Out of the Shadows:
A Tool for the Identification of Victims of Human Trafficking

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FROM THE CENTER DIRECTOR

The Vera Institute of Justice is deeply committed to improving justice systems for foreign and U.S.-born victims of human trafficking, yet a major obstacle to providing them with services and support is the lack of a reliable screening tool to identify them. Vera has worked with victim service providers since 2006 to solve this fundamental problem, and as this publication describes, Vera has now validated the first-ever screening tool that can reliably identify sex and labor trafficking victims in the United States.

This brief summarizes the research's essential findings and policy implications and presents ideas for putting the screening tool into practice. This tool will give legal, health care and social service providers, law enforcement, and other professionals the ability to bring trafficking victims out of the shadows and improve their legal and social outcomes.

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Overview

A Mexican-born agricultural worker trapped by smugglers, physically threatened and forced to work to pay off ever-mounting extortionary debts of thousands of dollars to his "employer." An African woman arriving in the U.S. in hopes of attending school, only to be abused and held captive while working long days without pay for a diplomat's family. An Asian or European woman recruited to work in a legitimate business—or a U.S.-born child who has run away from abuse at home and is searching for safety—who is instead raped and prostituted in a massage parlor, brothel, or on the street.[1]

Human trafficking, often called "modern-day slavery," occurs on a massive scale, trapping thousands of victims in lives of incredible suffering with seemingly no way to escape. It does not necessarily involve transporting people across borders, but it does involve victimization and serious crimes committed within the U.S. Responding to this scourge requires knowing who and where victims are. To this end, the Vera Institute of Justice (Vera) completed a two-year study, *Improving Trafficking Victim Identification*. The study created, field tested, and validated the first-ever screening tool that can reliably identify adult and minor victims of sex and labor trafficking, both U.S.- and foreign-born.[2]

The tool is a statistically validated 30-topic questionnaire designed to elicit evidence of trafficking victimization. Vera also researched the best way to conduct interviews with potential victims in order to facilitate trust between interviewers and respondents. With national dissemination, this screening tool should lead to better identification of trafficking victims and improved responses to victims by law enforcement, other legal professionals, and service providers in various types of agencies and settings. A full technical report on the study is available on Vera's website at www.vera.org/out-of-the-shadows.

Scope of the problem

The landmark Trafficking Victims Protection Act (TVPA) first made trafficking in persons a federal crime in 2000,[3] but reliable screening tools and procedures have not been available for victim identification and systematic data collection. While every state has enacted anti-trafficking legislation, only a small fraction of trafficking victims have been identified because victims are commonly hidden

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and living in fear. Even when trafficking victims come into contact with law enforcement, they may be re-victimized by being treated like criminals instead of victims and denied much-needed support and services. This inability to properly identify victims does law enforcement a disservice as well, as the victims of trafficking can serve as valuable resources in police investigations and as witnesses against their traffickers.

A major obstacle in forming an accurate estimate of the number of human trafficking victims is that the numbers are unreliable and can vary wildly. For example, figures often cited suggest that anywhere from 14,500 to 50,000 people are trafficked into the United States annually[4] while more recent estimates place the number of currently enslaved or trafficked people[5] in the United States at 57,000 to 63,000.[6] The U.S. Department of State estimated in 2010 that less than 1 percent of current trafficking victims in the U.S. have been identified.[7] Resolving the controversy over the true scope of human trafficking has been a challenge because of the dearth of standardized screening protocols. This study provides a means to address this fundamental issue in the U.S.

"The way we are put in the situation, we don't have a choice—like a prison—we don't have a life. What you know is what [the traffickers] tell you."

—A survivor of domestic servitude from Lesotho

> **FEDERAL DEFINITION OF HUMAN TRAFFICKING FROM THE TRAFFICKING VICTIMS PROTECTION ACT (2000):**
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> "Severe forms of human trafficking" are:
>
> > Sex trafficking [i.e., the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act] in which a commercial sex act is induced by force, fraud or coercion;
> >
> > Sex trafficking in which the person induced to perform such act has not attained 18 years of age;
> >
> > 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.

A NEW APPROACH TO IDENTIFYING VICTIMS

Vera has been working since 2006 to research and develop reliable and effective trafficking victim identification practices, and that work was rewarded when its screening tool was validated by statistical analyses after testing by victim service providers. They asked potential trafficking victims questions about migration, work, and working/living conditions to elicit evidence of trafficking victimization experiences, namely, abusive labor practices, physical harm or violence, sexual exploitation, isolation, and force, fraud, and coercion. Statistical analyses also demonstrated which questions best predicted trafficking outcomes.

The screening tool may be used in either its full form or in a 16-question version, each of which offers different advantages depending on the user and the situation. The two versions may also be used in succession at separate times. For example, service providers who are mandatory reporters or working in a crisis situation may wish to use the short version of the tool for initial screening without recording details of a victim's story, while other interviewers may find the long version more useful for subsequent in-depth information gathering. A longer interview is best conducted once a potential victim feels safe, stable, and ready to talk about sensitive issues. Agencies with various mandates that use the trafficking victim screening tool will likely combine it with additional intake questions tailored to their specific client groups.

How the research was done

Vera collaborated with 11 experienced victim service organizations in California, Colorado, New York, Texas, and Washington State to test the screening tool. Data were gathered through structured interviews using the full screening tool with a diverse sample of 180 potential trafficking victims, case file reviews, and focus groups with service providers. Subsequent interviews were conducted with victims who had already been screened, service providers, and law enforcement with experience in human trafficking.[8]

From speaking to victims, Vera found that asking them about experiences of forced sex, and defining terms like "force" or "coercion," sometimes proved difficult. Understanding cultural nuances and the impact of a sense of shame on some victims' responses during screening was also critical to increasing the effectiveness of screening and ultimately helping victims overcome the impact of the trafficking experience. In addition, speaking to law enforcement experts allowed Vera to understand the current methods law enforcement uses to identify human trafficking victims, how victims' fear and distrust of law enforcement can act as a barrier to victim identification, and how an effective screening tool could be useful for collecting evidence against traffickers.

Data analysis determined how well the screening tool worked, both in its ability to distinguish trafficking victims from victims of other crimes, and to differentiate between victims of sex and labor trafficking. More than half of the 180 interviewees (53 percent) were found to be trafficking victims. Of those, 40 percent were sex trafficking victims and 60 percent were labor trafficking victims.

The tool's validity and reliability in predicting sex and labor trafficking outcomes were tested and confirmed by several statistical methods.[9] The majority of questions were shown by statistical analyses to be significant predictors of trafficking after controlling for group differences based on gender, age, place of origin, English proficiency, and years of education.

Vera found that the shortened version of the tool is capable of predicting trafficking victimization with only a small loss in predictive power. The shortened tool was designed by combining the questions from the full version of the tool that were found to be the strongest predictors of all types of trafficking.

"[Trafficking victims] are terrified...they think we're not going to take care of them, we're just going to throw them in jail...they'd rather be with the monster they know than with the monster they don't know, which is us."

—Local law enforcement official

WHAT IS ASKED IN THE 16-QUESTION TOOL?

Some questions were good predictors of trafficking in general, such as questions about owing money for help in traveling to the U.S. and being pressured to pay it back. Once evidence of trafficking was apparent, interviewers found the following questions particularly strong predictors of sex and labor trafficking after controlling for demographics:

Labor Trafficking

> Have you ever worked without getting the payment you thought you would get?

> Have you ever worked in a place where the work was different from what you were promised or told it would be?

> Did anyone at your workplace make you feel scared or unsafe?

> Did anyone at your workplace ever harm or threaten to harm you?

> Have you ever felt you could not leave the place where you worked or lived?

Sex Trafficking

> Did anyone you worked for or lived with trick or force you into doing anything you did not want to do?

> Did anyone ever pressure you to touch another person or have any unwanted physical or sexual contact with another person?

>Did you ever have sex for things of value (for example money, housing, food, gifts, or favors)?

"In ten years, when I look back, I won't know where to put away this memory."

—A survivor of sex trafficking from China

The research was not without possible limitations, however. In particular, the study sample is not intended to be representative of all trafficking victims residing in the U.S. and a majority of the sample was adult and foreign-born. Circumstances and pathways into trafficking may differ among U.S. and foreign-born victims but trafficking crimes and experiences are similar in many ways, suggesting that the tool will be reliable for both populations. While this study sheds light on the experiences of under-served and under-studied immigrant groups, further evaluation of the tool's use with U.S.-born minors would be beneficial. To mitigate this potential sampling limitation, we also note that the same screening tool questions were validated with a large sample of U.S.-born youth residing in the Covenant House shelter in New York, and those results have been published elsewhere.[10]

Building trust is step one

Having the right questions to ask potential trafficking victims is only part of what is needed for identification. The effectiveness of the tool hinges on its appropriate use, and that means building trust between screeners and potential victims. Screeners need to take a victim-centered approach and be sensitive to the trauma and fear that victims have generally endured before attempting to gather facts about trafficking crimes or a victim's long-term needs. Service providers participating in the study suggested several strategies for developing trust with trafficking victims that were incorporated into user guidelines. Chief among these strategies was offering victims a sense of safety and meeting their material and psychological needs by providing shelter in the near term and legal assistance and case management in the longer term.

This contextual knowledge is crucial to working sensitively with trafficking victims who have many support needs and often experience long-lasting mental distress as a result of traumatic experiences. In anticipation of promoting good trafficking victim identification methods on a wider scale, Vera also determined how the tool might be used in the anti-trafficking efforts of law enforcement, which plays a critical role in routine victim identification.

The importance of fostering trust does not stop at interacting with potential victims. Inter-agency cooperation is also imperative to helping trafficking victims, yet Vera's research found that tensions often arise between victim service providers and law enforcement because they conceive of trafficking victims differently and take different approaches to working with them. For both, a lack of resources, such as time and specialized housing and mental health care for meeting victims' needs, makes stabilizing and working with trafficking victims difficult. Maintaining confidentiality and managing the different goals of attorneys, therapists, and law enforcement also exacerbate challenges in victim identification. For many foreign-born victims, immigration issues and lack of knowledge of victims' rights are especially problematic.

Policy and practice implications

Anti-trafficking efforts in the U.S. have been accelerating steadily, but difficulties in identifying victims have limited their impact. Findings from this study have important implications, particularly for crime victim services, health and social services, and for law enforcement. Use of a validated trafficking victim identification tool can significantly improve victim identification practices and anti-trafficking efforts in many settings, including hospitals and clinics, youth shelters, and domestic violence service agencies in the following ways:

> Help victims receive appropriate referrals to programs for which they are eligible, including specialized victim services programs, legal assistance, victim advocacy, shelter programs, and some public assistance programs.

> Help law enforcement initiate proactive investigations of sex trafficking and labor trafficking crimes, and gather facts to help secure convictions.

> Help service providers understand elements of sex trafficking and labor trafficking by teaching them how to identify whether force, fraud, or coercion was used to hold an individual in a trafficking situation.

"It's becoming painfully obvious that law enforcement can't do it alone…it's just kind of opening up communication, accepting that everybody has a role in [victim identification]—and a very important role—and then working together."

—Local law enforcement official

*"If everyone in the world were asking these questions, which I think would increase identification numbers a lot, even if the person says no the first time, I think it's powerful to be asked…to get the mind running….like, 'what is happening to me is not right, or maybe somebody can help me, or maybe I **do** have rights'…that is very important."*

—A trafficking victim service provider

> Help standardize the way victims are screened within a specific jurisdiction—leading to a more coordinated response to human trafficking within a community.

> Help inform community-wide training, public awareness, and outreach efforts to identify more sex and labor trafficking victims within a community.

Conclusion

One of the biggest obstacles to providing human trafficking victims with the services and support they need is the lack of an effective tool to identify them. Vera's screening questionnaire fills that void, providing service providers and law enforcement with a valuable resource in the fight against human trafficking.

ENDNOTES

1   These examples are drawn from real experiences from trafficking victims interviewed for this study.

2   The study was funded by the National Institute of Justice Award No 2011-MU-MU-0066.

3   The TVPA has been reauthorized by Congress four times since 2000—in 2003, 2005, 2008 and 2013.

4   Josh Archambault and Birgit Waidmann, *Enhancing Counter-Trafficking Efforts: Diagnosing the Labor and Sex Trafficking Nexus* (Boston: Harvard Kennedy School, 2010); Heather J. Clawson et al., *Identifying Victims of Human Trafficking: Inherent Challenges and Promising Strategies from the Field* (Washington, DC: U.S. Department of Health and Human Services, 2008).

5   Enslavement is defined as "the possession and control of a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploiting that person through their use, management, profit, transfer or disposal. Usually this exercise is achieved through means such as violence or threats of violence, deception and/or coercion." Walk Free Foundation, "The Global Slavery Index 2013," http://www.globalslaveryindex.org (accessed April 16, 2014).

6   These figures were reported in the Global Slavery Index and came from two reports: Free the Slaves & Human Rights Center, University of California, Berkeley, *Hidden Slaves: Forced Labor in the United States* (September 2004), http://www.freetheslaves.net/document.doc?id=17 (accessed April 16, 20014) and U.S. Department of State, *Trafficking in Persons Report* 2010, http://www.state.gov/j/tip/rls/tiprpt/2010/ (accessed April 16, 2014).

7   U.S. Department of State (USDOS), *Trafficking in Persons Report 2010* (Washington, DC: USDOS, 2010).

8   The 180 participants in this study, including trafficking and non-trafficking victims, were quite diverse. Seventy percent of the study sample was female and the median age was 33. Approximately 25 percent of study participants were under the age of 25 at the time of the screening interview, and 10 percent were under 18. Interviews were conducted in several languages, the most common of which were Spanish (43.3 percent), English (41 percent), and Chinese (12.9 percent). More than 40 countries of origin were represented.

9   The following is a brief overview of tests of validity and reliability performed on the screening tool. The screening tool's construct validity was tested by separating its questions into dimensions, or "factors," of trafficking using exploratory factor analysis, which were then used to construct scales. Correlations were run on questions within each scale to test for convergent validity and between each scale to test for discriminant validity. The scale's internal consistency was tested for the entire tool, and for each of the scales using Chronbach's Alpha. In their post-interview assessments, service providers were asked to assess each respondent's likelihood of trafficking victimization on a scale from one (certainly not a trafficking victim) to five (certainly a trafficking victim) based on prior knowledge of the victim's circumstances, and on their expert analysis of the answers given by each victim to questions in the screening tool. Criterion validity was tested by having two Vera researchers independently assess the victimization likelihood of 50 percent of the potential victims who took part in the study based on their survey responses, and comparing their assessments to the post-interview assessments given by the service providers. The two researcher's assessments were also compared to one another to test for inter-rater reliability. The tool's predictive ability was measured using a series of logistic regression models that tested how well each question and scale could predict trafficking on its own, and how well they could predict in combination with each other while controlling for a variety of factors. Finally, the tool's sensitivity and specificity were tested using a series of receiver operating characteristic analyses.

10 Jayne Bigleson and Stefanie Vuotto, *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House* (New York: Covenant House, 2013).

> ## For More Information

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