

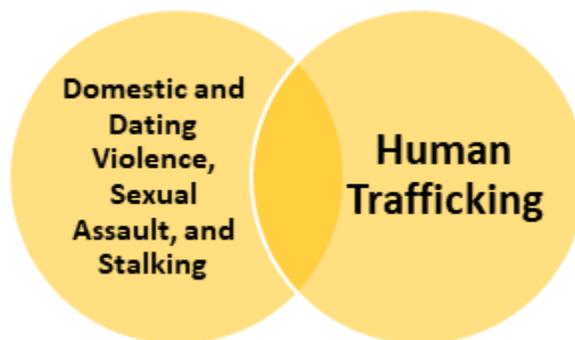
# STAAR

STOP Technical Assistance to Administrators Resource Project

## Addressing Human Trafficking Within the STOP Formula Grant Program<sup>1</sup>:

### Technical Assistance Issue Brief for STOP Administrators and Subgrantees

April 2019



---

<sup>1</sup> This project was supported by Grant No. 2015-TA-AX-K027 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.

## Introduction

This issue brief is designed to help State and Territory administrators of STOP Formula Grant Program funds (“STOP Administrators”) and State/Territory STOP Grant subgrantees understand how human trafficking<sup>2</sup> (“HT”) overlaps with the four Violence Against Women Act (“VAWA”) crime areas of domestic violence, dating violence, sexual assault, and stalking (“four crime areas”), and how it can be addressed within the STOP Formula Grant Program. Incorporating HT responses into STOP planning, grantmaking strategies, and programs can assist with changes to systems and responses that can help to build protections for victims of trafficking and ensure offender accountability.

## Background

VAWA’s passage in 1994 and subsequent reauthorizations brought national attention and federal resources for states, and local agencies and programs to address the four crime areas. The Trafficking Victims Protection Act (TVPA), originally enacted in 2000, helped to establish within each United States Attorney’s Office a Point of Contact for human trafficking. This nationwide effort helped to focus efforts on prosecuting traffickers and working with local law enforcement and prosecutors on task forces. TVPA was incorporated into the VAWA Reauthorization Act of 2013. The incorporation of TVPA into VAWA recognizes the frequent co-occurrence of HT with one or more of the four crime areas. STOP Grant funds can now be used to support anti-human trafficking work that co-occurs with at least one of the four crime areas.

## Definitions of Human Trafficking Under U.S. and State Laws

The term Human Trafficking is used to refer to an array of crimes that include involuntary servitude or slavery, forced labor, and sex trafficking. Below is a brief summary of the types of crimes that fall within HT under federal law. See also the Department of Justice [web page on human trafficking](#) that provides details and statutory language.

Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor: 18 U.S.C. 1590 makes it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions that violate any of the offenses contained in Chapter 77 of Title 18.

Sex Trafficking of Adults and Children: 18 U.S.C. 1591 makes it a criminal act to cause a person to engage in a commercial sex act under certain conditions. The conditions are force, fraud, or coercion, or conduct involving persons under the age of 18. A commercial sex act means any sex act on account of which anything of value is given to or received by any person.

---

<sup>2</sup> “Human trafficking, also known as trafficking in persons or modern-day slavery, is a crime that involves the exploitation of a person for the purpose of compelled sex or labor.”

<https://ovc.ncjrs.gov/humantrafficking/>

Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor: 18 U.S.C. 1592 makes it a crime to seize documents in order to force a person to work. This includes false, as well as official, documents.

Definitions of Peonage, Involuntary Servitude, and Forced Labor:

Peonage: 18 U.S.C. 1581 makes it unlawful to use force, the threat of force, or the threat of legal coercion to compel a person to work against his or her will in payment of a debt.

Involuntary Servitude: 18 U.S.C. 1584 makes it unlawful to hold a person in a condition of slavery or compulsory service or labor against his or her will, or to create a climate of fear that compels a person to work against his or her will, through force, threats of force, or threats of legal coercion.

Forced Labor: 18 U.S.C. 1589 makes it unlawful to provide or obtain the labor or services of a person through any of the following means:

- (1) by threats of serious harm to, or physical restraint against, that person or another person;
- (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
- (3) by means of the abuse or threatened abuse of law or the legal process.

All states have adopted statutes that criminalize HT. These laws differ from state to state, and criminalize a variety of trafficking activities. Most commonly, state statutes make it a crime to engage in the recruitment, transportation, transfer, harboring or receipt of persons for the purpose of exploitation.<sup>3</sup> Some states criminalize additional behaviors like purchasing, benefitting or profiting. For information current through 2019, see the report published by the National Conference of State Legislatures: [Prosecuting Human Traffickers: Recent Legislative Enactments \(Sept. 2018\)](#).

### **Human Trafficking Efforts Within Federal Agencies.**

The federal government addresses human trafficking in a number of ways. For example, the U.S. Department of Justice administers programs through the Office on Violence Against Women (OVW), including the STOP Formula Grants Program, and the Office of Justice Programs (OJP). Within OJP, the Office for Victims of Crime (OVC) and the Bureau of Justice Assistance (BJA) jointly developed the [Human Trafficking Task Force e-Guide](#), which is intended to provide guidance on the development and implementation of an anti-human trafficking task force. OVC also developed an overview of all federal anti-trafficking efforts to assist victims in the [Federal Strategic Action Plan on Services for Victims of](#)

---

<sup>3</sup> [Human Trafficking State Laws, National Conference of State Legislators](#). Last visited 4/25/2019.

[Trafficking 2013 – 2017](#).<sup>4</sup> The Action Plan includes goals and objectives for the improvement of human trafficking victim services. The National Institute of Justice (NIJ) funds research on HT. For a list of awards made to research various aspects of HT and strategies for combating it, see the available information on [NIJ-funded research projects on trafficking in persons](#). The U.S. Department of Health and Human Services' [Office on Trafficking in Persons](#), within the Administration for Children and Families, offers information about HT, current projects, and training and technical assistance.

## **Human Trafficking and STOP Planning and Implementation**

States and Territories that are interested in enforcing human trafficking laws and improving victim services for survivors may want to consider beginning their efforts within the STOP Formula Grants Program. It is allowable under STOP to address HT if it intersects with one or more of the four VAWA crime areas.

This can be done by incorporating human trafficking into currently-funded programs for law enforcement, prosecution, courts, and victim services. It is also possible for STOP Grant Programs to develop new STOP-compatible projects. The [Quick Guide to Addressing Human Trafficking](#) lists all of the STOP Grants statutory purpose areas and corresponding suggestions for how HT can be addressed within each area.

A state or territory that is interested in expanding STOP work to include HT should begin by learning more about the subject matter and related issues within the jurisdiction. This can be accomplished in several ways including:

- (1) Learning from anti-human trafficking practitioners located in the state or territory. Although the state/territory may not have focused STOP efforts on HT, specialized units or individuals within law enforcement, prosecution, and victim services may already be addressing HT. See also this [matrix of state resources](#) on HT made available by the Office for Victims of Crime, U.S. Department of Justice.
- (2) Consulting with national organizations addressing HT including Polaris Project, which offers resources and information about HT, and operates the [National Human Trafficking Hotline](#).
- (3) Reading evidence-based articles about HT. See, for example, the [Urban Institute's HT research portfolio](#), and research funded by the National Institute of Justice (see Human Trafficking Efforts Within Federal Agencies).
- (4) Having competent VAWA team representation will help Administrators to write and create STOP Implementation Plans that fully address the presence of human trafficking when it intersects with VAW crimes. Also, during the STOP Planning process, teams should look at how the issue of

---

<sup>4</sup> [Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017](#).

human trafficking is part of other State and Territory-wide planning and funding efforts including under the Victims of Crime Act (VOCA) or Rape Prevention and Education (RPE) grants. Placing the topic of HT on the agenda for the next Implementation Planning team meeting may also raise issues and needs in the area that have previously gone unnoticed.

## **The Intersection of Domestic and Dating Violence, Sexual Assault, Stalking with Human Trafficking**

Victims of domestic violence, dating violence, sexual assault, and stalking are trafficked. Human traffickers often target intimate and dating partners and family members for violence and abuse, including sexual assault and stalking. The overlap among these victimizations is vital for those assisting victims, and for law enforcement, prosecutors, the courts, others funded under STOP to understand.

A firm grasp of the intersections among domestic violence, sexual assault, dating violence, stalking, and human trafficking helps prosecutors and law enforcement bring the full weight of the law to bear on these perpetrators if they can charge and convict on human trafficking crimes *and* offenses that fall within the four crime areas of VAWA. Conversely, failure to understand the overlaps and differences between VAW crimes and human trafficking can result in perpetrators not being held accountable for the full range of crimes they have committed. This can leave the victims of these crimes without the justice they deserve and the services they need to heal and thrive. Victim services providers can assist victims more knowledgeably and effectively if they are fully versed in human trafficking trauma-related injury, victim needs, and the human trafficking laws and remedies that are available to victims of VAW crimes. The sections below provide a summary of the ways that each of the VAWA crime areas can intersect with HT.

### **Domestic and Dating Violence**

Family members and intimate partners who are traffickers use many of the same tactics of power and control used by those who commit crimes of domestic violence, dating violence, sexual assault, and stalking. These include emotional, financial, psychological, sexual, and physical abuse. Traffickers isolate victims; minimize and deny the violence; blame the victims; and use force or threats of force, intimidation, coercion, and fraud to control victims.

There also are important differences among domestic and dating violence crimes in which human trafficking co-occurs and in which it is not present. For instance, women who are sex trafficked from outside the U.S. will very likely have needs that differ greatly from other victims of sexual violence. Sexual assault victim service programs should become familiar with these differences and similarities.

In 2011, the National Human Trafficking Hotline reported that 11% of all calls to the hotline were related to trafficking by an intimate partner or family member. The number could be higher because many states define the relationship between perpetrators and victims of domestic violence to include

household members, people who share or shared a home, have children in common, or people who currently or used to date. These are all relationships that a trafficking victim may have with the trafficker.

Traffickers are often indistinguishable from intimate partners. They pose as “boyfriends,” and are often seen as such by the victim. Traffickers manipulate the victim and try to convince them they are in love. A family-like structure is sometimes developed among the victims being trafficked by the same pimp. Domestic violence offenders also labor-traffic their partners and other family members by forcing them to work in non-commercial sex industries and situations.

Domestic violence and sexual assault also may make someone vulnerable to human trafficking. Much like child abuse and other forms of victimizations, this violence makes an individual vulnerable economically, physically, emotionally, and without a safe place to live.

### **Sexual Assault**

Sexual assault and rape crisis programs, as well as prosecutorial and law enforcement special victims or sex crimes units that handle cases of rape within the justice system, will encounter victims of sexual assault as well as sex and labor trafficking. STOP Program resources can focus on sexual violence and, by definition, can be used to address sex trafficking so long as the victims assisted fall within STOP guidelines. For instance, STOP cannot assist children ages 10 and younger who are sex trafficked.

Sexual violence is used as control and abuse in both sex and labor trafficking by family members as well as by non-family members. Human trafficking involves multiple forms of sexual violence – it can be used to condition or break victims to prepare them for having sex with multiple people. Sexual violence and trafficking occur in low wage/low skill industries and workplaces including agriculture, factory work, and domestic servitude because of the unequal power dynamics present among workers and their supervisors in these industries. Sex traffickers force victims to engage in commercial sex to make money, support addictions, and as a way to exploit and control the victim.

### **Stalking**

Stalking also occurs in human trafficking cases, and any current STOP programming that includes training or a focus on stalking should anticipate and include HT. In many instances, stalking will look similar in both VAW and human trafficking cases. Traffickers often see their victims as property in the same way as do domestic and dating abusers. They will take extreme measures to track and monitor the victim’s movements and behavior. For example, sex traffickers can stalk victims and monitor their movement using GPS apps victims’ phones, ensuring that they are in hotel rooms or other places where the trafficker has ordered them to work. Street gangs are one of the fastest-growing sex trafficking enterprises. Their deep roots in many communities enables them to terrorize victims with threats and coercion, and to stalk them if they escape.

## Examples of Human Trafficking Intersecting with VAWA Crime Areas

Below are some examples that illustrate how domestic and dating violence and sexual assault can intersect with sex and labor trafficking. All are examples of situations in which the VAWA crime areas and HT can be charged, and in which victims should be assisted differently than in cases where HT has not co-occurred.

- A boyfriend who coerces his girlfriend to sell her body to help him feed his drug addiction.
- A trafficker, posing as her fiancé, brings a woman across the border with the promise of marriage, then beats and rapes her and forces her to work for him by threatening to call immigration to deport her if she calls the police.
- A trafficked woman who has a child with her pimp/trafficker, who beats her and threatens to take and harm the child if she tries to escape.
- A husband who forces a wife and children to beg on the streets, beating and abusing the wife if she refuses.
- A “coyote” transports a teenage girl across the U.S. border; he forces her to live with him, rapes her and forces her to clean, cook, and perform other domestic tasks under the threat that he will allow other men living in the house to rape her if she does not comply.

## Conclusion

Understanding what human trafficking is, how to obtain resources about it, how human trafficking intersects with the four VAWA crime areas, and how it can be addressed under the STOP Formula Grant Program can assist with:

- Incorporating human trafficking into the STOP Implementation Planning process through the inclusion of practitioners and experts;
- Developing goals and objectives that will aim STOP resources at the delivery of specialized services and advocacy for victims of human trafficking, and for strategies that will hold traffickers accountable;
- The development of tailored requests for proposals that provide guidance to potential STOP subgrantees who wish to address human trafficking, and the receipt of strong, fundable STOP subgrant proposals;
- Providing guidance to and monitoring of STOP subgrantees that are addressing human trafficking;

- Gathering data on how subgrantees are addressing human trafficking, emerging issues, and which practices have been effective for addressing the intersection of VAWA crime areas with human trafficking.

For more information about incorporating human trafficking into the STOP Formula Grant Program within your state or territory, [contact the STAAR project](#).

## Additional Resources

### General

- [Human Trafficking Power and Control Wheel](#)
- [National Human Trafficking Resource Center](#)

### Overlap of Human Trafficking with Violence Against Women Crimes

- [Asian Pacific Institute on Gender-Based Violence, \*Intersections of Human Trafficking, Domestic Violence, and Sexual Assault: National Organizational Advocacy Roundtable\*](#).
- Bullard, Becky Owens. [Human Trafficking Intersections with Domestic Violence](#). This issue brief gives relevant statistics, definitions, indicators and assessment tips.
- [What Are the Connections Between Human Trafficking and Domestic Violence?](#) This briefing gives domestic violence programs basic information and key resources on both domestic and sexual violence intersections with human trafficking.
- U.S. Government Accountability Office. [Investigations in Indian Country or Involving Native Americans and Actions Needed to Better Report on Victims Served](#). This report highlights the extremely high prevalence of human trafficking of Native Americans and steps needed to address this.
- National Human Trafficking Hotline. [Human Trafficking: Intersections with Domestic Violence](#). This on-line PowerPoint-based presentation explores and defines human trafficking by intimate partners and family members.

### Legal: Prosecution and Courts

- Aequitas. [From Barriers to Solutions: Investigating and Prosecuting Human Trafficking](#). This webinar recording highlights complex challenges to the investigation and prosecution of human trafficking cases.
- American Bar Association. [Human trafficking and Domestic Violence: A Primer for Judges](#). This article outlines issues for judges and is also useful for showing how intimate partners traffic their victims.

- Urban Institute. [Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases](#). This report looks at how counties across the nation investigate and prosecute HT cases, and makes recommendations for improvements.

## **Federal Programs on Human Trafficking**

**Department of Health and Human Services** - [The Office of Trafficking in Persons](#) offers many resources and information for the public, policy makers, and professionals who come into contact with survivors of trafficking in the areas of prevention, response, victim identification, accessing services and promoting greater safety and long-term success for survivors. HHS also has developed an [“Adult Human Trafficking Screening Tool and Guide”](#) for a wide range of professionals.

**Department of Homeland Security** - The [“Blue Campaign”](#) brings together a number of resources including public information materials and awareness tools, and describes the work of DHS to investigate trafficking, train law enforcement, identify trafficking victims, and provide immigration relief to victims.

**Department of Justice** - The DOJ site provides information on the [definition of human trafficking](#) and links to press releases about trafficking prosecutions and other key documents.

**Department of State** - [The Office to Monitor and Combat Trafficking in Persons](#) conducts extensive work in the area of trafficking including the annual “Trafficking in Persons Report,” which details the work of nations around the world in this area. Other information includes the training, grant programs, outreach materials, and U.S. government responses.