

Supplemental Basic Human Trafficking Protocol Guide

This protocol guide can be used to supplement existing domestic violence and sexual assault protocols.

Human Trafficking

1. What is human trafficking victimization?

Human trafficking victimization occurs when offenders uses force, fraud, and/or coercion to exploit victims into performing commercial sex acts and/or labor.¹ Human traffickers' prey on victims' vulnerabilities by gaining their trust and making feigned promises of love, friendship, safety, job opportunities, and/or an all-around better life. Without proper screening mechanisms and sufficient training, it can be difficult to identify all instances of human trafficking victimization (contact PCADV for training recommendations). Even persons who are actively being trafficked may not readily identify themselves as a trafficking victim or feel safe enough to ask for help.

Under Pennsylvania's Safe Harbor for Sexually Exploited Children, sexually exploited children are immune from prosecution for prostitution § 5902(a) and obstruction of the highway § 5507.

"Sexually exploited child" is defined as individual under 18 years of age who:

- (1) is a **victim of sexual servitude**; or
- (2) is a victim of an offense under 18 U.S.C. § 1591 (relating to sex trafficking of children or by force, fraud, or coercion).

- *"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:*

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

*More information about Safe Harbor is available in appendix 1

2. Where does human trafficking occur?

Human trafficking takes place wherever there is a demand for commercial sex or cheap labor, which means no urban, suburban, or rural community is immune. However, the ways in which human trafficking manifests in a jurisdiction is often dependent on

¹ Relevant federal law (18 U.S.C § 1591) and Pennsylvania law (18 PA. C.S.A. §§ 3011, 3012, 3013, 3019) regarding human trafficking is published in the appendices.

community-specific contributing factors. For example, [describe here what trafficking looks like in your community. If you're unsure, local news reports can be helpful. EXAMPLE: *There are many casinos and tourism-oriented business in X county where sex trafficking victims have been identified for the past several years.*]

3. Trafficking Vulnerabilities

Trafficking victims come from all backgrounds and can be any gender, age, or ethnicity. Similarly, there is no single profile of a human trafficker – they can be mothers, fathers, boyfriends, girlfriends, business-owners, neighbors, and so on. As traffickers seek to exploit vulnerabilities, the more marginalized a person is, the more susceptible they may be to becoming trafficked. Some vulnerabilities include, [research and describe these vulnerabilities here, paying special attention to information that may be especially pertinent in your jurisdiction. Information from *Polaris* may be helpful in drafting this section.]

4. Addressing human trafficking

Traffickers compel victims to mistrust the systems and stakeholders who can provide help or offer exit strategies. This mistrust is then confirmed when victims are treated as criminals by the justice system. Each STOP Team member plays an important role in identifying and assisting trafficking victims through a trauma-informed approach that is not intended to result in criminalization of the victim.

Law Enforcement Role: [Briefly describe the role law enforcement Team members play in addressing human trafficking in your jurisdiction. EXAMPLE: *The primary responsibility of law enforcement in relation to human trafficking is to determine if there has been a case of human trafficking that meets the criteria for a crime as defined by law. After determining the crime of human trafficking has occurred or may be occurring, they shall immediately contact the designated on-call Human Trafficking Assistant District Attorney and/or County Detective (who will assist in the entire investigation) before proceeding.*]

Victim Advocate Role: [Briefly describe the role advocate members of the Team play in addressing human trafficking in your jurisdiction.]

Healthcare Professional Role: [Briefly describe the role healthcare professionals on the Team play in addressing human trafficking in your jurisdiction.]

Prosecutor Role: [Briefly describe the role prosecutors on the Team have in addressing human trafficking in your jurisdiction.]

The Court's Role: [Briefly describe the role court employees, including judges, on the Team have in addressing human trafficking in your jurisdiction. EXAMPLE: *We have created a streamlined process to accept, file, and process vacatur petitions for survivors whose criminal convictions were a result of their human trafficking victimization...*]

[Include additional stakeholder roles per your jurisdiction's procedures]

Additional human trafficking resources
<u><i>The Life Story</i></u> - This interactive website draws upon the experiences and voices of survivors to explore 13 life moments where stakeholders can make a difference in the life of a trafficking victim or a person at-risk for trafficking. <u><i>Assisting Victims of Human Trafficking in the Protection Order Process: Challenges and Options</i></u> – This webinar examines the complexities of trafficking and the challenges survivors face when deciding whether to obtain a protection order. <u><i>The Center For Court Innovation</i></u> – The Intersection of Domestic Violence, Sexual Assault, and Human Trafficking.

5. Team Discussion

Challenges: [What challenges do stakeholders experience responding to domestic violence incidents where human trafficking is also involved?]

Response to Challenges: [How can your Team collaboratively address and minimize these challenges? Your team should elaborate on human trafficking training recommendations, as well as how the Team can work together to better serve the trafficking survivors the community. This may also include information about community-education and outreach initiatives. It may be helpful to review resources pertaining to the intersection of domestic violence and human trafficking, such as this PCADV webinar to draft this section.]

Summary Statement: [Summarize how your Team's protocol addresses the intersection of domestic violence and human trafficking victimization. To draft this section, review relevant information on PCAR's website, PCCD's website, and through the Villanova Law Institute to Address Commercial Sexual Exploitation. Your STOP Team should summarize the information most relevant to victims and survivors in your community, making sure to cite any references. Your protocol must mention any special programs available in your community that specialize in serving human trafficking victims, and explain how you will facilitate referrals. If your Team or jurisdiction has already established a human trafficking protocol or task force, you can copy and paste that here or attach relevant materials as an appendix.]