETY PLANNING RESOURCES</b>	
<b>ACCESS Mobile Crisis</b>	1 (855) 634-4673
<b>The National Human Trafficking Hotline</b>	1 (888) 373-7888 Text line: Text "BeFree" (233733)

### 1.3. Language Services

Agencies should have their own internal processes and protocols related to provision of language services. As required by law, a majority of the agencies involved in the Sex Trafficking Response Team for minors and adults should have access to translation and interpretation services. Below is a recommendation for best practices related to language services.

<b>LANGUAGE SERVICES BEST PRACTICES</b>
1. When speaking with a victim, service providers should first empower the victim to express how they would feel most comfortable communicating.
2. If the victim feels uncomfortable with in-person interpretation services, then utilize telephone interpretation services. Conversely, if a victim feels uncomfortable with using telephone interpretation services, then use in-person interpretation services. If the victim knows the individual providing interpretation services, then this interpreter should not be utilized and someone else should be contacted to provide interpretation.
3. The best practice for victims with limited English proficiency (LEP) should be to locate a professional, who speaks the preferred language of the victim. Bi-lingual professionals should only interpret if they are trained to interpret.
4. After all attempts are made to provide a professional who can directly speak with the victim in their preferred or primary language, an in-person interpreter should be located and contracted.

5. If an in-person interpreter is not feasible due to time restraints, telephone interpretation services should be provided at a minimum.
6. To communicate with a victim, professionals should not use another victim, child, and/or family member to interpret. Even if a victim requests to use a friend or family member (who may be the trafficker), the professional should call an interpreter to interpret.
7. It is extremely important to have access to interpretation services 24 hours a day.
8. When working with any victim, it is important to have multiple interpreters, as fatigue can compromise accuracy. If there is a victim who is deaf or hard of hearing, please note that you would need two sign language interpreters if the victim knows ASL.

INTERPRETATION RESOURCES	
<b>Telephone Interpretation Services</b>	<b>Please enter in your county, and/or local, resources.</b>
<b>In-Person Interpretation Services</b>	<b>Please enter in your county, and/or local, resources.</b>

## 1.4. Personal Care and Hygiene Items

PERSONAL CARE & HYGIENE PRODUCTS BEST PRACTICES
1. A supply of basic personal care items will be maintained by those organizations with the first contact.
2. Items will be stocked that are suitable for those who identify as either female or male, or agender. Items will be stocked for children age 10 and up.
3. Basics include: small-medium bottles of hand and body soap; toothbrushes; toothpaste; denture cleaner and denture cream; feminine hygiene products (assorted types and sizes); shampoo and conditioner; hand and body lotion; deodorant; body powder; combs and brushes for all types of hair; over-the-counter medications; Band-Aids; basic cosmetics with variety when available; a small supply of adult

diapers/briefs in small, medium, large, and x-large; tissues; toilet paper; and small tote bags or cosmetic bags
4. Service recipients will be able to choose the items that they want and need.
5. Programs/Providers may also wish to keep some supplies on hand for infants: diapers in various sizes, bottles, pacifiers, and so on, as well as children’s strength over-the-counter medications.
6. A supply of new or gently used backpacks and/or tote bags will be kept on hand for victims to be able to carry and organize products as easily as possible.

**RESOURCES FOR PERSONAL CARE & HYGIENE PRODUCTS**

Service providers with the first contact should have access to, or policies surrounding how to access, basic care and hygiene products. Service providers are encouraged to have gift cards available for places such as Walmart, Target, CVS, etc. to purchase these items.

**1.5. Housing**

Housing First is a proven approach, applicable across all elements of systems, for ending homelessness. In this approach, people experiencing homelessness are connected to permanent housing swiftly and with few to no treatment preconditions, behavioral contingencies, or other barriers. People experiencing homelessness, including victims of sex trafficking, can achieve stability in permanent housing if provided with the appropriate level of services from the community. Research shows Housing First yields higher housing retention rates, drives significant reductions in the use of costly crisis services and institutions, and helps people achieve better health and social outcomes (United States Interagency Council Homelessness, 2016). Service providers should set realistic expectations for victims surrounding housing. Housing options can be limited and available options are not always as comfortable and/or accommodating as victims may prefer. If this is the case, providers should be advised to assist victims in identifying a safe individual with who they could stay temporarily.

**1.5.1 Emergency Housing**

**EMERGENCY HOUSING BEST PRACTICES**

1. When a victim of sex trafficking is engaged, immediate emergency housing such as emergency shelter, safe haven, or hotel should be made available to them, See Section 1.5.1, Emergency Hotel Best Practices.
2. In order to reduce the amount of trauma, entry into emergency housing should be swift and low barrier, meaning no preconditions related to sobriety, income, or participation in treatment.
3. Barriers, rules, or regulations required for shelter entry have been shown to mostly affect those who are marginalized, such as people who identify as LGBTQ, people with disabilities, and the elderly (Rankin & Skinner, 2016). Barriers to entry into emergency shelters may also cause the victim to return to their trafficker.
4. Once emergency housing needs are met, a plan for exit to a permanent housing destination should begin immediately, to keep the stay at the emergency shelter as brief, and therefore less traumatizing, as possible. See Section 1.5.3, Permanent Housing Best Practices.

**EMERGENCY HOUSING RESOURCES**

If not otherwise indicated, then the resources below are located in Montgomery County.

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**Please enter in your county, and/or local, resources.**

If a hotel is utilized to provide emergency housing, please follow the guidelines below. A victim who has been historically victimized by a trafficker(s) and/or sex buyer(s) in hotels may not feel this is a safe place to reside. As such, careful consideration must be given before placing an individual in a hotel, and only done if a victim expresses they would like to pursue this housing option.

**EMERGENCY HOTEL BEST PRACTICES**

While emergency funds are available for hotel costs for emergency shelters, [this resource should be a last resort](#) if no other alternatives can be arranged.

1. An Advocate from the Salvation Army should be contacted to meet with the victim face-to-face. The Salvation Army Hotline Number is 267-838-5866. An Advocate should address the following:
  - Medical Care (See Sections 2.3, 2.31, and 2.4)
  - Plan for Meals (See Section 1.9)
  - Clothing (See Section 1.1)
  - Temporary phone will be provided (See Section 1.8)
  - Transportation should be arranged if needed (See Section 1.7)
  - Post-hotel living arrangements (See Section 1.5.2 and 1.5.3)

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| 2. Services should be provided in the victim’s preferred language. Language services can be reimbursed through the grant (See Section 1.3).                                    |
| 3. Threat assessment and safety assessment should be conducted. Security details have been needed/requested in some cases (See Section 1.2).                                   |
| 4. The use of an alias for the hotel room should be utilized. If the victim doesn’t have identification, most hotels will accept a letter on letterhead.                       |
| 5. Careful consideration should be made to the selection of hotels. Price should not be the only deciding factor due to the hotel industry’s participation in sex trafficking. |
| 6. Hotels utilized for emergency shelter should ideally serve a hot meal in-house, and/or having cooking facilities in them (i.e. a microwave, mini-refrigerator, etc.).       |

EMERGENCY HOTEL RESOURCES
Hotel Name Here
<p><b>Please enter in your county, and/or local, resources.</b></p>

### 1.5.2. Transitional Housing

TRANSITIONAL HOUSING BEST PRACTICES
<p>1. From the Salvation Army’s STOP-IT initiative: “Transitional housing (TH) is a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Many TH programs focused on serving trafficking victims operate by supporting victims in accessing safety and attending to their healing before working on longer-term goals that would lead to more permanent housing in their chosen community. These programs offer a lot of structure for their participants and often incorporate a religious component to their requirements. For some victims, this model offers the stability and community needed to work toward long-term goals. For others, programmatic restrictions and expectations can serve as reminders of their previously controlling and exploitative situations and may put them at risk for returning to their trafficker or abuser. Additionally, many anti-trafficking residential programs serve only female-identified young people leaving sex trafficking situations. This focus can foster safety and mutual aid through shared experiences. Unfortunately, it also leaves out people who do not share these identities or experiences, such as people who are transgender or non-binary.”</p>

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| 2. Thus, while transitional housing should be an available temporary housing option for victims who wish to work on treatment goals (or other goals of their choosing) first, transitional housing should never be mandatory for victims who prefer to be supported in permanent housing of their own. |
| 3. Additionally, for any victim that chooses to enter transitional housing, entry into the program should be low-barrier and easy, program requirements & rules should be limited, and goals should be victim-centered.  |
| 4. The ultimate objective should be to exit the transitional housing project to a permanent housing destination within or before 24 months.  |

<b>TRANSITIONAL HOUSING RESOURCES</b>
<b>Please enter in your county, and/or local, resources.</b>

### 1.5.3. Permanent Housing

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| <b>PERMANENT HOUSING BEST PRACTICES</b>  |
| <i>If not otherwise indicated, then the resources below are located in Montgomery County.</i>  |
| 1. Housing is a basic human right and need. Housing First is the belief that all people can be successful in independent housing that is their own (meaning the lease is theirs); some just need more support from the community to achieve that success.  |
| 2. Rapid Re-Housing (RRH) is an evidence-informed best practice that supports obtaining and maintaining permanent housing in a victim’s community of choice. RRH assists a victim who is homeless (in an emergency shelter or transitional housing) exit homelessness by providing them with specialized housing location services, short to medium term rental assistance (up to 24 months), and case management to connect them to health, legal, financial, budgeting, mental health, drug and alcohol, job training, and other supportive services as needed by the individual to maintain that housing. RRH has been shown to have an average of 75% success rate with households experiencing homelessness, meaning 3/4 of recipients do not return to homelessness. RRH is proven to be a best practice for all victims of domestic violence, dating violence, stalking, sexual assault, and human trafficking. RRH is based on the principle of Housing First and does not require any pre-conditions for help in finding and maintaining housing in the community, meaning there are no sobriety requirements or treatment requirements. It is victim-centered and trauma-informed service delivery, with the victim working in participation of the program to develop their own goals around economic self-sufficiency, well-being, and health. |
| 3. Permanent Supportive Housing should also be discussed with victims of trafficking as a possible housing option. Permanent Supportive Housing (PSH) is “a model that   |

combines low-barrier affordable housing, health care, and supportive services to help individuals and families lead more stable lives. PSH typically targets people who are homeless or otherwise unstably housed, experience multiple barriers to housing, and are unable to maintain housing stability without supportive services” (National Health Care for the Homeless Council).

4. For more information on Rapid Re-Housing, visit:

<https://endhomelessness.org/ending-homelessness/solutions/rapid-re-housing/>

5. For more information on Permanent Supportive Housing, visit:

<https://endhomelessness.org/ending-homelessness/solutions/permanent-supportive-housing/>

## PERMANENT HOUSING RESOURCES

*If not otherwise indicated, then the resources below are located in Montgomery County.*

**Please enter in your county, and/or local, resources.**

## HOUSING FOR UNACCOMPANIED MINOR CHILDREN VICTIMS BEST PRACTICES

1. When an unaccompanied minor is identified as a victim of human trafficking, it is best practice to first meet their immediate safety needs.
2. Family reunification for minor victims of trafficking may be best practice depending upon the case. In some instances, family reunification is not best practice (e.g. if an unaccompanied minor victim is trafficked by their parent and/or caregiver). For further information, see *The Montgomery County Sex Trafficking Response Protocol for Minors*.
3. Call Childline for assistance from the County Office of Children and Youth.
4. For more information on serving child victims of human trafficking, visit [https://www.acf.hhs.gov/sites/default/files/orr/fact\\_sheet\\_child\\_victims\\_of\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_child_victims_of_human_trafficking.pdf).

### 1.6. Comfort Items

## COMFORT ITEMS BEST PRACTICES

1. Upon recovery of a victim of sex trafficking, they need to have access to items that provide them with comfort or feelings of safety. A comfort object, transitional object, or security

blanket is an item used to provide psychological comfort, especially in unusual or unique situations.
2. Oftentimes individuals who have been trafficked have lost items that held value for them. They may have stress-reducing coping techniques such as listening to music or drawing etc.
3. A victim may have something that has stayed with them throughout their lifetime. This could be a jewelry item, a particular piece of clothing, etc. In those cases, the best practice is to help that victim to maintain possession of the item(s), if at all possible. A victim needs to be able to maintain possession of what they have when services are planning living arrangements.
4. Comfort items could be, but are not limited to: a notebook and writing utensil, a stuffed animal, music listening device, jewelry items, coloring book, reading material, a blanket, pillow, etc.
5. Professionals meeting with a victim may want to bring with them paper for drawing or writing, fidgets, or any other grounding items to help build trust between them and the victim.

**RESOURCES FOR COMFORT ITEMS**

Service providers with the first contact should have access to, or policies surrounding how to access basic comfort items. Service providers are encouraged to have gift cards available for places such as Walmart, Target, CVS, etc. to purchase these items.

**1.7. Transportation**

**TRANSPORTATION BEST PRACTICES**

1. Transportation can be a challenge in many areas throughout our state, as well as the country. It can act as a barrier to a victim receiving services in many cases. Therefore, when assisting with the victim’s connection to services, access, and proximity to public transportation should be considered when necessary.
2. If a ride-sharing service needs to be utilized, an advocate should accompany the victim to ensure that they feel safe and supported. An advocate should only accompany a victim if this practice is in alignment with their agency’s policies and procedures
3. Some victim service organizations can assist with transportation.

<b>TRANSPORTATION RESOURCES</b>		
Uber	It is recommended that an advocate accompany the victim.	Download the Uber app on your smartphone. For more

		information, see: <a href="https://www.uber.com/us/en/ride/">https://www.uber.com/us/en/ride/</a>
Lyft	It is recommended that an advocate accompany the victim.	Download the Lyft app on your smartphone. For more information, see: <a href="https://www.lyft.com/rider">https://www.lyft.com/rider</a>
SEPTA	Southeastern Pennsylvania Transportation Authority serves Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties	1 (215) 580-7800 For SEPTA schedules in the area, see: <a href="http://www.septa.org/schedules/">http://www.septa.org/schedules/</a>
<b>Please enter in your county, and/or local, resources.</b>		

## 1.8. Communication and Personal Technology

In a report published by Thorn: Digital Defenders of Children, it was found that 74 percent of victims interviewed reported having “access to a telephone while in the life.”<sup>14</sup> Following 2007, the same study found that 78 percent of victims described having a smartphone while in the life.<sup>15</sup> While many victims disclosed utilizing their smartphones to communicate with their trafficker, many also reported using their phone to maintain communication with family and friends.<sup>16</sup>

COMMUNICATION AND PERSONAL TECHNOLOGY BEST PRACTICES
1. Victims should have access to their cell phones, as well as other forms of personal technology, to foster empowerment and agency. Programs that require victims to relinquish access to their technology may be in danger of replicating harmful power and control dynamics demonstrated by traffickers.
2. Since carrying a device such as a tablet and/or smartphone allows a trafficker to more easily track the location of a victim, an emphasis should be placed on safety planning with an advocate. See Section 1.2, Safety Planning Best Practices. There should be a discussion regarding the possible ramifications of carrying a device that the trafficker can utilize for tracking purposes.

<sup>14</sup> Bouche, Vanessa. Rep. *Survivor Insights: The Role of Technology in Domestic Minor Sex Trafficking*. Thorn, 2018.

<sup>15</sup> Bouche, Vanessa. Rep. *Survivor Insights: The Role of Technology in Domestic Minor Sex Trafficking*. Thorn, 2018.

<sup>16</sup> Ibid.

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| <p>3. Should a victim choose to disable their phone, then a smartphone should be provided by an advocate. A smartphone is no longer a luxury item but is a necessity for individuals. A smartphone can be utilized by victims to access the internet as a means to arrange transportation and combat isolation.</p>  |
| <p>4. Should a cell phone of a victim be confiscated by law enforcement as evidence in an investigation, another pre-paid smartphone should be provided to the victim.</p>   |
| <p>5. Additionally, if a victim does not own their phone, then a phone should be provided to this individual as it is considered a basic need.</p>   |
| <p>6. Service providers and law enforcement officers should engage in a discussion around safety planning and personal technology with the victim (see “Safety Planning Best Practices” p. 8). Traffickers frequently utilize cellphones as a means to track the location of their victim; therefore, if a victim expresses concern that their cell phone may be used by the trafficker for this purpose, a smartphone should be provided to the victim to use for communication and the original cell phone should be shut down with the battery removed.</p> |

**RESOURCES FOR COMMUNICATION AND PERSONAL TECHNOLOGY**

Service providers with the first contact should have access to, or policies surrounding how to access, smartphones and other personal technology. Service providers are encouraged to have gift cards available for places such as Walmart, Target, CVS, etc. to purchase these items.

## 1.9. Food

- FOOD BEST PRACTICES**
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| <p>1. Advocates who are providing emergency response services for victims of trafficking will carry snack food packs and bottled water with them.</p>  |
| <p>2. Once the victims are in a safe location, a choice of foods will be made available to them. When possible, food choices should take into consideration medical requirements (i.e., for people with diabetes or food allergies and other medical conditions requiring dietary accommodations) and cultural food preferences.</p> |
| <p>3. When possible, residential programs will offer a variety of food choices, as well as opportunities for residents to plan meals and assist with cooking, grocery shopping, etc.</p>   |

4. If a victim needs to be temporarily placed in a hotel or other safe space that does not have cooking facilities, they will be provided with gift cards to local, easy to get to restaurants/fast food places. When possible, gift cards for places that will deliver meals and/or meal delivery services will be provided.

## RESOURCES FOR FOOD

Service providers with the first contact should have access to, or policies surrounding how to access food. Service providers are encouraged to have gift cards available for places such as Walmart, Target, CVS, etc. to purchase these items.

## 2.0. Services

Service providers should assist a victim in meeting their basic needs before supporting the victim in becoming connected with additional services. However, if the victim expresses that they would prefer immediate support in becoming connected to certain services, then the service provider should follow the victim’s lead and support the victim in their self-advocacy.

The following are service areas which should be discussed with a victim. Each victim and their situation are unique; therefore, every service should not be pursued. A victim should be empowered to determine which services they would like to pursue in their own time.

## 2.1. Mental Health

### MENTAL HEALTH SERVICES BEST PRACTICES

1. All mental health services must be trauma-informed.
2. The victim is should be provided with choices in what mental health services they want and when they want them.
3. Culturally-specific, community-based, and non-traditional therapy models should also be explored such as yoga, equine, dance and movement, etc.
4. Counseling should never be mandated. Counselors should be chosen who have experience with human trafficking (preferably a licensed professional). If that is not an option, a therapist with experience working with sexual assault or domestic violence victims should be offered a choice.
5. A victim may be inconsistent with attendance and their willingness to engage in services, so providers should allow for this possibility.

## RESOURCES FOR MENTAL HEALTH

Victims' access to mental health services vary based upon location, insurance plan, and type of therapy desired by the victim. Services will also vary over time and are impacted by staff changes. Each immediate contact agency should maintain an updated and vetted list of mental health clinicians who should be consulted when assisting victims to become connected to therapy.

**Please enter in your county, and/or local, resources.**

## 2.2. Immigration

### IMMIGRATION BEST PRACTICES

1. If a victim is undocumented or has expired documentation and has experienced trafficking or serious crime in the US or another country, the service provider should refer the victim to a legal agency to work with an immigration attorney.
2. The immigration attorney should assess for the victim's eligibility and trafficking history.
3. The service provider should continue to support and connect a victim with an immigration attorney.
4. The victim should be informed by the attorney about their rights in the case and what will be required of them before they start the visa process.
5. The victim should receive a letter from their attorney stating that their immigration case is under preparation so that they can present this to ICE or HSI officials if they are asked. If possible, the victim should receive a copy of the USCIS Receipt Notice for their pending T Nonimmigrant Status application.
6. Service providers should uphold confidentiality in not disclosing a victim's location or program participation to ICE or HSI unless the victim is specifically collaborating with HSI workers and has signed a Release of Information giving their consent.
7. All legal documents should be translated by a translator.
8. Case Managers should be present in court as a victim advocate and to emotionally support victims, if they want someone to accompany them.

9. Case managers should be available to support victims throughout their process of preparing the visa and retelling their experiences for legal documentation. Staff should be aware of the potentially triggering nature of that process and be available for support.

## RESOURCES FOR IMMIGRATION SUPPORT

Please enter in your county, and/or local, resources.

## SERVICES AVAILABLE TO VICTIMS OF TRAFFICKING

Federal services are available for foreign national victims of human trafficking. Follow the link and click on a specific status to see what services someone might have access to. This link is intended to help case managers and service providers find programs a victim may be eligible for.

<https://www.acf.hhs.gov/otip/victim-assistance/services-available-to-victims-of-trafficking>

## T-VISA

<p><b>Eligibility</b></p>	<ul style="list-style-type: none"> <li>● Victim of a severe form of human trafficking involving “force, fraud, or coercion.”</li> <li>● Are in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking (but trafficking can begin after entry).</li> <li>● Comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking.             <ul style="list-style-type: none"> <li>○ <i>Unless you are under the age of 18 or you are unable to cooperate due to physical or psychological trauma. In either case, you may not need to show that you complied with reasonable requests from law enforcement.</i></li> </ul> </li> <li>● Demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States.</li> </ul>
<p><b>Duration and Derivatives</b></p>	<p>Granted for four years. After four years a victim can apply for lawful permanent residence after three years or after the trafficking investigation or prosecution is completed. Certain qualifying family members may be eligible for a derivative visa, such as parents, spouse, and unmarried siblings under 18 years of age.</p>

U-VISA	
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>● Victim of qualifying criminal activity. These include but are not limited to:               <ul style="list-style-type: none"> <li>○ <i>Sexual abuse; Domestic violence; Female genital mutilation; Fraud in foreign labor contracting; Incest; Involuntary servitude; Murder; Rape; Prostitution; and Trafficking.</i></li> </ul> </li> <li>● Suffered substantial physical or mental abuse as a result of having been a victim of criminal activity.</li> <li>● You were, are, or are likely to be helpful to law enforcement in the investigation or prosecution of the crime.               <ul style="list-style-type: none"> <li>○ <i>If you are under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may assist law enforcement on your behalf.</i></li> </ul> </li> <li>● The crime occurred in the United States or violated U.S. laws.</li> <li>● You may apply (petition) for U nonimmigrant status if you are outside the United States, which follows different criteria.</li> </ul>
<b>Duration and Derivatives</b>	<p>Granted for four years. After four years a victim can apply for lawful permanent residence after three years or after the investigation or prosecution is completed. Derivatives are eligible for certain qualifying family members.</p>

ASYLUM	
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>● Application has to be within one year of entering the US.               <ul style="list-style-type: none"> <li>○ <i>Unless the victim has an extenuating circumstance.</i></li> </ul> </li> <li>● Not willing to go back to your country because you suffered persecution</li> <li>● Have a legitimate belief that you will be persecuted if you return to your country</li> <li>● Persecution must be one of the following: race; faith; country of birth; political opinion; or belonging to a specific social group as outlined below:               <ul style="list-style-type: none"> <li>○ <i>Tribes; Ethnic groups; Educated people and other social classes; Relatives of political dissidents; Workers in a particular occupation; Homosexuals; Former policemen or soldiers; Women (in specific cases).</i></li> </ul> </li> <li>● Persecution: harassed, injured, oppressed, and may be related to harm that is physical, psychological (threats, acts of violence, unjust imprisonment, denial of freedom, denial of basic human rights, DV)</li> </ul> <p><b>Ineligible</b> if you have been resettled in another country before coming to the US</p>
<b>Duration and Derivatives</b>	<p>Can apply to be a lawfully permanent resident after one year of living in the United States with asylum. Spouses and children may be recipients of derivative visas.</p>

## CONTINUED PRESENCE

- Filed by HSI
- Temporary immigration status for individuals who are victims of human trafficking
- Allows victims who are potential witnesses in the criminal investigation to remain in the U.S. for the duration of the investigation and receive work authorization.

## EMPLOYMENT AUTHORIZATION DOCUMENT (EAD)

“When USCIS grants T nonimmigrant status, an Employment Authorization Document (EAD) *is granted at the same time*. The information for the EAD is generated from Form I-914. There is no need to file a Form I-765, Application for Employment Authorization, along with the application for a T nonimmigrant status.”

- EAD cards are also granted to asylees, refugees, and their dependents, as well as holders of other immigration statuses.

## ELIGIBILITY AND CERTIFICATION LETTERS

Interim Assistance and Eligibility Letters allow minors who have experienced human trafficking to apply for the same benefits and services as refugees. Certification letters offer the same benefit to adults.

## REFERENCES

T-visa	<a href="https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status">https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status</a>
U-visa	<a href="https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status">https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status</a>
Asylum	<a href="https://www.uscis.gov/humanitarian/refugees-asylum/asylum/questions-and-answers-asylum-eligibility-and-applications">https://www.uscis.gov/humanitarian/refugees-asylum/asylum/questions-and-answers-asylum-eligibility-and-applications</a> <a href="https://www.uscis.gov/greencard/asylees">https://www.uscis.gov/greencard/asylees</a>
TPS (Temporary Protected Status)	<a href="https://www.uscis.gov/humanitarian/temporary-protected-status">https://www.uscis.gov/humanitarian/temporary-protected-status</a>
Employment Authorization Document (EAD)	<a href="https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-human-trafficking-t-nonimmigrant-status-0">https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-human-trafficking-t-nonimmigrant-status-0</a>

Eligibility and Certification Letters	<a href="https://www.acf.hhs.gov/otip/victim-assistance/eligibility-letters">https://www.acf.hhs.gov/otip/victim-assistance/eligibility-letters</a> <a href="https://www.acf.hhs.gov/otip/victim-assistance/certification-and-eligibility-letters-for-foreign-national-victims">https://www.acf.hhs.gov/otip/victim-assistance/certification-and-eligibility-letters-for-foreign-national-victims</a>
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## Consular Contact Sheet for Obtaining a Foreign Passport For Pennsylvania Residents

For a complete list of foreign consulates, visit:

<https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html>

### Mexico

- Make an appointment through MEXITEL: 1-877-639-4835 or online at: <https://mexitel.sre.gob.mx/citas.webportal/pages/public/login/login.jsf>
- Philadelphia consulate: 111 S Independence Mall E, Philadelphia, PA 19106
- Phone: (215) 923-8384
- For more information: <https://consulmex.sre.gob.mx/filadelfia/index.php/documentacion/pasaportes>

### Honduras

- Make a consular appointment online: <https://www.citaconsular.com/#/home>
- PA residents' consulate: 255-2 West 36 Street, First Level, New York, NY 10018
- Telephone: (212) 714-9451 / (212)714-9452 / (212)714-9086
- Office hours: Monday-Friday, 9:00am - 3:00pm

### Guatemala

- Make a consular appointment online: <http://www.citaconsularguatemala.com/>
- PA residents' consulate: 276 Park Avenue South, 2do piso, New York, New York, 10010
- More information available at: <https://www.consuladoguatemalanuevayork.org/pasaportes.html> or call 1-844-805-1011

### El Salvador

- Make an appointment online: <https://pasaportes.gob.sv/> or call 1-888-301-1130
- PA residents' consulate: 46 Park Avenue, New York, NY, 10016.
- Telephone: (212) 889-3608/09 / (347) 356-9916
- More information: <http://consuladonuevayork.rree.gob.sv>

### Dominican Republic

- PA residents' consulate: 1501 Broadway Ave., Suite 410
- Phone: (212) 768-2480, 81, 82 y 83
- Web: [www.consuladord-ny.org](http://www.consuladord-ny.org)

### Others

Argentina – New York, NY  
Telephone (212) 603-0400

Saudi Arabia - New York, NY  
Telephone (212) 752-2740

Bolivia - New York, NY  
Telephone (212) 687-0530, (212) 687-0531,  
(212) 986-3280, (646) 430-5132

Brazil - New York, NY  
Telephone (917) 777-7793 Monday - Friday  
from 9:00 a.m. to 5:00 p.m.  
917-943-7155 off-hours 24/7

Burkina Faso - New York, NY  
Telephone (212) 308-4720/4721

Cameroon - Washington, DC  
Telephone (202) 285-8790

Central African Republic - Washington, DC  
Telephone (202) 483-7800

Chile - New York, NY  
Telephone (212) 980-3366

China - New York, NY  
Telephone (212) 244-9392

Costa Rica - New York, NY  
Telephone (212) 509-3066/3067

Côte d'Ivoire - Washington, DC  
Telephone (202) 204-4034

Democratic Republic of the Congo -  
Washington, DC  
Telephone (202) 234-7690

Ecuador - New York, NY  
Telephone (212) 808-0170, (212) 808-0171

Eritrea - Washington, DC  
Telephone (202) 319-1991

Haiti - New York, NY  
Telephone (212) 697-9767

India - New York, NY  
Telephone (212) 774-0600

Jamaica - New York, NY  
Telephone (212) 935-9000

Kenya - New York, NY  
Telephone (212) 421-4741

Liberia - New York, NY  
Telephone (212) 687-1025

Nicaragua - New York, NY  
Telephone (212) 986-6562

Nigeria - Atlanta, GA  
Fax (770) 394-4671

Pakistan - New York, NY  
Telephone (212) 879-5800

Panama - Philadelphia, PA  
Telephone (215) 574-2994

Paraguay - New York, NY  
Telephone (212) 682-9441/9442

Peru - New York, NY  
Telephone (646) 735-3901

Philippines - New York, NY  
Telephone (212) 764-1330

Russia - New York, NY  
Telephone (212) 348-0926

Sierra Leone - Washington, DC  
Telephone (202) 939-9261/62/63

Singapore - New York, NY  
Telephone (212) 223-3331

South Korea - New York, NY  
Telephone (646) 674-6000

Uganda - Washington, DC  
Telephone (202) 726-7100

Ukraine - New York, NY  
Telephone (212) 371-6965

Uruguay - New York, NY  
Telephone (212) 753-8191, (212) 753-8192

Venezuela - New York, NY  
Telephone (212) 826-1660  
\*\* Note: In June 2019, the U.S. State Department announced it will recognize five-year validity extensions for Venezuelan passports. The acting Venezuelan government decreed that it will automatically extend all Venezuelan passports for five years beyond their expiration date. More info here:  
<https://www.state.gov/the-united-states-supports-extension-of-validity-for-venezuelan-passports/>

Vietnam - New York, NY  
Telephone (212) 644-0594/0831/2535

Zambia - New York, NY  
Telephone (212) 888-5770

Zimbabwe - New York, NY  
Telephone (212) 980-9511

## 2.3. Medical

MEDICAL TREATMENT BEST PRACTICES	
1.	The physical health of any victim should be a priority.
2.	If the victim is using medication(s), then a medication evaluation should be completed so that those medications can be received immediately.
3.	Tuberculosis testing should be considered as many individuals may have experienced homelessness before seeking medical attention. Many residential placements or shelters require a tuberculosis test to be completed.
4.	Victim service professionals should engage in open discussions with victims about their medical treatment options, particularly concerning sexual health (See Section 2.3.1). The victim should be empowered to make their own decisions regarding their medical treatment, and the advocate should provide many different options for treatment to the victim.
5.	Victim service professionals should provide the victim with thorough information regarding the potential costs of medical treatments. Information should also be provided on resources that could be utilized to cover medical and other expenses related to their victimization such as the Crime Victims Compensation Assistance Program (VCAP).
6.	<p>A Sexual Assault Nurse Examiner (SANE) will be able to provide care and medical treatment in a person-centered and trauma-informed manner. Should the victim want support during this time, an advocate should offer to accompany the victim to this examination. The SANE nurse can:</p> <ul style="list-style-type: none"><li>• Gather a culturally and developmentally appropriate medical history and a history of the assault, with an essential understanding of the medical and legal implications of both;</li><li>• Offer the patient suitable options in care, which may include forensic evidence collection, testing and treatment or prevention of sexually transmitted diseases and the human immunodeficiency virus (HIV), pregnancy prevention, and immediate and following services with community-based sexual assault advocacy, medical and law enforcement partners;</li><li>• Provide culturally sensitive, developmentally appropriate, and patient-specific evaluation and treatment;</li><li>• Testify in a criminal or civil trial as a fact or expert witness when necessary (Office for Victims of Crime, n.d.).</li></ul>

## MEDICAL TREATMENT FOR MINORS BEST PRACTICES

1. Every child victim of suspected sexual abuse needs a medical evaluation. Therefore, if a minor is suspected of being a victim of commercial sexual exploitation, then a trained advocate should encourage a medical evaluation by a trained child abuse medical professional.
2. Medical evaluations for minors should be performed preferentially in medical facility with staff trained in child abuse pediatrics.
3. The majority of minor CSEC victims may not require immediate medical evaluation, and a scheduled CARE clinic appointment will be appropriate.
4. Referrals will be determined by the following information:
  - A minor CSEC victim requiring immediate ED referral:
    - The acute assault occurred within 120 hours
      - Concern for the need for emergency contraception
      - The need for post-exposure prophylaxis for sexually transmitted infection, including HIV
    - Concern for acute trauma (post-traumatic bleeding, pain, dysuria, hematuria)
    - Medical intervention is needed emergently to assure the health and safety of the child
    - The child is experiencing significant behavioral or emotional problems and requires evaluation for possible suicidal ideation/plan.
5. If it is determined that a child needs immediate Mental Health treatment (See Section 2.1), partner agencies will coordinate the child’s transport, if necessary, to an appropriate mental health facility. If no beds are available at an appropriate mental health facility or the child cannot be seen immediately, the child must be brought to the local emergency room for immediate evaluation. If a parent is not willing or in agreement with the child being evaluated at either a local emergency room or mental health facility, the Office of Children and Youth caseworker and local police department involved in the investigation must ensure the child’s safety and get child mental health treatment.

**HOSPITALS WITH A SANE NURSE FOR ADULTS**

**Please enter in your county, and/or local, resources.**

**GENERAL MEDICAL RESOURCES**

**Please enter in your county, and/or local, resources.**

### 2.3.1. Sexual Health Services

SEXUAL HEALTH SERVICES BEST PRACTICES
1. All victims that have experienced sex trafficking should be offered sexual health services.
2. These offered services should include STI testing, medical evaluation, prophylactic medications, and contraceptives.
3. Sex trafficking is a crime. All victims are entitled to a forensic rape exam. The victim should be offered the ability to seek services from a Sexual Assault Nurse Examiner (SANE). A Sexual Assault Nurse Examiner (SANE) will be able to provide care and medical treatment in a person-centered and trauma-informed manner. Should the victim want support during this time, an advocate should offer to accompany the victim to this examination.

SEXUAL HEALTH RESOURCES
<p>Please enter in your county, and/or local, resources.</p>

### 2.4. Substance Abuse Treatment

SUBSTANCE ABUSE BEST PRACTICES
1. Victims of sex trafficking will be assessed for substance abuse disorder, by a medical or mental health professional who is trained in this type of assessment, if they are willing to participate in the assessment.
2. Providers will recognize that, at least initially, the victim may not be forthcoming about substance use (amounts, frequencies, etc.). Because of this, the support providers will be open to the possibility that, even if not initially disclosed at the assessment, the victim may have a substance abuse disorder that will make it more difficult for them to fully participate in services that are offered.
3. Keeping this in mind, service providers will continue to broach the subject with the victim, in a non-judgmental manner, if/when it appears that substance abuse may be interfering with the victim participating in services.
4. If the victim indicates that they have a problem with substance abuse and is open to help with this, they will be connected to substance abuse disorder treatment professionals who are trauma trained and who have had additional training on best practices when providing services to victims of human trafficking.

- 5. Program staff/support providers will then ensure that the victim has whatever they may need to attend the substance abuse treatment (transportation, scheduling accommodations, etc.).
- 6. If the victim indicates a problem and/or if the assessment suggests that they have a problem, but they are unwilling or unable to participate in substance abuse disorder treatment at this point, the service providers will continue to work with the victim to the extent that they are willing and able.
- 7. Programs will keep resource lists on hand of detox facilities. The list will include as much information as possible about how to access those facilities, i.e.: referral process; intake process; insurance requirements if any; transportation assistance if any, etc.

<b>SUBSTANCE ABUSE RESOURCES</b>	
<b>Detox Facilities</b>	<b>Please enter in your county, and/or local, resources.</b>
<b>Drug and Alcohol Inpatient</b>	<b>Please enter in your county, and/or local, resources.</b>
<b>Drug and Alcohol Outpatient</b>	<b>Please enter in your county, and/or local, resources.</b>

**2.5. Legal**

<b>Legal Needs of Human Trafficking Survivors   Polaris Project</b>
<b>Polaris Project   National Human Trafficking Resource Center   1-888-373-7888  </b>
NHTRC@PolarisProject.org www.PolarisProject.org © Copyright Polaris Project, 2012. All Rights Reserved This publication was made possible in part through Grant Number 90XR0012/02 from the Anti-Trafficking in Persons Division, Office of Refugee Resettlement, U.S. Department of Health and Human Services (HHS). Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Anti-Trafficking in Persons Division, Office of Refugee Resettlement, or HHS.

This document provides a list of legal and related issues that may affect human trafficking survivors. Legal providers should be aware of these diverse needs and develop plans to help survivors address them. This list is not meant to be comprehensive, but rather a starting point for understanding the issues faced by survivors of trafficking. Underlined items are designated by Polaris Project Client Services as of particular interest to US Citizen survivors requiring legal assistance.

### Family Law

Divorce | Domestic violence | Orders of protection | Custody, and visitation | Child abuse and neglect | Child abduction/concealment | Securing access to child support

**Please enter in your county, and/or local, resources.**

### Benefits

Access to public benefits (Medicaid, Medicare, SSI, State-level benefits) | Access to crime | Victim compensation | Certification or letter of eligibility\* | Assistance vacating convictions (e.g., for prostitution) that complicate eligibility for benefits

\*May also fall under immigration-related needs (See “Immigration Best Practices” p. 30)

**Please enter in your county, and/or local, resources.**

### Employment

Back wages | Occupational safety and health violations | Sexual harassment or discrimination | Equal employment opportunity violations | Unemployment benefits

**Please enter in your county, and/or local, resources.**

### Criminal Justice Advocacy

Advocacy within criminal justice system for victims of crime | Legal representation for survivors who are incarcerated | Representing trafficking victims as defendants charged with prostitution and related crimes | Vacating prostitution-related convictions

Villanova CSE Institute

Legal research and technical assistance

(610) 519-7183

**Please enter in your county, and/or local, resources.**

<b>Civil Litigation</b> Various tort claims against traffickers, those who aid and abet trafficking   Civil damages   Restitution		
Villanova CSE Institute	Legal research and technical assistance	(610) 519-7183
<b>Please enter in your county, and/or local, resources.</b>		

<b>Housing</b> Access to public or subsidized housing   If in public housing, negotiating transferring to a safer facility   Negotiating with a private landlord to change leasing arrangements   Knowledge of VAWA rights
<b>Please enter in your county, and/or local, resources.</b>

**2.5.1. Protection Orders**

<b>PROTECTION ORDER BEST PRACTICES</b>
<p>1. There are three (3) types of Protection Orders available in Pennsylvania. If a trafficking victim is interested in filing a Protection Order, refer them to one of the agencies listed below.</p>
<p>2. Eligibility for Protection Order:</p> <ul style="list-style-type: none"> <li>• Family or household members = Protection from Abuse</li> <li>• Not family or household member + sex crime occurred = Protection from Sexual Violence Order</li> <li>• Not family or household member + victim is under 18, the offender is over 18 = Protection from Intimidation</li> </ul>
<p>3. The victim is responsible for deciding whether to file for the Protection Order.</p>
<p>4. The victim should understand that Protection Orders are civil remedies and do not have a bearing on whether criminal charges will be filed or not.</p>
<p>5. Benefits for Victims: The order states that Defendant cannot abuse, stalk, harass, or threaten Plaintiff, Defendant cannot contact Plaintiff, and Defendant is evicted or excluded from Plaintiff’s residence. If Defendant violates Order, Defendant may face up to six (6) months in jail or up to \$1,000 in fines.</p>
<p>6. Potential Barriers for Victims: Potential for increased threats to the Victim, prolonged ties to the Defendant, the court process may be traumatic for Victim, the Victim is giving information to Defendant, the Judge may not grant the Final Order.</p>

- |   |
|---|
| 7. After the Victim files the Petition for the Protection Order, the Judge will review the Petition and either grant or deny the Temporary Order. A hearing on whether to grant or deny the Final Order will be scheduled within ten (10) days. |
| 8. Options at Final Hearing: Hearing, Agreement, Continuance, or Plaintiff withdraws.   |

<b>PARTNERS IN MONTGOMERY COUNTY</b>
<b>Please enter in your county, and/or local, resources.</b>

**2.6. Case Management and Service Planning**

When offering case management services, it is important not to create a parallel process between programs and a victim’s trafficking situation. A parallel process to a victim’s trafficking would be a program that tries to exert power and control over what victims can or cannot do. It limits the victim’s choice and restricts the freedom that a victim is given. Instead, create case management programs that offer choice to victims and listen to what victims need for their growth and healing moving forward.

<b>GENERAL REQUIREMENTS</b> <i>for participants concerning services</i>
1. Available for individuals who have experienced or are suspected of having experienced human trafficking
2. All programs should be survivor-led. This means employing survivors when possible and including survivors’ thoughts and insights into the program policy and structure.
3. Victims should maintain contact with case managers on a semi-consistent basis to be considered active in the program.
4. Services can change depending on the victim’s place of residence. If a victim moves out of their current county, the case manager can connect them with different services in that new county.
5. If the victim has stayed in a residential home and has moved to the community, they must still respect the confidentiality of the location of the home.

<b>BEST PRACTICES</b> <i>for programs</i>
1. Connect with victims as soon as possible after they are identified.
2. Be attuned to the nuances and differences between sex and labor trafficking. Mirror the language a victim uses to refer to themselves (pronouns, etc.) and their situation. If a victim does not reference their situation as trafficking, use other words to describe their experience.

3. Programs should work with individuals who are at risk or are suspected to have experienced trafficking. This would include working with a victim as you assess for their trafficking history or risk.
4. Support victims through a crisis and in identifying their immediate needs.
5. Staff should be open to talking with victims about sexual health. This includes talking with victims about STIs, birth control, or making an appointment with medical professionals if a victim is interested.
6. Establish boundaries with victims so they know when you are available. Victims should know that you will always respond, but that response might not always be immediate (that hour, etc.). Always give them a contact in case of an immediate emergency (crisis hotline, HT hotline, etc.). Be clear about when you are or are not available. Give victims times to pick from to meet to create predictability for victims in knowing when meetings can occur.
7. Create longer-term plans for service provision. This leaves room for victims to return and continue engaging in services even if they leave the program for some time.
8. Explain participant rights in the program. This includes being clear about confidentiality and what that means for the victim’s relationship with the case manager. Let victims know that case management can be as relaxed or formal as they wish in reference to what they expect from services. Some victims require less intensive services.
9. Victims should sign a Release of Information (ROI) for any information that they want to be shared from the case manager to another worker or organization. With an ROI, information should only be shared with other workers if the conversation is needed for the victim to move forward with their goals or to ensure their safety. The ROI should be written, time-limited, and person-centered. The case manager should ensure that they provide the victim with ample information to make an informed decision regarding signing the ROI. The possible outcomes, both intended or unintended, of signing the ROI should be discussed.
10. Language services should be offered at each meeting. For more in-depth conversations, case managers should call a live interpreter over the phone to better understand each other. Case managers should call a live interpreter when reviewing case management documents that require a signature, including ROIs, participant agreements, etc.
11. A victim’s culture can impact how they communicate and respond. Take your cues from the victim and include culturally-specific organizations.
12. Respect gender identity and sexuality. Upon first meeting, ask a victim what their preferred pronouns are and be sure to use their preferred pronouns in all communication. Refer to appropriate health care and mental health resources that work with the LGBTQIA+ community and are inclusive, competent, and affirming.
13. A victim should be given the choice of where they would like to meet so that they can choose a space that feels both safe and comfortable. If meeting in a public place, maintain confidentiality and privacy as much as possible.

14. The case manager should support the victim in getting a phone. Phone use should not be restricted. This can mirror the power and control of their trafficking situation when phone use is limited or restricted. The case manager should safety plan with the victim about how to use technology safely and healthily.
15. The case manager should consistently safety plan with victims to assess their current safety (See “Safety Planning Best Practices” p. 8). This includes safety planning about where they are living if they have contact with abusers from their past, their current emotional safety with mental health triggers and concerns, etc. The case manager and victim should plan for what the victim can do or who they can contact in the case of a situation where they are not safe.

SERVICES NEEDED
1. Counseling or non-traditional therapy (See Section 2.1)
2. Psychiatry services with a medicine management component (See Section 2.1)
3. Legal services (See Section 2.5)
4. Housing (See Section 1.5)
5. Education (See Section 2.6.3)
6. Medical services (See Section 2.3)
7. Employment services or support (See Section 2.6.3)
8. Office of Children and Youth involvement

### 2.6.1. Identification Documents

IDENTIFICATION DOCUMENTS FOR VICTIMS	
<b>Social Security</b>	<ul style="list-style-type: none"> <li>• All applicants must provide original documents as proof of age, identity, citizenship, and work eligibility (for non-citizens only)</li> <li>• Documents showing proof of identity include a US driver’s license, State ID, or US passport. If the victim does not have those, an employee ID card or school ID card can be accepted</li> </ul>
<b>EAD card</b>	<ul style="list-style-type: none"> <li>• Having an Employment Authorization Document (EAD) is one way to prove that the individual is allowed to work in the United States.</li> <li>• Case managers should support victims to find an attorney to work with for the EAD filing process.</li> <li>• For a complete list of the specific requirements for all categories that are eligible, use the following link: <a href="https://www.uscis.gov/i-765Checklist">https://www.uscis.gov/i-765Checklist</a></li> </ul>

	<ul style="list-style-type: none"> <li>● <b>Eligibility</b> <ul style="list-style-type: none"> <li>○ For individuals who are authorized to work in the United States because of their immigration status (for example, you are an asylee, refugee, or U nonimmigrant) and need evidence of that employment authorization. You do not need to apply for an EAD if you are a lawful permanent resident. Your Green Card is evidence of your employment authorization.</li> </ul> </li> <li>● Reference for EAD Section: US Citizenship and Immigration Services: <a href="https://www.uscis.gov/greencard/employment-authorization-document">https://www.uscis.gov/greencard/employment-authorization-document</a></li> </ul>
<b>State ID</b>	<ul style="list-style-type: none"> <li>● The following is required for US Citizens to be given a State ID: <ul style="list-style-type: none"> <li>○ Original Social Security Card (card cannot be laminated)</li> </ul> </li> <li>● One of the following: <ul style="list-style-type: none"> <li>○ Birth Certificate from the United States</li> <li>○ Valid U.S. Passport (Only valid U.S. Passports and original documents will be accepted).</li> <li>○ Photo ID (such as State ID or Driver’s License)</li> <li>○ A check or money order payable to PennDOT for the appropriate <a href="#">fee</a> (cash is not accepted) and, if you are 18 or older, two <a href="#">acceptable forms of address verification are required</a>.</li> <li>○ For additional information concerning non-citizens, visit <a href="http://www.dot.state.pa.us/Public/DVSPubsForms/BDL/BDL%20Publications/pub%20195nc.pdf">http://www.dot.state.pa.us/Public/DVSPubsForms/BDL/BDL%20Publications/pub%20195nc.pdf</a></li> <li>○ (Please note: Documents must be original photocopies will not be accepted.)</li> </ul> </li> </ul>

**2.6.2. Benefits and Insurance**

<b>BENEFITS FOR VICTIMS</b>	
<b>SNAP</b>	<p><b>Eligibility:</b></p> <ul style="list-style-type: none"> <li>● You must meet certain requirements, including resource and the gross and net income limits</li> <li>● In general, people must meet work requirements to be eligible for SNAP. These work requirements include registering for work, not voluntarily quitting a job or reducing hours, taking a job if offered, and participating in employment and training programs assigned by the state.</li> </ul> <p><b>Benefits:</b></p>

	<ul style="list-style-type: none"> <li>Allotments are determined as outlined on the following website:  <a href="https://www.fns.usda.gov/snap/recipient/eligibility#Am%20I%20eligible%20">https://www.fns.usda.gov/snap/recipient/eligibility#Am%20I%20eligible%</a> </li> </ul>
<b>WIC (Women, Infants, and Children)</b>	<p><b>Eligibility:</b></p> <ul style="list-style-type: none"> <li>Services available for women who are pregnant, postpartum, breastfeeding</li> <li>Applicants must meet all four of the following eligibility requirements:  <a href="https://www.fns.usda.gov/wic/wic-eligibility-requirements">https://www.fns.usda.gov/wic/wic-eligibility-requirements</a> </li> </ul> <p><b>Benefits of WIC:</b></p> <ul style="list-style-type: none"> <li>Checks or vouchers to buy specific foods each month to supplement nutrition</li> <li>Additional supports and programs of WIC can be found at <a href="https://www.fns.usda.gov/wic/frequently-asked-questions-about-wic">https://www.fns.usda.gov/wic/frequently-asked-questions-about-wic</a></li> </ul>

<b>Cash Assistance (CA)</b>	<ul style="list-style-type: none"> <li>Emergency cash assistance for domestic violence (DV) victims</li> <li>Victim of DV or another abusive living situation. You have a nine-month limit during your lifetime to receive CA benefits for this reason.</li> <li>Past trafficking under HUD definition can be considered fleeing domestic violence until a victim is stable and independent</li> </ul>
<b>TANF (Temporary Assistance to Needy Families)</b>	<p><b>Eligibility requirements:</b></p> <ul style="list-style-type: none"> <li>Cash assistance for needy families can be used on a wider range of things than SNAP benefits.</li> <li>Available for pregnant women, dependent children and their parents, or dependent children with other familial caregivers</li> </ul>
<b>ELRC (Early Learning Resource Center) Formerly CCIS</b>	<ul style="list-style-type: none"> <li>ELRC pays part of the childcare cost. Victims pay the family co-pay and both of those payments go directly to the childcare location.</li> </ul> <p><b>Eligibility Requirements:</b></p> <ul style="list-style-type: none"> <li>Be within 200% of the PA poverty line</li> <li>Have a child who is under 13 or between 13 and 19 years of age with a disability</li> <li>Work 20 or more hours a week or be enrolled in work and/or education.</li> </ul>

<p><b>Low Income Home Energy Assistance Program (LIHEAP)</b></p>	<p><b>Eligibility Requirements:</b></p> <ul style="list-style-type: none"> <li>● LIHEAP Cash Grant eligibility: <ul style="list-style-type: none"> <li>○ Income at or below 150% of the Federal Poverty Level</li> <li>○ Responsible for the main source of heat in the household (pay utility or fuel vendor directly, or indirectly through rent)</li> </ul> </li> <li>● LIHEAP Crisis Grant eligibility: <ul style="list-style-type: none"> <li>○ The requirements listed above as well as a situation of actual or imminent home heating emergency that can be resolved by crisis funds</li> </ul> </li> </ul> <p><b>Benefits of Grant:</b></p> <ul style="list-style-type: none"> <li>● LIHEAP Cash Grant Benefits: <ul style="list-style-type: none"> <li>○ \$200 (minimum grant) to \$1000 (maximum grant) to help with a heating bill. This includes bills for electricity, gas, water, oil, propane, kerosene, or other fuel types.</li> </ul> </li> <li>● LIHEAP Crisis Grant Benefits: <ul style="list-style-type: none"> <li>○ Pays up to \$500 to stop a shut-off of utility service, to get service turned back on, or to get fuel if a household is out of fuel or about to run out of fuel.</li> </ul> </li> </ul>
<p><b>Medical Insurance</b></p>	<ul style="list-style-type: none"> <li>● Recommended Medicaid insurance - Keystone First</li> <li>● To change insurance, call the change center.</li> <li>● Call Change Center -&gt; (215) 560-7226 (Philadelphia)</li> <li>● General Change Center -&gt; 1 (877) 395-8930</li> <li>● If the victim has moved counties, the case manager should support the victim in calling the change center to switch their insurance to the correct county</li> </ul>

**2.6.3. Education and Vocation**

<p><b>EDUCATIONAL AND VOCATIONAL RESOURCES FOR VICTIMS</b></p>
<p>Please enter in your county, and/or local, resources.</p>

## Appendix D



VILLANOVA UNIVERSITY SCHOOL OF LAW

SHEILA M. RHODES  
Director, The Institute to Address  
Criminal Sexual Exploitation  
PHONE 610.519.8011  
FAX 610.519.6282  
SHEILA.RHODES@LAW.VILLANOVA.EDU

### Act 105: Pennsylvania's First Comprehensive Anti-Trafficking Legislation

In September 2014, Pennsylvania enacted its first comprehensive anti-trafficking statute, "Act 105." The new law expands Pennsylvania's legal definition of human trafficking, giving prosecutors better tools to hold traffickers accountable. It provides new and enhanced protections for victims of human trafficking, including a robust civil remedy that allows survivors to sue those who participated in or profited from their victimization. And, it calls for a state plan to coordinate anti-trafficking initiatives and to educate the community and stakeholders about human trafficking, to prevent it from happening in the first place.

### Prosecution

Act 105 (2014) clearly defines human trafficking in Pennsylvania as a criminal offense that covers both sexual servitude and labor servitude. (The previous definition failed to include sexual servitude as a distinct form of human trafficking, focusing instead on trafficking for "forced labor or services." 18 Pa. Cons. Stat. § 3002 (2006).) Under the new law, the crime of trafficking is committed if a person "recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to involuntary servitude," or if the person "knowingly benefits financially or receives anything of value from any act that facilitates any [such] activity."

The key to understanding Pennsylvania's definition of trafficking is determining what it means for an individual to "be subject to involuntary servitude." (18 Pa. Cons. Stat. § 3011(a)(1)-(2)). Under Act 105, "involuntary servitude" covers both labor and sexual servitude. Given the focus of the CSE Institute, this report will focus on what constitutes sexual servitude. Sexual servitude, as defined under Pennsylvania law (18 Pa. Cons. Stat. § 3001), includes, "[a]ny sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual and is induced or obtained from...[a] minor... or [an adult who has been] subject [to] any of the following means:

1. Causing or threatening to cause serious harm to any individual;

2. Physically restraining or threatening to physically restrain another individual;
3. Kidnapping or attempting to kidnap any individual;
4. Abusing or threatening to abuse the legal process;
5. Taking or retaining the individual's personal property or real property as a means of Coercion;
6. Engaging in unlawful conduct with respect to documents, as defined in 18 Pa. Cons. Stat. § 3014 (relating to unlawful conduct regarding documents);
7. Extortion;
8. Fraud;
9. Criminal coercion, as defined in section 18 Pa. Cons. Stat. § 2906 (relating to criminal coercion);
10. Duress, through the use of or threat to use unlawful force against the person or another;
11. Debt coercion;
12. Facilitating or controlling the individual's access to a controlled substance; or
13. Using any scheme, plan or pattern intended to cause the individual to believe that, if the individual does not perform the labor, services, acts or performances, that individual or another individual will suffer serious harm or physical restraint. (18 Pa. Cons. Stat. § 3012(b))

If the victim is a minor, then there is no need to prove any of the thirteen means listed above. Rather, the existence (or lack) of threats, harm, restraint, kidnapping, abuse of the legal process, etc. is simply irrelevant to determining whether a minor has been subjected to sexual servitude. As such, any commercial sex act involving a minor counts as trafficking under Pennsylvania law – even if the minor is not subjected to force, fraud, or coercion and even if the minor does not self-identify as a victim. In comparison, if the victim is above the age of eighteen years, then a prosecutor must prove that a victim has been subject to at least one of the thirteen means listed above.

The Pennsylvania definition of trafficking is consistent with the Federal definition, which was first enacted in 2000, in the U.S. Trafficking Victims Protection Act (TVPA). Like the Pennsylvania definition, all minors who are commercially sexually exploited are defined as victims of sex trafficking. When it comes to adult victims, the Federal definition counts these cases as “severe forms of sex trafficking” whenever the adult victim’s commercial sex act has been induced by “force, fraud, or coercion” (22 U.S.C. §7102(9)). Insofar as the thirteen means listed in the Pennsylvania definition can be categorized as various forms of “force, fraud, or coercion,” the Federal definition and Pennsylvania definitions are very similar.

Notably, both the Pennsylvania definition and the Federal definition impose criminal liability for trafficking on those who “benefit, financially” from trafficking (18 Pa. Cons. Stat. § 3011(a)(2); 18 U.S.C. § 1591(a)(2)). While the mens rea differs somewhat between the two

definitions (with Pennsylvania requiring knowledge, and the Federal definition requiring mere recklessness), this provision arguably exposes strip clubs, massage parlors, hotels, motels, and other entities to criminal liability for sex trafficking that they allow on their premises.

Act 105 also specifically targets purchasers of sex, otherwise known as “the demand” or “Johns.” It imposes criminal liability on those who solicit sex from someone they know is a trafficking victim (18 Pa. Cons. Stat. § 3013: Patronizing a Victim of Sexual Servitude). Moreover, Act 105 imposes criminal liability for trafficking not only on those who induce sex trafficking (such as pimps), but also on those who solicit or obtain sex from a person (buyers), if the buyer knows or recklessly disregards that the individual is a victim of trafficking.

Given the difficulty of proving the mental element (knowledge) included in the offense of Patronizing a Victim of Sexual Servitude (18 Pa. Cons. Stat. § 3013), prosecutors should pursue charges against purchasers of sex under Act 105’s expansive definition of trafficking, in cases where buyers solicit or obtain sex in reckless disregard that the victim is a trafficking victim. In sum, under the expansive definition of sex trafficking in the Pennsylvania law, prosecutors need not prove that buyers knew their victims were being trafficked – it is enough that they acted in reckless disregard of this fact. (A similar provision, allowing buyers to be prosecuted directly as traffickers, was recently enacted at the Federal level in the U.S. Justice for Victims of Trafficking Act.)

### Protection

Act 105 provides a civil remedy for victims of trafficking (18 Pa. Cons. Stat. § 3051), permitting them to sue any person that “participated” in their trafficking. Additionally, Act 105 specifically permits victims of commercial sexual exploitation to sue anyone who profited from their victimization or anyone who knowingly published an ad recruiting them to the sex trade. These provisions of Act 105’s civil remedy arguably expose hotels to liability, as well as advertising websites like backpage.com, which traffickers frequently use to advertise their victims as available for sex, usually at a hotel.

Furthermore, Act 105 permits judges to vacate certain criminal convictions – such as prostitution or simple possession of a controlled substance – that trafficking victims received as a direct result of their victimization (18 Pa. Cons. Stat. § 3019(d)). This provision critically helps survivors move beyond their victimization, both symbolically and practically. Vacating these convictions symbolizes Pennsylvania’s recognition that it has unjustly convicted and punished these victims – and that they are not, and never were, criminally culpable for their actions. Moreover, vacating these convictions has the crucial practical value of removing barriers to finding a job. That said, however, there is an important flaw in this provision, insofar as the Commonwealth must consent to the petition being filed in the first place. An improved version of this law would allow survivors to have their day in court, with a judge ruling on the merits of their vacatur petition, regardless of whether or not the Commonwealth agrees.

Finally, Act 105 provides important protections for victims by creating an evidentiary privilege for confidential communications between victims of human trafficking and their caseworkers. Pursuant to 42 Pa. Cons. Stat. § 5945.3, human trafficking caseworkers cannot disclose these communications without their clients' written consent. This privilege allows victims to get the care they need without having to worry that their traffickers' defense attorneys can subpoena their caseworkers, and thus use that information to attack their credibility at the time of trial. Victims can communicate freely with their caseworkers, knowing what they say will be truly kept confidential and protected from disclosure.

### Prevention

Act 105 permits the Commonwealth to award grants, "subject to the availability of funds" to organizations that develop, expand, or strengthen programs for victims of human trafficking and to direct funds toward increasing public awareness of human trafficking. Unfortunately, Act 105 was signed into law without a fiscal note. As a result, no organizations have received funding to implement this comprehensive legislation. Instead, more than 30 anti-trafficking organizations and coalitions from across the Commonwealth have formed Pennsylvania Alliance Against Trafficking in Humans (PAATH), to work together to implement Act 105 cohesively.