



# Human Trafficking Screening Tool

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## Introduction and Purpose

Human trafficking – the illegal trade of human beings for commercial sexual exploitation and forced labor – is one of the fastest growing criminal enterprises worldwide. Ohio is not immune to this plague. Each year an estimated 1,078 Ohio children become victims of human trafficking and 3,016 more are at-risk.<sup>1</sup>

On March 29, 2012, Governor John R. Kasich signed Executive Order 2012-06K, creating the Ohio Human Trafficking Task Force. With this mandate, the Ohio Human Trafficking Task Force issued a set of 26 recommendations in order to better coordinate statewide efforts to identify and rescue victims, create a coordinated law enforcement system to investigate and prosecute these crimes and provide the services and treatment necessary for victims to regain control of their lives.

In direct response to the Ohio Human Trafficking Task Force’s Recommendation #4, **“To develop a standardized screening process for victims of human trafficking to be used by state agencies providing direct services,”** this document provides each state agency’s identified training officer(s) with a *simple, straightforward and easy to adapt* guide to train staff on how to administer the standardized screening tool for identifying victims. The purpose of the tool is to identify potential victims of human trafficking for referral to appropriate victim services. The screening questions, suggestions and indicators below are not exhaustive or cumulative in nature, and a positive response to these questions may result in a referral to an external organization for a more comprehensive assessment.

Note that this document acknowledges the current draft *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017*, which states that the National Institute of Justice (NIJ) “will publish a client screening tool and user guide that were tested and evaluated by the Vera Institute of Justice to improve victim identification across diverse populations for use by victim service providers.”<sup>2</sup> The state of Ohio intends to adopt the federally tested screening tool when available; until then, the Ohio Human Trafficking Task Force’s Screening Tool will be adopted and implemented through identified agencies.

<sup>1</sup> Ohio Trafficking in Persons Study Commission, “Report on the Prevalence of Human Trafficking in Ohio to Attorney General Richard Cordray,” [http://www.centralohiorescueandrestore.org/uploads/Ohio\\_Trafficking\\_in\\_Persons\\_Research\\_Sub-Committee\\_Report\\_2010\\_2-8\\_Final.pdf](http://www.centralohiorescueandrestore.org/uploads/Ohio_Trafficking_in_Persons_Research_Sub-Committee_Report_2010_2-8_Final.pdf).

<sup>2</sup> See “Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States (2013-2017),” p. 42. <https://acfstrongertogether.ideascale.com/>

Finally, this document utilizes the work of the Wisconsin Human Trafficking Protocol and Resource Manual, a comprehensive resource manual funded by the U.S. Department of Justice's Office of Justice Assistance, as well as the Polaris Project's Comprehensive Human Trafficking Assessment. Both resources are widely acknowledged as best practice documents of standard screening questions and resources. For additional information, see: [www.polarisproject.org](http://www.polarisproject.org) and [http://www.wcasa.org/file\\_open.php?id=336](http://www.wcasa.org/file_open.php?id=336).

## Human Trafficking Assessment Tips

Listed below are general tips for conducting a screening with a potential victim of human trafficking. Please note that throughout this training guide the term "controller" is used to describe the potential trafficker(s) maintaining control over the potential victim(s).

Throughout the process of identifying the victim and addressing her/his needs, **safety must be the highest priority**. See the "Frontline Responders and Safety" section on page 7 for important information on ensuring victim and service provider safety.

### Screening Environment, Tone and Body Language

- Explain what the screening is about and what you will do with the information. Also, explain why you care about the individual's situation and if applicable, that you have worked with and assisted other individuals in situations that may be similar to his/her own. Explaining who you are and why you are there is particularly important to correct any misperceptions of your role.
- Conduct the screening in a private, comfortable and safe environment. If you are in a place where the physical space/conditions are limiting, attempt to create an environment that is as calming and positive as possible.
- Provide the individual with personal space when speaking with him or her.
- Be relaxed and use an approachable tone, demeanor and body language. Ask yourself the question "To what degree does my present posture communicate openness and availability to the individual?"
- Use empathic listening. Empathic listening centers on being attentive, observing and listening in order to understand the individual's situation without making judgments.

- While you engage in empathic and reflective listening, make sure you are maintaining good eye contact with the individual. Good eye contact is another way of conveying “I want to hear what you have to say.” Pay particular attention to one’s culture and cultural awareness as it relates to eye contact.
- If at all possible, try not to take notes and instead engage in active listening. Write your notes immediately following the meeting with the individual. If note taking is necessary, let the individual know why you need to write notes and for what purposes they may be used.
- Be clear about your role and goals, and about the services that your agency/division can and cannot provide.

## Screening Language and Questions: Stylistic Considerations

- One goal of the screening is to establish rapport with the individual. When appropriate, attempt to engage in casual conversation about lighter topics and ask questions to try to get the individual to open up, even if it is not about his or her trafficking situation or service needs. Although the individual might be confused, scared and/or distracted, engaging in casual conversation before the screening helps to build trust and set the tone for effective, non-defensive communication.
- In your initial screening, try to focus predominantly on a determination of his/her service needs, if applicable, but incorporate other questions naturally and when appropriate.
- It is often useful to start with questions that ascertain the lesser degrees of control before moving onto the more severe methods of control. For example, inquiring about medical care may be an easier topic to tackle initially than directly inquiring about physical or sexual abuse that the victim may have sustained.
- Do not begin your interview with documentation or legal status, as this may frighten or confuse the victim and interfere with building trust.
- Do not ask “Are you a trafficking victim?”
- Be conscious of cultural considerations as well as the language that you use when speaking with a potential victim of trafficking. Mirroring the language that the potential victim uses can be a helpful first step. For example, if the potential victim refers to her controller as her boyfriend, referring to that person as a “pimp” or a “sex trafficker” may have a negative impact. Although these are terms that can be used for controllers in the

commercial sex industry, the potential victim may not identify this person in this way. The phrasing of all questions included in this screening should be changed, amended or revised to fit the individual and context you are in.

- It is also important to conduct screenings in a potential victim's native language whenever possible. Use trained interpreters sensitive to the nature of the crime and who are not in any way tied to the potential victim or the potential trafficker's community of origin. Ensure that the interpreter is introduced and his or her role is fully explained.

## Important Dynamics for Screening

- Keep in mind that many victims do not self-identify as "human trafficking victims" due to a lack of knowledge about the crime itself and the power and control dynamics typically involved in human trafficking situations.<sup>3</sup>
- Be conscious of the fact that an individual in a trafficking situation has typically been conditioned by their trafficker not to trust law enforcement and/or service providers.
- Be aware of power dynamics when a third party is accompanying or interpreting for a potential victim. Try to speak to the potential victim alone or secure an outside interpreter.
- Be aware that canned stories are common and that the true story may not emerge until trust has been built with the potential victim after multiple meetings.
- Each individual is going to tell his/her story differently and no individual will present all of the elements of his or her trafficking situation in a neat package.
- It is imperative that the screener remains flexible and prioritizes the individual's needs and safety as the primary reason for the screening.

<sup>3</sup> For more information on challenges faced in victim identification and self-disclosure, please see pg. 37 of the Wisconsin Human Trafficking Protocol and Resource Model at [http://www.wcasa.org/file\\_open.php?id-336](http://www.wcasa.org/file_open.php?id-336).

## Front Line Responders and Safety

Agency staff members are uniquely positioned to identify trafficking victims. The needs of trafficking victims are complex and vary from individual to individual. Agencies should develop specific policies for direct referrals and advocacy efforts when assisting victims of human trafficking. Without proper training, many agency staff will not have the tools necessary to identify a situation as one of human trafficking. In Ohio, state employees who are considered front line responders should take the Ohio State Highway Patrol's three-hour human trafficking training to ensure a basic understanding of the situations victims face. Additionally, the following recommendations are presented as a guide to assist agency staff who encounters a victim of trafficking:

- Assess the immediate needs of the victim. Immediate needs may include:
  - ✓ Safety - Ask questions such as: Is it safe for you to talk with me right now? How safe do you feel right now? Are there times when you don't feel safe? Do you feel like you are in any kind of danger while speaking with me at this location?
  - ✓ Food
  - ✓ Shelter
  - ✓ Clothing
  - ✓ Translation services - Arrange for interpretation services if necessary. Identify someone who speaks the victim's native language, such as a translator, to assist in communicating with the victim. Be cautious when using translators from the same ethnic community when addressing the needs of small immigrant and foreign-born populations.
  - ✓ Transportation
  - ✓ Medical Care
- Provide basic education to the victim about his/her rights, protections, and services available to him/her. Use plain, straight-forward language. For example, "Is there anything that would help you to feel safer while we talk?"
- Ask the victim for his/her consent to contact state and local resources. Empower the victim to choose the services he/she needs most. Respect the decisions of the victims who decide not to contact law enforcement.
- Engage law enforcement only after obtaining the victim's consent.
- Prioritize the victim's confidentiality as much as possible.
- Collaborate with other organizations to ensure the victim is connected to services that will support his/her independence from traffickers. Be cautious about offering to provide assistance that is outside your area of expertise.



- Document your conversations. Documentation may be valuable in the event that the victim chooses to seek services or report to law enforcement now or in the future.
- Be mindful of your own personal safety while assisting a victim of human trafficking. Traffickers are not above targeting advocates who are “interfering in their business.”
- Develop a policy for mandated reporting for minors. Certain individuals whose employment brings them into contact with children are required by law to report any suspected abuse or neglect or threatened abuse or neglect to a child seen in the course of their professional duties. Anyone who suspects a child is being maltreated may make such a referral.

## Standardized Screening Trafficking Questions

The following questions from the U.S. Department of Health and Human Services.<sup>4</sup> Although written for healthcare providers, many anti-trafficking resources note their applicability as general screening tools for situations of both sex and labor trafficking. Please note that the order listed does not indicate the order in which the questions should be asked. The type and order of the questions should be tailored to individual situations and amended to enhance their effectiveness and support of the client.

- Did someone control, supervise or monitor your work/actions?
- Can you leave your job or work situation if you want to?
- Was your communication ever restricted or monitored?
- Were you able to access medical care?
- Were you ever allowed to leave the place you were living/working? Under what conditions?
- Was your movement outside of your residence/workplace ever monitored or controlled?
- What did you think would have happened if you left the situation?
  - ❖ Was there ever a time when you wanted to leave, but felt that you could not?
  - ❖ What do you think would have happened if you left without telling anyone?
- Did you feel it was your only option to stay in the situation?
- Did anyone ever force you to do something physically or sexually that you didn't feel comfortable doing?

<sup>4</sup> From “Resources: Screening Tool for Victims of Human Trafficking,” U.S. Department of Health and Human Services, [http://www.justice.gov/usao/ian/htrt/health\\_screen\\_questions.pdf](http://www.justice.gov/usao/ian/htrt/health_screen_questions.pdf). Accessed 18 June 2013.

- Were you ever physically abused (shoved, slapped, hit, kicked, scratched, punched, burned, etc.) by anyone?
- Were you ever sexually abused (sexual assault/unwanted touching, rape, sexual exploitation, etc.) by anyone?
- Did anyone ever introduce you to drugs or medications?

## What to do if you Suspect a Human Trafficking Situation

If during the course of your screening interview you suspect the individual is a victim of human trafficking, take the following actions as applicable:

- If you suspect there is a threat of immediate harm to a victim, call 911.
- If there is no immediate danger to victims, call the National Human Trafficking Resource Center hotline at 888-3737-888 and/or the state hotline at #677. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives.
- Contact your local Rescue and Restore Coalition or human trafficking victim service provider if applicable. (See: <http://www.polarisproject.org/state-map/ohio>)
- Follow your agency's internal procedure for responding to human trafficking victims, i.e. report the finding to management. If there is not an internal procedure established or it is unclear, contact the state Anti-Trafficking Coordinator at 614-995-7986 or [airanade-janis@dps.state.oh.us](mailto:airanade-janis@dps.state.oh.us).

For additional resources and information, visit the Polaris Project's website at <http://www.polarisproject.org>.

## Appendix I: Screening Protocol Tailored for the Ohio Department of Rehabilitation and Corrections (DRC) and the Ohio Department of Youth Services (DYS)

A. The following questions will be asked when the *initial* Detailed Mental Health Screen is completed for DRC and DYS. Responses will help determine if specialized mental health treatment may be needed during the offender's incarceration.

1. Prior to incarceration, did anyone control, supervise or monitor your work or actions against your will?
2. Was your communication ever restricted or monitored?
3. Did anyone ever introduce you to drugs or medications? (interviewer can expand upon with examples)
4. Did anyone ever force you to do something physically or sexually that you didn't feel comfortable doing?
5. If you were forced:
  - Was the person who forced you given money or other benefits for the acts you were forced to do?
  - Was there ever a time when you wanted to leave but felt that you couldn't?
  - What do you think would have happened if you left without telling anyone?

B. The following questions will be asked in the event the Ohio Department of Mental Health and Addiction Services would receive a referral from prison staff concerning a *current* offender who may be in a potential human trafficking situation while residing in the institution.

1. Does anyone currently control, supervise or monitor your work or actions against your will?
2. Is your communication being restricted or monitored?
3. Have you been introduced to drugs or medications? (interviewer can expand upon w/examples)
4. Is anyone forcing you to do something physically or sexually that you don't feel comfortable doing?
5. If you are being forced:
  - Is the person who is forcing you given money or other benefits for the acts you are forced to do?
  - Is there ever a time you want to get out of this situation but feel that you can't?
  - If you did take measures to get out of this situation, what do you think would happen?

\* Questions 4 and 5 would automatically lead to PREA Protocol/line of questioning via Medical, Investigator, MH, etc.

## Appendix II: Key Terms

*The following list of key human trafficking terms is taken from the Wisconsin Human Trafficking Protocol and Resource Model, with additions of legal definitions from the Ohio Revised Code. As noted in the Wisconsin glossary, the terms below are “defined by law and/or by common usage. If a definition is specific to a statute, it is so noted.”<sup>5</sup>*

**Coercion (Federal TVPA Definition):** (a) threats of serious harm to or physical restraint against any person; (b) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (c) the abuse or threatened abuse of the legal system.

**Examples of coercion** include debt bondage, threats against family members, photographing or videotaping the victim in compromising or illegal situations, then threatening to turn over the video to authorities or loved ones, punishment of another victim in front of another person to instill fear, all money is controlled by the trafficker, all identity or immigration papers are controlled by the trafficker, threats of deportation or psychological abuse that intimidates and frightens the victim.

**Compelled (Ohio Revised Code Definition):** established if the state proves that the victim’s will was overcome by force, fear, duress or intimidation.

**Commercial Sex Act (Federal TVPA Definition):** any sex act on account of which anything of value is given to or received by any person.

**Commercial Sex Act (Ohio Revised Code Definition):** any sex act on account of which anything of value is directly or indirectly given, promised to, or received by any person.

**Debt Bondage (Federal TVPA Definition):** the status or condition of a debtor arising from a pledge by the debtor of her/his personal services or of those of a person under her/his control as a security for debt, if the value of those services (as reasonably assessed) is not applied toward the elimination of the debt or the length and nature of those services are not respectively limited and defined.

**Force (Federal TVPA Definition):** physical restraint or causing serious harm.

**Examples of force** include kidnapping, battering, kicking, pushing, denial of food or water, denial of medical care, forced use of drugs or denial of drugs once a victim is addicted, forced to lie to friends and family about their whereabouts, being held in locked rooms or bound.

<sup>5</sup> “Wisconsin Human Trafficking Protocol and Resource Manual,” May 2012, pp. 82-84. [http://www.wcasa.org/file\\_open.php?id=336](http://www.wcasa.org/file_open.php?id=336).

**Fraud:** knowingly misrepresenting the truth or concealing an actual fact for the purpose of inducing another person to act to her/his detriment.

**Examples of fraud** include false promises for specific employment, being promised a certain amount of money that is never paid, working conditions are not as promised, being told she or he would receive legitimate immigration papers or a green card to work but the documents are not obtained.

**Human Trafficking (Federal TVPA Definition):** (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (8 U.S.C. § 1101).

**Involuntary Servitude (Federal TVPA Definition):** forcing a person to work by means of (a) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition that person or another person would suffer serious harm or physical restraint; or (b) the abuse or threatened abuse of the legal process.

**Labor (Ohio Revised Code Definition):** work of economic or financial value.

**Peonage (Federal TVPA Definition):** holding someone against her/his will to pay off a debt.

**Recruitment of Human Trafficking Victims:** victims are enticed through fraudulent employment offers posted in newspapers, by acquaintances promising opportunity abroad, through mail-order bride and other marriage arrangements and by the promise of the chance to earn large sums of money. Parents are tricked into relinquishing their children with promises the children will be schooled, employed, or otherwise cared for by the recruiter.

**Smuggling, Human Smuggling:** the facilitation, transportation, attempted transportation, or illegal entry of a person(s) across an international border, in violation of one or more countries' laws, either clandestinely or through deception, such as the use of fraudulent documents. Often, human smuggling is conducted in order to obtain a financial and/or other material benefit for the smuggler, although financial gain and/or material benefit are not necessarily elements of the crime. Human smuggling is generally with the consent of the person(s) being smuggled, who often pay large sums of money. Once in the country of their final destination, they will generally be left to their own devices.

**Transportation:** Victims need not be transported in order to be trafficked. However, federal law seeks to prosecute all persons involved in any stage of trafficking, in addition to those who directly participate in and profit from the victim's sexual or labor exploitation. Persons who knowingly transport a victim for the purpose of trafficking can be prosecuted under both laws.

### **Immigration Terms Applicable to Trafficking**

*Under the federal Trafficking Victims Protection Act, victims of human trafficking in the U.S. who are non-citizens may be eligible for a special visa and comprehensive benefits and service. (Victims who are U.S. citizens are already eligible to receive many of these benefits.)*

**Certification:** allows victims of trafficking who are non-U.S. citizens to be eligible for certain benefits and services under any federal or state program or activity to the same extent as a refugee.

**Continued Presence:** allows victims who lack legal status and are assisting law enforcement as potential witnesses to remain in the country for the course of criminal investigation. Through continued presence, victims can receive temporary immigration relief.

**Employment Authorization Document (EAD):** a document that proves one is legally employable in the United States. Trafficked victims who have continued presence are eligible to apply for an Employment Authorization Document (EAD).

**T Visa:** provide victims of human trafficking with legal non-immigrant status in the United States for four years with the possibility of adjusting to lawful permanent resident status.

**U Visa:** provide immigration protection to victims who have suffered mental or physical abuse because of certain crimes and who are willing to assist law enforcement in the investigation of a case.

**Unaccompanied Refugees Minor Program:** assists *unaccompanied* trafficked minors who do not have a parent or legal custodian living in the U.S. who is able to care for the minor. The program provides foster care or other licensed care settings and specialized social services including family reunification, when appropriate.