



Indiana Coalition to **End Sexual Assault**

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Human Trafficking in Indiana:

Survivor-Centered Response, Victim Advocacy, and Referral

March 29, 2018

Presenter: Kate Kimmer, MA
Statewide Anti-Trafficking Coordinator, ICESA

Facilitator: Kirat Sandhu,
Training Coordinator

Welcome and Introductions

- Facilitator: Kirat Sandhu, ICESA Training Coordinator
- Indiana Coalition to End Sexual Assault
 - Mission: ICESA empowers Indiana communities to prevent sexual assault and serve those impacted by it through comprehensive training, advocacy, increased public awareness and coordinated sexual assault services.
 - indianacesa.org



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Question Pane
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Poll Questions

- Poll questions may be asked during the webinar. They are asked so we can better understand the audience and provide the most useful information to you.
- As they will only be open a short period of time, please respond promptly.

Which of the following best describes your role?

Please select one:

- Investigator (Law Enforcement, CPS)
- Prosecutor
- CAC, Forensic Interviewer, Social Worker
- Medical, Mental Health
- Other

Organizers and Panelists don't vote.



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Poll Q2: Is working with human trafficking survivors a part of your day-to-day job responsibilities?

- a. Yes
- b. No



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Poll Q3: How confident are you in your ability to define and recognize human trafficking?

- a. Very Confident
- b. Somewhat Confident
- c. Somewhat Unconfident
- d. Very Unconfident
- e. Not Sure



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Kate Kimmer, MA
kate@indianacesa.org

Statewide Anti-Trafficking Coordinator
ICESA



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educate
SAFE
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care
ADVO
THRIVE
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Justice
Aware

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Human Trafficking In INDIANA

Survivor-Centered
Response, Victim Advocacy, and Referral

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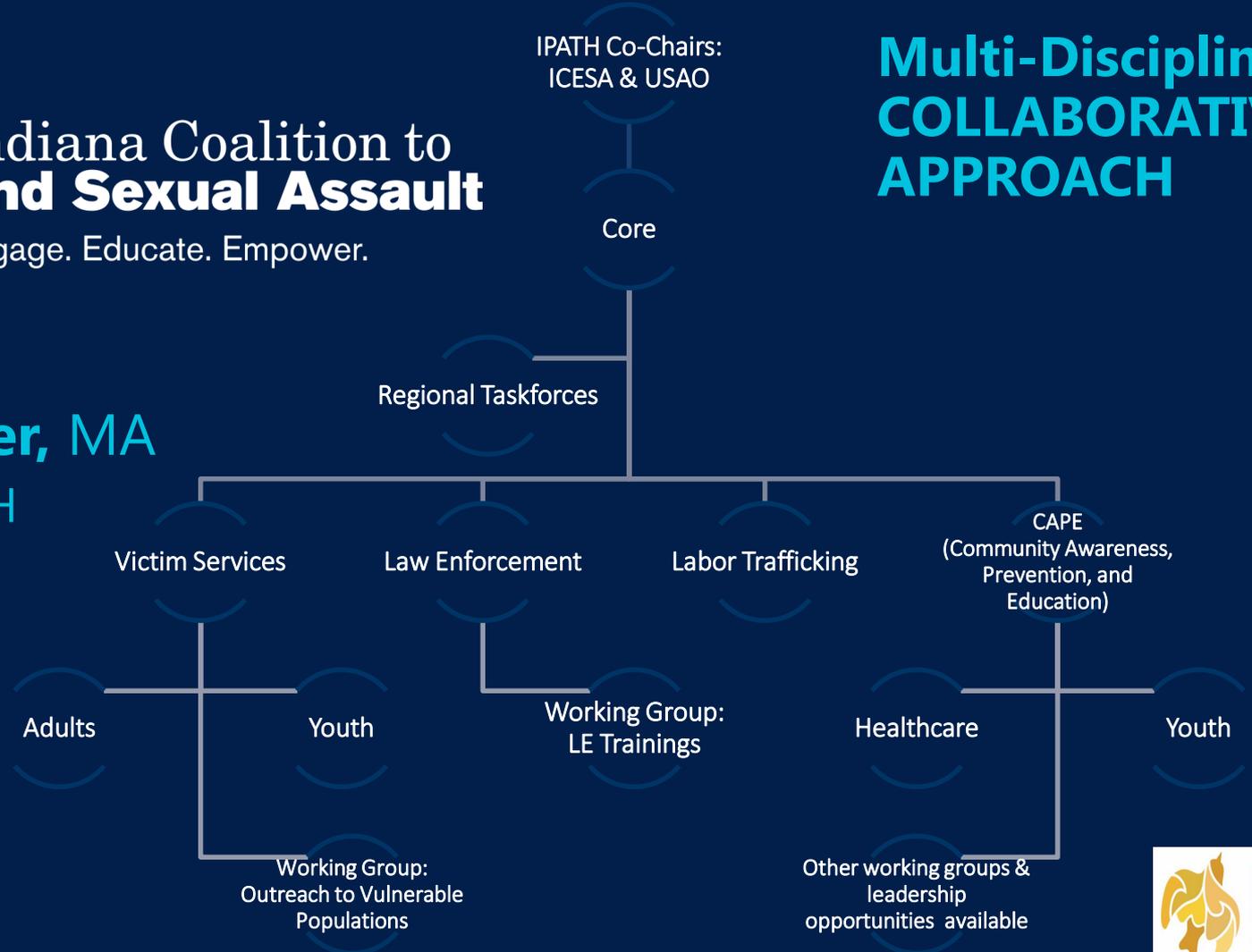
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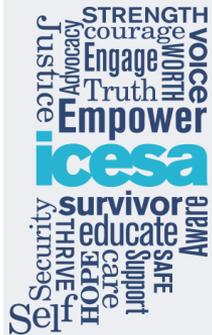
IPATH Co-Chairs:
ICESA & USAO

**Multi-Disciplinary,
COLLABORATIVE
APPROACH**

Kate Kimmer, MA

ICESA & IPATH
Taskforce
Statewide
Anti-
Trafficking
Coordinator





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IPATH TASKFORCE MISSION

Utilize a **survivor-centered** approach to more effectively

Prevent,

Detect, and

Prosecute

Human Trafficking in
Indiana;

and

Empower and
Support Survivors



IPATH

INDIANA PROTECTION FOR
ABUSED AND TRAFFICKED HUMANS
Task Force



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TRAINING GOALS

- Define human trafficking (HT) in Indiana
- Recognize common vulnerabilities/circumstances that contribute to victims feeling trapped including the phenomenon of dual status victims of HT
- Define survivor-centered anti-trafficking work;
- Learn to recognize red flags of human trafficking;
- Utilize a case study to apply critical peace theory and 'survivor-centered' work
- Outline T and U Visa requirements and benefits for immigrant survivors; and
- Identify common service needs, key stakeholders, and allies in Indiana.

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HUMAN TRAFFICKING and the LAW



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IC 35-42-3.5/HB 1270: Human and Sexual Trafficking¹

Sec. 1. (a) A person who, by force, threat of force, coercion, or fraud, knowingly or intentionally recruits, harbors, provides, obtains, or transports another person:

(1) to engage the other person in:

- (A) (forced) labor; or
- (B) involuntary servitude; or

(2) to force the other person into:

- (A) (forced) marriage;
- (B) prostitution; or
- (C) participating in sexual conduct (as defined by IC 35-42-4-4);
Level 2, 3, 4, or 5 felony.

**ANY MINOR ENGAGED IN COMMERCIAL SEXUAL CONDUCT IS A VICTIM OF SEX
TRAFFICKING UNDER INDIANA LAW.**

IT IS NOT A DEFENSE THAT THE MINOR CONSENTED TO ENGAGE IN COMMERCIAL SEX.

INDIANA LAW

1) Human and Sexual Trafficking, Ind. Code § 35-42-3.5, available at <http://www.in.gov/legislative/ic/code/title35/ar42/ch3.5.pdf>.



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IC 35-42-3.5:
Human and Sexual Trafficking

- ✓ Anyone can be guilty of trafficking a child
- ✓ Restitution is available to victims
- ✓ Civil remedies are also available to recover damages from trafficker
- ✓ Child in Need of Services (CHINS) designation in IN for trafficked youth (2016)

...it is not a defense...that the child consented to engage in prostitution or to participate in sexual conduct

- ✓ Juvenile Prostitution DECRIMINALIZED in IN (2017)

**ANY MINOR ENGAGED IN COMMERCIAL SEXUAL CONDUCT IS A VICTIM OF SEX TRAFFICKING IN INDIANA.
FORCE, FRAUD, COERCION, OR THREAT OF FORCE NEED NOT BE PROVEN;
A THIRD PARTY BENEFACITOR/FACILITATOR NEED NOT BE IDENTIFIED.**



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FEDERAL LAW: FORCED LABOR

Trafficking Victims Protection Act, Pub. L. 106-386, Div. A., § 102, 114 Stat. 1464, 1486-1487 (2000)(codified as amended at 18 U.S.C. § 1589) (“2000 TVPA”)

18 U.S.C. § 1589 provides:

- (a) [W]hoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means –
- By means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
 - By means of serious harm or threats of serious harm to that person or another person;
 - By means of the abuse or threatened abuse of law or legal process; or
 - By means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).

AMP MODEL: 3 ELEMENTS OF TRAFFICKING

Adapted from Pub. L. No. 106-386 (2000), the Trafficking Victims Protection Act (TVPA, 2000) and Indiana Statute: IC 35-42-3.5

ACTION

Recruiting,
Harboring,
Transporting,
Providing,
Obtaining,
Patronizing,
or
Soliciting,
a person



MEANS*

Force,
Threat of
Force,
Fraud, or
Coercion



PURPOSE

EXPLOITATION of
Labor,
Services, or
Commercial Sex



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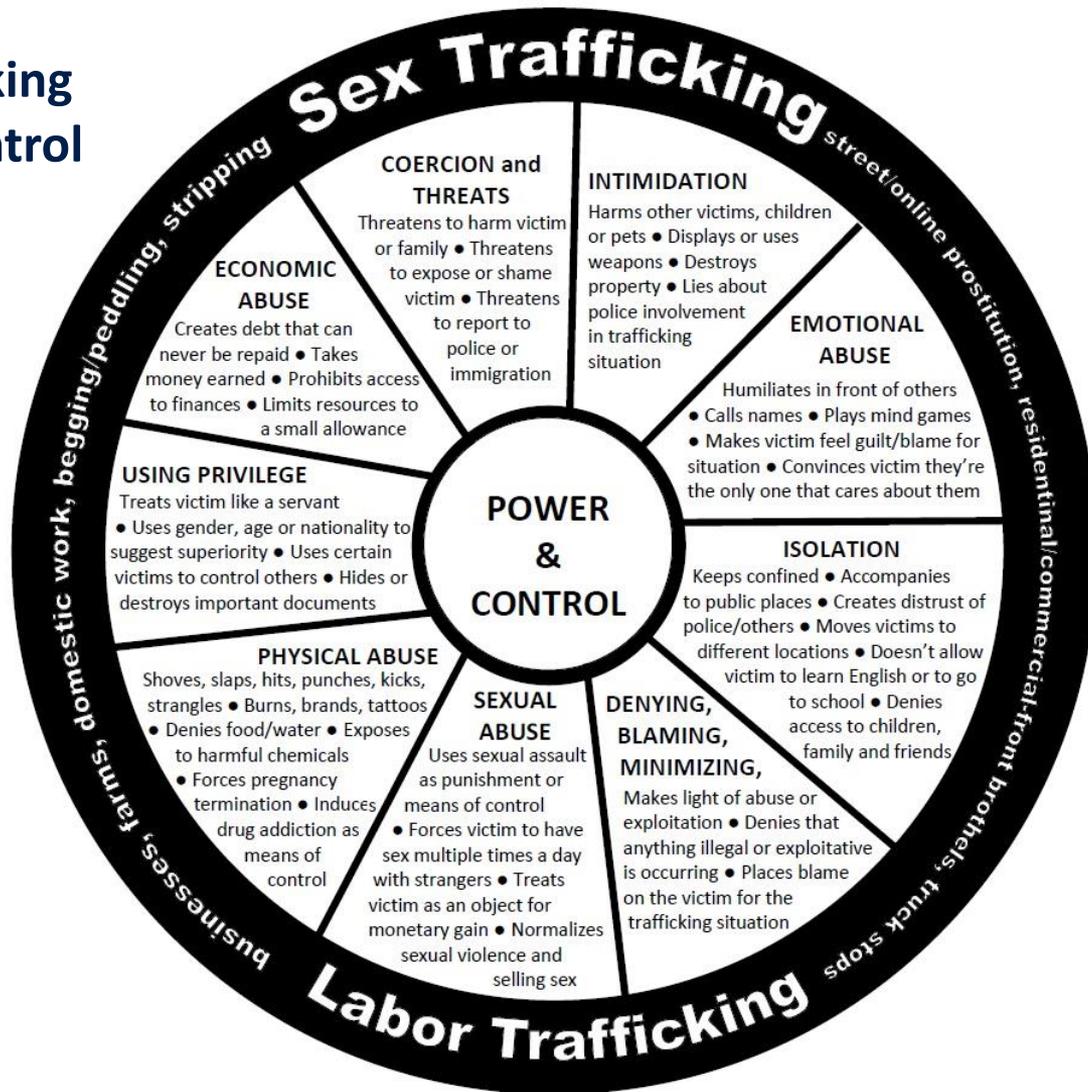
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Human Trafficking Power and Control Wheel

This wheel was adapted from the Domestic Abuse Intervention Project's Duluth Model Power and Control Wheel, available at

www.theduluthmodel.org

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DISTINGUISHING TRAFFICKING FROM OTHER CRIMES

Human trafficking \neq

- Migrant Smuggling
- Extortion
- Prostitution
- Sexual Assault
- Labor Exploitation

THOUGH HUMAN TRAFFICKING MAY, (AND OFTEN DOES), INTERSECT WITH THESE OTHER CRIMES,
UNDER THE LAW, THEY ARE NOT INTERCHANGEABLE TERMS.

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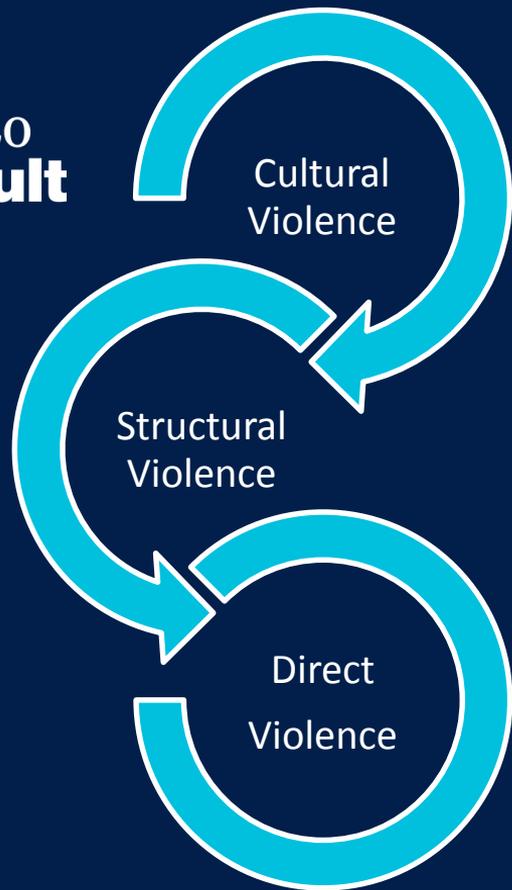
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HUMAN TRAFFICKING Exploitative Relationships and Structural Violence

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Critical Peace Theory: Taxonomy of Violence

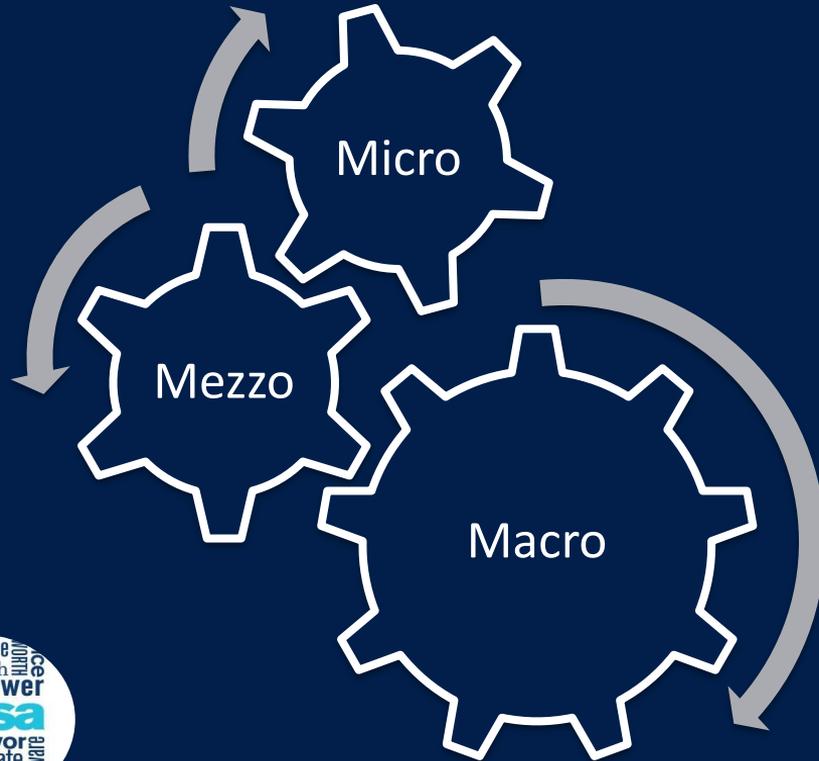
“Cultural violence’ is (...) any aspect of a culture that can be used to legitimize violence in its direct or structural form.” –Johan Galtung (1990)

HUMAN TRAFFICKING & STRUCTURAL VIOLENCE

*“For me, the main worry, the one that has compelled me to speak out, lies in the **distorting effect** that organizations like Walk Free and tools like the Global Slavery Index are having on how we understand and respond to human exploitation. Put simply: the **Index embodies and perpetuates a comforting belief that slavery is all about bad individuals doing bad things to good people.** At the root of this belief is an unshakeable faith in us being able to eliminate slavery without fundamentally changing how our societies and economies are organized; without a radical shift in the distribution and exercise of political and economic power.*

*At no point does the Index or its parent organization challenge –or even gently interrogate—the underlying structures that perpetuate and reward exploitation, including a global economy **that relies heavily on exploitation of poor people’s labor to maintain growth and a global migration system that entrenches vulnerability and contributes directly to trafficking.** In the words of Peter Buffet, this is not much more than “philanthropic colonialism,” the advocacy and giving that “**just keeps the existing structure of inequality in place.**” --Anne Gallagher*

SURVIVOR-CENTERED **ANTI-TRAFFICKING WORK**



- ✓ Evidence-driven
- ✓ Intersectional***
- ✓ Empowerment-based
- ✓ Trauma-informed
- ✓ Culturally-sensitive
- ✓ Collaborative
- ✓ Multi-disciplinary
- ✓ Multi-dimensional

***See Kimberle Crenshaw



Populations most Vulnerable

- Migrant/Seasonal Workers/Workers with temporary work visas
- Recently Resettled Refugees / individuals recruited from camps
- Undocumented workers
- Unauthorized workers (e.g.: visitor or student visa)
- Workers who work in hazardous/dangerous industries
- Individuals whose families depend on their remittances to survive
- Individuals from isolated/impoverished/underserved/oppressed/historically marginalized communities
- Individuals without access to stable housing
- Individuals from countries experiencing civil war or state-sanctioned violence
- Youth
- Domestic Workers
- Sex Industry Workers



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LABOR TRAFFICKING VICTIM CHARACTERISTICS

71% arrived with **valid nonimmigrant visas**

71% arrived on **airplanes**

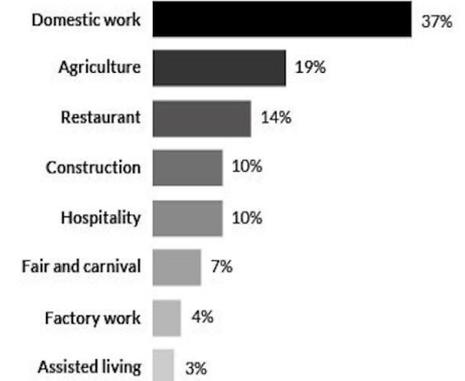
- Domestic Workers (G5, A3, B1/B2 and NATO7 visas)
- Agriculture Workers (H2A visas)
- Restaurant & Hospitality Workers (H2B visas)
- Construction Workers (H2B visas)
- Carnival Workers (H2B visas)

69% unauthorized by the time they escaped



INDUSTRY OF EXPLOITATION

Industries in which victims experienced trafficking



*some victims worked in multiple industries

URBAN INSTITUTE

RESEARCH REPORT

Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States

Owens, C., Dank, M., Breau, J., Banuelos, I., Farrell, A., Pfeffer, R.,...McDevitt, J. (2014). Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States. Retrieved from <http://www.urban.org/UploadedPDF/413249-Labor-Trafficking-in-the-United-States.pdf>.

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'RECRUITMENT'

- Grooming
- Acquaintance, family, partner
- Word of mouth
- Newspaper/Internet job ads
- Fake employment agencies/ads
- Front businesses
- Abduction
- 3rd Party Agents/Agencies:
 - Employment agencies for migrant/ seasonal work in the US & visa sponsorship
 - Staffing agents
 - Farm Labor Contractors
- Migrant Smugglers
- Migration (or other) debt

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IMPACT OF TRAUMA



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Complex PTSD:

*The Brain, the Body, and the Impact of
Complex Trauma*

- Behavioral
- Psychological
- Physical
- Social/Relational
- Economic
- Long-term Consequences

**CONSIDER THE
TRAUMAS
EXPERIENCED
BEFORE AND
DURING
EXPLOITATION**



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- Unpaid, paid very little, or only paid through tips
- Works, sleeps, and eats in the same location
- Chronic runaway/homeless youth
- Lying about age/fake ID
- Possess multiple cell phones, hotel room keys, marbles, or poker chips
- Signs of branding (tattoos, jewelry)
- Lack of knowledge of community or whereabouts
- Exhibits behaviors indicating trauma-- including hyper-vigilance or paranoia, anxiety, submission, aggression, etc
- Malnourishment
- Injuries; Signs of physical abuse or torture

RED FLAGS

- Potential victim is accompanied by another person who seems controlling and/or insists on speaking for the victim
- Frequent relocation
- Numerous inconsistencies in their story
- Restricted or scripted communication
- Neglected healthcare needs
- Poor dental hygiene
- Not in control of their own money
- Not in control of their own identification documents
- False promises concerning nature or conditions of work
- Locks on the outside of doors; other signs of surveillance

Why don't they LEAVE?

- Trafficker has a strong psychological/physiological hold
- Trusted someone who lied to them; still hopeful situation will improve
- May have nowhere else to go
- Believes they have a real debt to pay and takes this very seriously
- Doesn't know their legal rights and/or has been lied to about their rights
- Isolated – no meaningful social network, language barriers
- Ashamed about what is happening to them
- **System and/or individual does not identify as a 'victim'** (e.g.: are being/have been charged with crimes allegedly committed during their victimization)
- Afraid of detainment or deportation
- Distrust of law enforcement
- Their documents have been taken or have expired
- This current exploitative situation is “better” than the one they came from
- Can't see a way out; threats or danger to family back home

How does knowing this impact your interactions?



REFERRALS



connecting with regional and statewide

***survivor-centered, trauma-informed,
culturally sensitive***

resources and services across disciplines

REFERRALS



- **Survivor-centered:** survivor-led services, inclusive, culturally sensitive
- **Strength's-based:** acknowledge, honor, and build on resiliency factors
- **Multi-disciplinary:** collaboration among civil and criminal law enforcement & legal services; community leaders, mental health, healthcare, housing, and case management
- **Trauma-informed:** utilize creative and dynamic therapeutic practices, understand the impact of trauma on the brain and body, expect behavioral affects
- **Right's-based:** establishes rights and responsibilities
- **Empowerment-based:** promotes autonomy & self-sufficiency in all aspects of life

Considerations on Rights and Empowerment

Are they aware of their legal rights and responsibilities as a victim of crime?

- As a minor? As an adult? As a citizen? As a non-citizen?

Are they aware of resources available to them?

- Service provision, protection, legal services, option to call National HT Hotline

Are they able to access the resources available to them on their own?

Are LE victim specialists/local victim advocates aware of the rights and opportunities afforded foreign born victims of trafficking?

❖ Remember: HT-specific funding and training opportunities exist

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HUMAN TRAFFICKING & IMMIGRATION LAW



T Visa:

USCIS Form I-914

Congress has authorized
USCIS to approve up to
5000 T visas per year.

Requirements

- Report trafficking to law enforcement
- No certification from law enforcement required but having one is better for the case. Can get another special status pre-T visa called Continued Presence.
- Victim of a *severe* form of trafficking (Comp. U visa trafficking)
- Would suffer hardship if forced to return to home country
- Requires presence in the US on account of the trafficking
- Generally takes 7-9 months for approval (U visa can take > 5-6 years)

Benefits

- 4-year visa to live in U.S., allowing work authorization, SSN, driver's license
- Eligible for many public benefits, FAFSA, TANF, SNAP, Medicaid, etc.
- Can apply for permanent residency after year 3 of visa, or some circumstances, before
- Can apply for immediate family members in and outside U.S.

Law Enforcement & Continuous Presence (CP) for Victims of Trafficking

WHAT IS Continuous presence (CP)?

CP AFFORDS TRAFFICKING VICTIMS A LEGAL MEANS TO TEMPORARILY LIVE AND WORK IN THE US (EAD)

WHO CAN APPLY FOR Continuous Presence (CP)?

Federal law enforcement officials:

HSI—Homeland Security Investigations

FBI

AUSA

WHAT ABOUT State Law Enforcement?

All CP applications are submitted to the ICE Law Enforcement Parole Branch (LEPB). When state or local law enforcement officials identify a victim of human trafficking, they should coordinate with their federal law enforcement partners to submit an application for CP. An application for CP should be submitted immediately upon identification of a victim of human trafficking.



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VICTIMS OF CRIME: U VISA

The U Visa is a form of humanitarian immigration relief for immigrant victims of crime that suffer mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of the crime.

The U Visa is designed to help encourage crime prevention by alleviating fear of deportation.

U VISA: FORM I-918

Basic Requirements

- Must be a victim of a qualifying criminal activity
- Which caused substantial mental or physical abuse
- Possession of information concerning the crime
- Is, will be, or has been helpful in the investigation/prosecution of crime (*requires collaboration with law enforcement*)
- Does not require presence in the US

Benefits

- Legal status and work authorization for four years
- Eligible to apply for legal permanent residency after 3 years
- Can include family members on application

Congress has authorized USCIS to approve 10,000
U visas per year.



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U VISA QUALIFYING CRIMES

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- FGM
- Felonious Assault
- Fraud in Foreign Labor Trafficking
- Hostage
- Incest
- Involuntary servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Stalking
- Torture
- Trafficking
- Witness Tampering
- Unlawful Criminal Restraint
- Other Related Crimes
- **Similar Activity where elements of crime is substantially similar
- **includes attempt, conspiracy, or solicitation to commit

HELPFULNESS TO LAW ENFORCEMENT

- Victims must report the crime to law enforcement or similar government agency who must “certify” [USCIS form I-918 sup B] victim has been helpful.
- Certifying agencies include all authorities who investigate, prosecute, convict or sentence qualifying criminal activity, including:
 - Federal, State or local police or prosecutor
 - Federal, state, or local judge
 - Family Protective Services
 - Equal Employment Opportunity Commission (EEOC)
 - Department of Labor/ Wage & Hour (DOL)
 - National Labor Relations Board (NLRB)
 - Other investigative agencies that meet definition of law enforcement.



T & U VISA CONTRASTED

T VISA

- No Law Enforcement Cert. Required
- 7-9 month processing time
- Must be victim of severe form of trafficking
- Must prove hardship to return to country of origin
- Eligible for C.P. if working with criminal law enforcement
- Temporary immediate financial assistance available to survivors—pre-visa issuance
- Must be present in the U.S. to apply

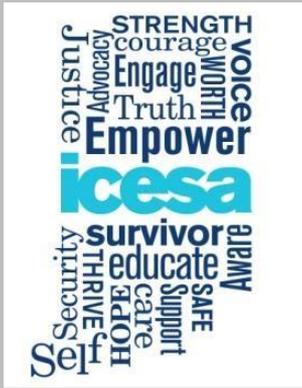
U VISA

- Law Enforcement Cert. Required
- 6-7+ year processing
- 1-2 year wait for initial work permit
- Must be victim of a particular type of crime enumerated by statute
- Must show physical or emotional injury
- Can apply from outside the U.S.



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***HOW CAN YOU
HELP?***



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- Basic needs (i.e.: medical attention, food, toiletries, clothing)
- Emergency shelter and transitional housing
- Victim Advocacy
- Community connections
- Life skills, educational, and vocational training
- Ongoing culturally-sensitive support to deal with the effects of trauma (e.g.: **therapy, counseling, case management, mentorship**)
- English language lessons
- Interpretation
- Long-term housing/placement
- **Legal, immigration, and visa services, (including victim defendant representation; law enforcement certification for U, T visas, and CP)**

Human Trafficking Service Needs

RECOVERING DAMAGES & OTHER RESOURCES FOR SURVIVORS



- Access to benefits and services:
 - Federal Trafficking Victims Assistance Program (TVAP) and IPATH Taskforce Member Organizations provide
 - Access to housing & financial assistance
 - Access to comprehensive legal services
 - Immigration services and community connections
 - Case Management and Victim Advocacy
 - Expert Witness Testimony
 - Access to mental health and medical services
 - Life skills and job skills training
 - Emergency housing
 - For more information, contact **Kate Kimmer: kate@indianacesa.org**
- Justice for Victim can include:
 - Compensation through civil litigation
 - Restitution through criminal law enforcement
 - Punishment for perpetrator through prosecution

HELPFUL RESOURCES FOR T & U VISA APPLICATIONS



- Coalition to Abolish Slavery and Trafficking (CAST) LA, <http://www.castla.org/>
- Human Trafficking Legal Center, <http://www.htlegalcenter.org/>
- ASISTA, <http://www.asistahelp.org/>
- Indiana Protection for Abused and Trafficked Humans (IPATH) Taskforce
 - Taskforce Coordinator: Kate Kimmer
 - kate@indianacesa.org (317) 624.2370

IF YOU BELIEVE SOMEONE IS A VICTIM OF HUMAN TRAFFICKING:



If there's immediate danger, call **911**

National Human Trafficking Hotline

Call: 888-373-7888

Text: BeFree (233733)

If a **minor** is involved, you are a mandated reporter, CALL the
Indiana Child Abuse and Neglect Hotline
1-800-800-5556

And use the term 'human trafficking'

Post Webinar Information

- At the conclusion of the webinar, a short survey will appear. We ask that you complete the survey in an effort to gather information to better serve the community in preparation for future webinars. Please complete it before signing off. If you are unable to complete it now, it will also be emailed as a follow-up.
- You will also receive a certificate of completion and a link to access our webinar library where you can view the recording and access related webinar material.



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