

THE PROSECUTOR'S GUIDE TO HUMAN TRAFFICKING

18 Pa.C.S. § 3011-3012. Trafficking in individuals.

ELEMENTS NEEDED TO FIND AN INDIVIDUAL GUILTY OF TRAFFICKING IN INDIVIDUALS:

ACT

The defendant commits at least one of the following acts:

- recruits, entices, harbors, transports, provides, obtains, advertises, maintains, **patronizes**, or solicits; OR
- knowingly financially benefits or receives anything of value.

MEANS

- If the victim is an **adult**, by means of force, fraud, or coercion.
- If the victim is a **minor**, means is not a required element.

PURPOSE

For the purpose of:

- Sexual servitude or a commercial sex act; OR
- Involuntary servitude.

***NOTE:** **patronizes** has been added to the list of acts that qualify as trafficking. In effect, this includes sex buyers in the group of offenders that can be charged with trafficking under 18 Pa.C.S. § 3011.



The CSE Institute encourages law enforcement and prosecutors to target the demand, i.e. sex buyers. Rather than targeting people in prostitution, an already marginalized, vulnerable, and often exploited population, we encourage you to target the fuel for the sex trade by charging traffickers, buyers, and facilitators with 18 Pa.C.S. § 3011.

IMPROVING YOUR RESPONSE TO VICTIMS

The Core Values of Trauma-Informed Care

| Core Value | Example Trauma Informed Response |
|-------------------------------|--|
| Physical and emotional safety | <ul style="list-style-type: none">• Prioritize the physical and emotional safety of the victim.• Communicate with discretion: victims cannot speak freely in the presence of a trafficker and may not be able to access help from others if the trafficker is present.• Be aware that courtroom proceedings can trigger trauma responses. |
| Trustworthiness | <ul style="list-style-type: none">• Explain legal processes clearly and consistently so you are managing expectations.• Check in regularly to make sure information you are conveying is understood and use whatever method of communication they prefer. |
| Choice | <ul style="list-style-type: none">• Give the victim options and control over their choices.• If sensitive information needs to be shared, ask the victim if they would prefer to have the courtroom cleared. |
| Collaboration | <ul style="list-style-type: none">• Train stakeholders on risk factors, red flags, and indicators.• Broker partnerships with local victim service providers and ensure that victims have the support they need throughout legal proceedings (e.g., mental health providers, case managers, or victim advocates). |
| Empowerment | <ul style="list-style-type: none">• Create an environment that validates and appreciates the client, and limits triggers (e.g. Respect the personal space of the victim, avoid stigmatizing language, eliminate nonverbal intimidators).• Reduce collateral consequences by considering pre-trial diversion or alternatives to conviction when appropriate.• Do not prosecute child sex trafficking victims as adults. |

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