

Considerations for Responding to Survivors of Sex Trafficking

Adapted from the Georgia SART Guide by Melinda Hughes, Benedict Center Sisters Program, and Shira Phelps, WI DOJ

The victim specific or cultural consideration section is designed to help SART members understand victims from diverse cultures to ensure all victims are served with respect regardless of their background. This section is intended to be a tool to help professionals; however, it is the responsibility of each SART member to integrate culturally relevant and responsive care into their services for victims. It is hoped that SARTs will utilize these considerations to increase their understanding of diversity and learn ways to serve victims with respect to their cultural background and identities.¹

Sex trafficking must be recognized as a co-occurring crime with domestic violence, sexual assault, dating violence, and/or stalking. By identifying this intersection, criminal justice professionals can both better understand the context of power and control, coercion, and patterns of abusive behavior used by perpetrators and better respond to survivors.

Frequent terminology and definitions associated with prostitution and trafficking

Commercial Sexual Exploitation (CSE): Sexual exploitation which occurs with a commercial transaction and/or for commercial gain or exchange, including commercialized sexual activity. For example: exchanging a sex act for a place to stay or a meal, exchanging sex for drugs, doing webcam work with people paying to stream, “traditional” in-person sex work, or selling of pornographic images.

“Johns,” “Tricks,” “Dates,” or Buyers: The “customers” in systems of prostitution, or individuals who provide money or other compensation to obtain sex acts, or access to sex or sexual activities.

Pimping: The act of enticing, controlling, and selling access to other human beings in systems of prostitution to make a profit.

Prostitution: A practice in which money or other material compensation or value is exchanged, whether with mutual consent or not, for performance of a sex act, or access to sex.

Sexual Exploitation: Profiting – economically or otherwise – by buying, selling, or obtaining the sexual use of someone else’s body that is in turn used, taken advantage of, or harmed.

Sex Trafficking: The recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a

¹ Georgia Sexual Assault Response Team Guide. 2021. [2021sartguidev2-final.pdf \(svrga.org\)](#)

minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices like slavery, or servitude.

Systems of Sex Trade: Industries and practices involving the commercialization of sex, representations of sex, or sexual performance, including but not limited to prostitution, stripping, pornography, phone or internet sex services, webcams, live sex shows, peep shows, sugar babies, massage parlors, escort services, domestic and international trafficking, bestiality prostitution, and mail order brides. Some are legal and some are not.

General Considerations

Many victims of trafficking have existed without basic human rights for so long that they have been conditioned to not fight back. They may fear real consequences that the full disclosure of their activities may bring, and many mistrust formal systems. Those working in the criminal justice system should temper their expectations of victim cooperation with this understanding.

Victims of trafficking often come from vulnerable populations, including oppressed or marginalized groups, inhabitants of impoverished or disaster areas, individuals with drug dependence, runaways and at-risk youth, temporary foreign workers, LGBTQ+ individuals, and undocumented immigrants. Histories of childhood trauma, especially sexual abuse, are not uncommon. Traffickers specifically target these individuals because their vulnerability often means they are least likely to be protected by law enforcement or have access to support services and other resources.

Some traffickers believe there is no reason to protect their victims from disease or injury because medication and treatment are expensive. Other traffickers, when they believe they can still turn a profit using the victim, may allow the victim to seek health services, which makes hospitals and clinics the only point of contact victims have with first responders.

In most cases, the distinction between voluntary free choice and being trapped or enslaved is not easily determined or proven. Seeking such distinction does not address the complexity of conditions of exploitation that victims experience. Frequently, people trafficked in the United States from other countries are aware of the nature of a stated job but unaware of the abusive conditions they will ultimately encounter. Local people who are enticed into situations where they are eventually trafficked are often promised food, shelter, alcohol/drugs, money, modeling careers, romance, and/or protection.

Violence in sex trafficking is a common tactic to subordinate victims, and they are routinely assaulted emotionally, sexually, and/or physically. Victims experience prolonged and repeated trauma that increases their vulnerability to exploitation and victimization.

Sexual exploitation and trafficking for labor go hand in hand. Sexual violence is now the most common tool used by traffickers to wield control over their victim in both sex and labor trafficking. As such, it is crucial to understand how trauma, fear, force, coercion,

violence, manipulation, and prolonged exposure can impact and distort victims' decisions, actions, and experiences.

Although a significant number of trafficking victims are United States citizens or foreigners who legally entered the country, many victims are undocumented immigrants. Misidentified as "willing participants" in the smuggling schemes that exploit them. Victims of trafficking are often labeled as criminals and suffer further stresses such as prison time, deportation, and are sometimes forced to return to their traffickers.

For those victims who are undocumented, the crime of trafficking may not be obvious until after illegal migration. Victims find themselves in forced prostitution or working for no pay in terrible conditions to "pay off" the debt to their smugglers. If they try to escape, traffickers retaliate against victims, their friends, and their families, sometimes forcing family members to take their places. As trafficking renders consent meaningless, these victims should not be viewed or treated as criminals. They may be eligible for "T Visa" applications.

Identifying Trafficking Victims

Several cues and behaviors may flag a potential victim of human trafficking:

- Malnourishment
- Avoiding eye contact
- Extremely nervous, appears afraid to speak
- Doesn't speak or is incoherent
- Injuries, signs of physical abuse
- Evidence of sexual assault
- Lack of identification or documentation
- Lack of concentration while speaking
- Can't identify place of residence
- May present as defiant, defensive, and combative
- Presence of branding or suspicious tattoo

Law enforcement and victim service providers identify several indicators that signal a person could be a victim of human trafficking. Indicators include:

- Was the victim coached on what to say to law enforcement?
- Was the victim recruited for one purpose and forced to do some other job?
- Is the victim's salary being garnished to pay off a smuggling fee or another debt?
- Was the victim forced to perform sexual acts?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Has the victim been threatened with law enforcement action or deportation?
- Has the victim been harmed or deprived of food, water, sleep, medical care, or other life necessities?

- Has the victim ever exchanged sex for food, money, clothes, a place to sleep, etc.?
- Can the victim freely contact family or friends?
- Is the victim a juvenile engaged in commercial sex?
- Is the victim allowed to socialize or attend religious services?
- Is someone controlling access to controlled substances?
- Is there an identifiable source of income?
- Is the victim in possession of identification or travel documents; if not, who has control of those documents?

Interviewing Potential Victims

Asking the right questions may help determine if someone is a victim of trafficking. It is important to meet with a potential victim in a safe and confidential environment. Victims may not disclose if they do not feel safe or if they believe you won't be able to help. Regardless of whether the victim is accompanied by someone who may or may not seem controlling, it is best practice to separate the victims from the person accompanying her/him. When talking to a possible victim, be mindful of the literacy and education level of the individual and any language variances that may exist. Modify your questions to be accessible for the individual. Make sure there is an interpreter present if the victim has limited English proficiency. Use open-ended questions and allow the victim to tell their story. Keep in mind, most victims do not use terms like "human trafficking" to describe their experience.

The following are sample questions:

Living situation and general well-being:

- How do you feel? Tell me about ways/places in which you feel safe/unsafe.
- Describe your current living situation. What are the people you live with like?
- Help me understand what a day in your life is like. What kinds of activities do you do throughout the day?
- Who are the people closest to you? Which friends or family do you feel you can confide in?

Work situation:

- Do you have a source of income?
- How do you get by?
- Tell me about your job. What type of work do you do? Do you like your job?
- What are your working conditions like? What is your workspace like?
- How are you compensated for the work that you do? Are there specific work rules that you must follow?
- Can you leave your job if you want to? Tell me why you do the job that you do?

Freedom of movement

- What are the sleeping arrangements where you live?
- Are there activities that you enjoy outside the home? How often or for what reasons do you leave your home?
- Tell me what would happen if you left your home or job.
- Tell me about the rules in your home. Are there specific rules about your schedule for eating, sleeping, or using certain rooms in the house?
- Tell me about why you stay in your home. Are there locks on your doors and windows? [If yes]: Are these locks there to prevent you from leaving?
- Has there ever been a time when you went without food, water, sleep, or medical care? How often does this happen?

Safety issues

- Has there ever been a time when someone made you do something you didn't want to do? When was this? How did it happen? How often does this happen?
- Tell me about things you worry about or fear.
- Have you ever been threatened? What kind of threats have you experienced?

Law Enforcement Interaction

Separate the potential victim from their trafficker prior to questioning their status. More often a trafficking victim will not self-disclose or use terms like “human trafficking” to describe their experience. Most have been programmed to believe their traffickers are their protectors. They have been coached on how to respond to police questioning. In addition, they have been conditioned to believe that law enforcement is a threat to their safety. However, taking the victim into custody through an arrest for a violation as a strategy to separate the victim from their trafficker is not a recommended practice. Such an approach will only increase the victim's mistrust of law enforcement as well as reinforce their belief that cooperation with law enforcement is not in their best interest.

Conduct an initial assessment to determine whether the individual is a possible victim of human trafficking. After the individual has been moved to a safe environment, law enforcement may question the individual to determine whether the person is a trafficking victim. *Please refer to the previous section on Interviewing Potential Victims.*

Adopt a victim-centered approach to investigating human trafficking. The goal of this approach is to decrease the retraumatization by ensuring the victim is treated with compassion and respect. Law enforcement is uniquely positioned to demonstrate to trafficking victims that their safety and rights will be protected and that they will not be exploited during the investigation.

Contact local victim service providers to connect the victim to needed services to ensure their safety and wellbeing. They can establish rapport, assess victim needs, and provide

support and healing through the process. They may also help reduce the isolation that binds a victim to their trafficker(s) and create a safety zone for victims to disclose information, which increases the likelihood that the victim will choose to participate in the investigation.

If the victim chooses to participate in the investigation, law enforcement should contact their local District Attorney's Office to consult on the next steps. In some cases, it may be beneficial to arrange a multi-agency, strategic consultation to discuss the case and develop a plan to assist the victim.

Healthcare Interaction

When a trafficking victim discloses their status, health care professionals should be prepared to offer immediate intervention. The following recommendations are presented to assist health care providers who identify a victim of trafficking:

- Assess the victim's immediate safety concerns. Ensure that the victim is not in immediate danger. If the victim is in imminent danger of harm, health care providers should contact hospital security or 911 (if the victim has given their consent).
- Arrange for interpretation services if the victim is non-English speaking. *Please refer to the Considerations for Working with Interpreters section for additional information.*
- Offer an advocate who can build rapport with the victim, discuss their immediate and long-term needs, provide information and resources available to support them independent of their trafficker, and inform them of their rights.
- Ask the victim if they would like a sexual assault forensic exam. When possible, exams should be conducted by a Sexual Assault Nurse Examiner (SANE). *Please refer to SANE Best Practices section for additional information.*
- Document all physical and emotional findings, including communications. Documentation may be valuable in the event the victim chooses to report their trafficker now or in the future.
- Engage law enforcement ONLY after obtaining the victim's permission. Assist and support law enforcement in their efforts to protect the victim while remembering that the victim's safety and wellbeing is your priority.

This project was supported by grant #2016-WE-AX-0042 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.