

# FOUR DIMENSIONS OF HUMAN TRAFFICKING PREVENTION

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## ABSTRACT

At its core, human trafficking is the exploitation of vulnerability. Minimizing the vulnerabilities that traffickers prey on can prevent, disrupt, and reduce the prevalence of trafficking and its long-term consequences on individuals, families, and communities. By taking a multidimensional approach to human trafficking prevention, we can reduce harm and avoid unnecessary costs associated with this multibillion-dollar criminal industry. Primary prevention focuses on reducing vulnerabilities to prevent human trafficking from happening in the first place. Intervention prevention is about ending exploitation that is already occurring and preventing further abuse. Survivor restoration helps to ward off future exploitation and prevents the passing on of vulnerabilities to the next generation. Lastly, disruptive prevention creates awareness of human trafficking, equipping people to play a role in the other three dimensions of prevention.

## INTRODUCTION

Human trafficking is the exploitation of vulnerability. The International Labor Organization estimates that there are over 40 million people in human trafficking situations across the globe.<sup>1</sup> Of these, one in four victims are children,<sup>2</sup> and women and girls are disproportionately represented.<sup>3</sup> Human trafficking is a public health crisis with devastating and long-term effects on our nation and the world.<sup>4</sup> While helping those who have been exploited is a critical component of anti-human trafficking work, to move the needle on the health and criminal repercussions, we must move further upstream to prevent it from happening in the first place.

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<sup>1</sup> INT'L LAB. ORG., GLOBAL ESTIMATES OF MODERN SLAVERY: FORCED LABOR AND FORCED MARRIAGE 9 (2017), [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf).

<sup>2</sup> *Id.* at 10.

<sup>3</sup> *Id.*

<sup>4</sup> *Applying a Public Health Approach to Human Trafficking*, U.S. DEPT OF HEALTH & HUM. SERVS., <https://nhhtac.acf.hhs.gov/soar/eguide/guiding-principles/applying-public-health-approach-to-human-trafficking> (last visited Apr. 12, 2022).

There are four types of human trafficking prevention: before it occurs, intervention during a trafficking situation, survivor restoration to prevent future victimization, and disruptive prevention through awareness training.<sup>5</sup> Each form of prevention affects a different aspect of trafficking and is vital to reducing harm and preventing more people from being victimized. Achieving the greatest impact will require a multidimensional, integrated approach to trafficking prevention. Failing to address any one facet will result in gaps that can lead to greater harm and more victims.

## I. WHAT IS HUMAN TRAFFICKING?

### A. *The Definition*

Human trafficking is a federal crime in the United States.<sup>6</sup> The Department of Justice defines “severe forms of trafficking in persons” as

[S]ex 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 . . . 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.<sup>7</sup>

By definition, then, adult victims of sex and labor trafficking must experience some type of “force, fraud, or coercion.”<sup>8</sup> Force usually includes physical threats or harm.<sup>9</sup> Fraud can present as a threat or a false job promise.<sup>10</sup> Coercion is a little more nuanced and involves creating a culture of fear and intimidation and asserting power and control over another individual or group of people.<sup>11</sup> However, when a minor is trafficked for sex, force, fraud, and coercion are irrelevant.<sup>12</sup> Notably,

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<sup>5</sup> See generally *id.*

<sup>6</sup> See generally 18 U.S.C. §§ 1581–97 (explaining the criminal penalties for peonage, slavery, and trafficking in persons).

<sup>7</sup> 22 U.S.C. § 7102(11).

<sup>8</sup> *Id.*

<sup>9</sup> *Force*, BLACK’S LAW DICTIONARY (11th ed. 2019).

<sup>10</sup> *Fraud*, BLACK’S LAW DICTIONARY (11th ed. 2019).

<sup>11</sup> *Coercion*, BLACK’S LAW DICTIONARY (11th ed. 2019).

<sup>12</sup> *Understanding Human Trafficking*, U.S. DEP’T OF STATE (Apr. 26, 2022), <https://www.state.gov/what-is-trafficking-in-persons>.

when it comes to the selling of a child for sex, there is no such thing as a child prostitute.<sup>13</sup> They are, by definition, victims of human trafficking.<sup>14</sup>

### B. *Who are the Victims?*

There is no single profile of a human trafficking victim. Trafficking knows no boundaries and does not discriminate.<sup>15</sup> The United States' Department of Justice asserts that “[v]ictims of human trafficking can be anyone—regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level or citizenship status.”<sup>16</sup> Anyone can be a victim of human trafficking.

While this is true, however, traffickers typically lure individuals that are already vulnerable.<sup>17</sup> The Department of Justice shares that “some of the most vulnerable populations for trafficking in the United States include American Indian/Alaska Native communities, lesbian-gay-bisexual-transgender-questioning individuals, individuals with disabilities, undocumented migrants, runaway and homeless youth, temporary guest-workers and low-income individuals.”<sup>18</sup> These groups have increased vulnerabilities that are often exploited by traffickers.<sup>19</sup>

The Center for Disease Control asserts that certain populations are at higher risk to human trafficking.<sup>20</sup> These populations include

[m]igrant and seasonal workers, refugees, or asylees; disconnected or homeless youth or runaways; people with physical emotional or cognitive disabilities; native persons; Lesbian, gay, bisexual, transgender, queer or questioning, intersex . . . and Two-Spirit . . . individuals; persons with a substance use disorder or with a history of substance use; those transitioning out of child welfare, foster care, or juvenile justice and prison systems; members of lower socio-economic groups; survivors of other forms of violence.<sup>21</sup>

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *What is Human Trafficking?*, U.S. DEP'T OF JUST., <https://www.justice.gov/humantrafficking/what-is-human-trafficking> (Oct. 13, 2020).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Human Trafficking in the Wake of a Disaster*, CDC, [https://www.cdc.gov/disasters/human\\_trafficking\\_info\\_for\\_shelters.html](https://www.cdc.gov/disasters/human_trafficking_info_for_shelters.html) (Aug. 26, 2020).

<sup>21</sup> *Id.*

A particularly vulnerable population are youth who have runaway or those who experience homelessness.<sup>22</sup> Between a lack of social support structures and residing in an unfamiliar area, these youth have increased vulnerabilities and are at a higher risk of manipulation.<sup>23</sup> These youth lack basic needs such as shelter, food, clothing, and human relationships.<sup>24</sup> Traffickers can find these needs and fulfill them temporarily, thus creating a sense of indebtedness that can be exploited later. Of this group of youth who have experienced homelessness, 40% identify as LGBTQ+.<sup>25</sup> Youth who have runaway or have experienced homelessness are often at higher risk of survival sex.<sup>26</sup>

Youth who encounter the foster care system are another vulnerable population.<sup>27</sup> An article by Combat Human Trafficking states, “60% of the child sex trafficking victims recovered as part of a FBI nationwide raid from over 70 cities were children from foster care or group homes.”<sup>28</sup> An article from Children’s Rights states that “1 in 7 runaways reported missing were likely sex trafficking victims, and of those[,] 88% were in the care of social services or foster care when they ran.”<sup>29</sup> Youth who encounter the foster care system also tend to carry extra vulnerabilities such as an unstable family, history of abuse or neglect, and movement between schools and social groups, among other things.<sup>30</sup>

Another population that is at a significantly higher risk are those with a history of trauma and violence in their lives.<sup>31</sup> The National Human Trafficking Hotline shared that “individuals who have experienced violence and trauma in the past are more vulnerable to future exploitation, as the psychological effect of trauma is often long-lasting and

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<sup>22</sup> *The Victims*, NAT’L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/victims> (last visited Mar. 27, 2022).

<sup>23</sup> *Id.*

<sup>24</sup> NAT’L COAL. FOR THE HOMELESS, HOMELESS YOUTH 1–2 (2008), <https://www.nationalhomeless.org/factsheets/youth.pdf>.

<sup>25</sup> POLARIS, SEX TRAFFICKING AND LGBTQ+ YOUTH 1 (2016) <https://polarisproject.org/resources/sex-trafficking-and-lgbtq-youth/>.

<sup>26</sup> *Id.*

<sup>27</sup> Kara Napolitano, *At Greater Risk: Human Trafficking and the Child Welfare System*, LAB’Y TO COMBAT HUM. TRAFFICKING (Dec. 8, 2016), <https://combathumantrafficking.org/blog/2016/12/08/at-greater-risk-human-trafficking-and-the-child-welfare-system/>.

<sup>28</sup> *Id.*

<sup>29</sup> *Child Sex Trafficking*, CHILD.’S RTS., <https://www.childrensrights.org/newsroom/fact-sheets/child-sex-trafficking/> (last visited Apr. 3, 2022).

<sup>30</sup> See generally Sarah A. Font & Elizabeth T. Gershoff, *Foster Care: How We Can, and Should, Do More for Maltreated Children*, 33 SOC’Y FOR RSCH. IN CHILD DEV. 1, 9 (2020).

<sup>31</sup> *The Victims*, *supra* note 22.

challenging to overcome.”<sup>32</sup> Particularly, women who have been victimized through intimate partner violence are at higher risk of sex trafficking.<sup>33</sup> Traffickers can identify the markers of the previous trauma and abuse and can exploit those vulnerabilities. These individuals typically have higher rates of Adverse Childhood Experiences (ACEs) and are at a statistically higher risk of trafficking.<sup>34</sup>

While these populations listed above are a few of those that are vulnerable to trafficking, it is not an exhaustive list. Anyone who has a need, especially a chronic or deep-felt need, can be exploited. Traffickers look for these vulnerabilities to find people that are susceptible to exploitation.

## II. PREVENTION TYPE 1: BEFORE TRAFFICKING BEGINS

### A. *Why Prevent Trafficking?*

We must prevent trafficking because the cost is too high. Trafficking leaves devastating, lifelong effects on victims and survivors.<sup>35</sup> Survivors have many mental and physical effects from their trafficking.<sup>36</sup> Some mental health effects include “feelings of severe guilt, posttraumatic stress disorder, depression, anxiety, substance abuse (alcohol or narcotics), and eating disorders,” among others.<sup>37</sup> Physical effects tend to include concussions, bruising, broken bones, drug addiction, sexually transmitted infections, and other effects.<sup>38</sup>

In addition to the physical and mental effects, the legal ramifications of human trafficking can be devastating to the healing process. Often survivors incur legal charges for prostitution, gun possession, drug possession, robbery, and assault, among other charges.<sup>39</sup> These charges cannot be expunged or vacated in many states and can

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<sup>32</sup> *Id.*

<sup>33</sup> Samantha Davey, *Snapshot on the State of Black Women and Girls: Sex Trafficking in the U.S.*, CONG. BLACK CAUCUS FOUND. (May 2020), <https://www.cbefinc.org/wp-content/uploads/2020/05/SexTraffickingReport3.pdf>.

<sup>34</sup> *The Original ACE Study*, U.S. DEPT OF HEALTH & HUM. SERVS., [https://nhttac.acf.hhs.gov/soar/eguide/stop/adverse\\_childhood\\_experiences](https://nhttac.acf.hhs.gov/soar/eguide/stop/adverse_childhood_experiences) (last visited Apr. 12, 2022).

<sup>35</sup> Micah Hartmann, *Causes and Effects of Human Trafficking*, EXODUS ROAD (July 6, 2021), <https://theexodusroad.com/causes-effects-of-human-trafficking/>.

<sup>36</sup> *Id.*

<sup>37</sup> *Human Trafficking Task Force e-Guide: Mental Health Needs*, U.S. DEPT OF JUST., <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/44-comprehensive-victim-services/mental-health-needs/> (last visited Apr. 12, 2022).

<sup>38</sup> *Id.*

<sup>39</sup> *The Importance of Criminal Record Relief for Human Trafficking Survivors*, POLARIS (Mar. 20, 2019), <https://polarisproject.org/blog/2019/03/the-importance-of-criminal-record-relief-for-human-trafficking-survivors/>.

follow survivors forever.<sup>40</sup> A record of being incarcerated is often a barrier for gaining stable housing, a fulfilling job, or custody of children.<sup>41</sup> Legal charges and a history of incarceration leave survivors in a difficult and devastating position.

The cost of human trafficking is too high. Education is a vital part of preventing a trafficking situation from occurring and preventing the associated costs. Prevention education centers around equipping our most vulnerable populations with the tools they need to identify, prevent, and avoid trafficking situations.<sup>42</sup> This education should be in all school systems to protect youth before they are drawn into dangerous relationships.

### B. Education for Vulnerable Populations

There is no single profile of a human trafficking victim, but with increased vulnerabilities comes increased risk of human trafficking occurring in an individual's lifetime. Youth are one of the most at-risk groups to human trafficking.<sup>43</sup> Of the estimated 21 million trafficked individuals in the United States, around 5.5 million are youth.<sup>44</sup>

Young people are the next generation of leaders and world-changers. They are the ones who are shaping culture and the world. If they are equipped with the tools to stay safe, reduce demand for trafficking, and protect others, they can change the world and help eliminate trafficking for good. Empowering students through education is the way to prevent trafficking in the future.

The Prevention Project program's middle school and high school editions equip and empower them to prevent trafficking in their lives and

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<sup>40</sup> See MICHELLE KIRBY, LAWS PERMITTING VACATING CONVICTIONS FOR HUMAN TRAFFICKING VICTIMS 3–10 (2021), <https://www.cga.ct.gov/2021/rpt/pdf/2021-R-0018.pdf> (summarizing states' vacatur relief and expungement laws).

<sup>41</sup> JoAnne Page, *No Second Chance: People with Criminal Records Denied Access to Public Housing*, HUM. RTS. WATCH (Nov. 17, 2004), <https://www.hrw.org/report/2004/11/17/no-second-chance/people-criminal-records-denied-access-public-housing/>.

<sup>42</sup> See generally Elizabeth Barnert et al., *Commercial Sexual Exploitation and Sex Trafficking of Children and Adolescents*, 17 ACAD. PEDIATRICS 825–29 (2017).

<sup>43</sup> U.S. DEP'T OF EDU., HUMAN TRAFFICKING IN AMERICA'S SCHOOLS: WHAT SCHOOLS CAN DO TO PREVENT, RESPOND, AND HELP STUDENTS TO RECOVER FROM HUMAN TRAFFICKING 4 (2d ed. 2021).

<sup>44</sup> *End Trafficking Toolkit*, UNICEF, [https://media2-production.mightynetworks.com/asset/34224295/End\\_Trafficking\\_Toolkit.pdf?\\_gl=1\\*1dbdajf\\*\\_ga\\*MTU4MTU5ODc5MS4xNjMzMDExNzI0\\*\\_ga\\_T49FMYQ9FZ\\*MTY0MzI5MjIzNy41Ni4wLjE2NDMyOTIyNDMuMA](https://media2-production.mightynetworks.com/asset/34224295/End_Trafficking_Toolkit.pdf?_gl=1*1dbdajf*_ga*MTU4MTU5ODc5MS4xNjMzMDExNzI0*_ga_T49FMYQ9FZ*MTY0MzI5MjIzNy41Ni4wLjE2NDMyOTIyNDMuMA) (last visited Mar. 7, 2022).

the lives of others.<sup>45</sup> Through an empowerment model, the Prevention Project curriculum propels students forward to create a healthy culture and prevent trafficking throughout the rest of their life.<sup>46</sup>

A Prevention Project alumnus recently shared that the program provided her with vital information that is not typically shared in the classroom.<sup>47</sup> She said that

the Prevention Project gave [her] an essential foundational education of a complex problem. The recognition of victims is one that isn't typically portrayed in popular media or most traditional classrooms. The signs, warnings, and situations are ones that every student in every classroom should be aware of prior to graduation. Through this education, identifying victims and perpetrators in situations of trafficking is possible when it otherwise wouldn't be.<sup>48</sup>

Every school around the nation needs to have some form of human trafficking prevention education to protect their students. This education should be built to empower students to become world changers and equip them to prevent trafficking from occurring in their communities.

### *C. Providing a Comprehensive Safety Net*

Teachers and other school professionals are among the most important groups to equip with information about human trafficking because they have the unique position of getting to know their students on a daily basis and can see incremental changes in them before many others may notice. They are also constantly evaluating their students and can see slips in performance earlier than others.

Human trafficking prevention education is essential to have in schools to prevent the next generation from being trafficked. A study on the most effective human trafficking education in schools found that “[m]any experts agree that teachers who are trained in [human trafficking education] and schools that provide [human trafficking education] to students thereby creating and raising awareness, are essential for

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<sup>45</sup> *Prevention Project: Project Overview*, PREVENTION PROJECT, <https://www.prevention-project.org/home/prevention-project-program/> (last visited Mar. 7, 2022) [hereinafter *Project Overview*].

<sup>46</sup> *Id.*

<sup>47</sup> Prevention Project (@prevproj), INSTAGRAM (last visited Mar. 4, 2022), <https://www.instagram.com/p/CasUXTEL-Ed/>.

<sup>48</sup> *Id.*

trafficking crimes to be prevented, detected, and addressed.”<sup>49</sup> Shared Hope International, in their state report cards, recommends mandating “trafficking-specific prevention education training for school personnel.”<sup>50</sup> It is important that teachers are also trained to provide students with a comprehensive safety net.

Even when the law provides a requirement for human trafficking education within the school system, there are not always comprehensive training options for the teachers who will be implementing these curricula.<sup>51</sup> When teachers are not equipped with knowledge about the issue, they may not be able to confidently answer students’ questions. If these teachers are not equipped, they can miss the signs and a student can slip through the cracks.<sup>52</sup>

Teachers, school professionals, and anyone who works with youth need to be equipped to identify when a student is involved in a trafficking situation, as well as how to support that student once identified. Teachers need to be prepared with a safety plan to care for their students who come forward and tools like the protocol from the National Human Trafficking Resource Center’s Educator Tool Kit.<sup>53</sup>

Teachers need to be prepared to spot trafficking in their students, and this starts with training like the Youth Service Provider edition of the Prevention Project program. This program equips anyone who is background checked and works with youth to know the signs of the grooming process, the signs of victimization, how to safely intervene in trafficking situations, and how to report them to the correct authorities.<sup>54</sup> This training is vital for providing a comprehensive safety net for students. It can save the lives of students across the nation.

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<sup>49</sup> Lumina S. Albert, *Trauma Informed Strategies for Human Trafficking Education in Urban Schools: An Attachment Theory Perspective*, 54 EDUC. & URB. SOC’Y 1, 3 (forthcoming).

<sup>50</sup> SHARED HOPE INT’L INST. FOR JUST. & ADVOC., 2021 REPORT CARD ON CHILD & YOUTH SEX TRAFFICKING – ANALYSIS REPORT VIRGINIA 25 (2021) [hereinafter REPORT CARD].

<sup>51</sup> See ELZBIETA GOZDZIAK & MICAH N. BUMP, VICTIMS NO LONGER: RESEARCH ON CHILD SURVIVORS OF TRAFFICKING FOR SEXUAL AND LABOR EXPLOITATION IN THE UNITED STATES 78 (U.S. Dep’t of Just., ed., 2008).

<sup>52</sup> See *id.* at 9.

<sup>53</sup> POLARIS PROJECT, TOOLS FOR EDUCATORS (2011), <https://humantraffickinghotline.org/sites/default/files/Educator%20Assessment%20Tool.pdf>.

<sup>54</sup> *Prevention Project: Program FAQ*, PREVENTION PROJECT, <https://www.prevention-project.org/home/tpp-faqs/> (last visited Apr. 25, 2022) [hereinafter *Program FAQ*].



Youth are one of the most vulnerable groups to be drawn into human trafficking.<sup>55</sup> All schools across the country should provide human trafficking prevention education to their students and equip their teachers with the tools they need to provide a comprehensive safety net. This form of primary prevention can prevent individuals from being trafficked and the associated devastating effects.

### III. PREVENTION TYPE 2: INTERVENTION DURING A TRAFFICKING SITUATION

#### A. *Why Intervention Prevention?*

There are many different people who encounter trafficking victims throughout their victimization: members of law enforcement, the criminal legal system, the child welfare system, and the education system, to name a few.<sup>56</sup> As mentioned above, a comprehensive training on how to safely intervene in human trafficking situations is important for teachers and other school personnel. Trafficking prevention education is vital for other professions as well.

#### B. *Law Enforcement Professionals*

Law enforcement should be trained on how to identify the signs of human trafficking, and this training should be ongoing. Shared Hope explains that the state of Virginia “does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.”<sup>57</sup> The crime of human trafficking is constantly changing and adapting to current cultural trends and technological improvements.<sup>58</sup> 40 years ago, traffickers were not using different social media platforms to traffic victims because those platforms did not yet exist.<sup>59</sup>

Trafficking prevention education for law enforcement is important because it helps them identify victims when they are looking at people that could be perpetrating another crime like prostitution or drug possession. In 2016, the National Survivor Network conducted a survey of

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<sup>55</sup> *Human Trafficking: About Human Trafficking*, PREVENTION PROJECT, <https://www.prevention-project.org/home/about/> (last visited Apr. 25, 2022) [hereinafter *About Human Trafficking*].

<sup>56</sup> GOZDZIAK & BUMP, *supra* note 51, at 75, 78, 83.

<sup>57</sup> REPORT CARD, *supra* note 50, at 24.

<sup>58</sup> KEVIN BALES & STEVEN LIZE, *TRAFFICKING IN PERSONS IN THE UNITED STATES* 7 (U.S. Dep’t of Just., ed., 2005).

<sup>59</sup> See Mitzi Perdue, *The Darkest Side of Social Media*, PSYCH. TODAY (July 30, 2021), <https://www.psychologytoday.com/us/blog/end-human-trafficking/202107/the-darkest-side-social-media>.

130 survivors.<sup>60</sup> Of those 130 survivors, 123 (90.8%) reported being arrested at one point.<sup>61</sup> When a police officer looks at an individual who is working a street corner, they may not necessarily think they could be a victim of trafficking. If they do not have the requisite training on how trafficking victims present or what trafficking is, they may arrest that person for prostitution, fully unaware that they are a trafficking victim. If that same officer was trained on what human trafficking is and what to look for, they might identify the individual as a victim, preventing further harm to them.<sup>62</sup>

Law enforcement professionals are often a human trafficking victim's first encounter with the criminal legal system.<sup>63</sup> If an officer arrests them and treats them as a willing criminal and does not handle them with care and respect, that victim's view of the criminal legal system could be colored forever. This change in perspective often makes it difficult for victims to come forward for help or to cooperate with officers to convict their trafficker.<sup>64</sup>

To prevent future trafficking, it is important to train law enforcement professionals on how to identify human trafficking victims and how to engage with them in a trauma-informed way.<sup>65</sup> Without this training, law enforcement professionals may continue to arrest victims and perpetuate the cycle of harm.<sup>66</sup> To effectively intervene in trafficking situations, law enforcement professionals need to be trained on how to identify and safely engage in these situations.

### *C. Criminal Legal System Professionals*

Another group of professionals that desperately need to be trained on how to identify and interact with victims of trafficking are criminal

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<sup>60</sup> BETH JACOBS, NATIONAL SURVIVOR NETWORK MEMBERS SURVEY: IMPACT OF CRIMINAL ARREST AND DETENTION ON SURVIVORS OF HUMAN TRAFFICKING (Nat'l Survivor Network., ed., 2016) (with the assistance of CAST Attorney Stephanie Richard).

<sup>61</sup> *Id.*

<sup>62</sup> See VERA INST. OF JUST., SCREENING FOR HUMAN TRAFFICKING: GUIDELINES FOR ADMINISTERING THE TRAFFICKING VICTIM IDENTIFICATION TOOL 7 (U.S. Dep't of Just., ed., 2014).

<sup>63</sup> POLICE EXEC. RSCH. F., HOW LOCAL POLICE CAN COMBAT THE GLOBAL PROBLEM OF HUMAN TRAFFICKING: COLLABORATION, TRAINING, SUPPORT FOR VICTIMS, AND TECHNOLOGY ARE KEYS TO SUCCESS 3 (James McGinty, ed., 2020), <https://www.policeforum.org/assets/CombatHumanTrafficking.pdf> [hereinafter LOCAL POLICE].

<sup>64</sup> *See id.*

<sup>65</sup> *Id.* at 24.

<sup>66</sup> *Id.*

legal professionals.<sup>67</sup> From judges to attorneys to guardian ad litem, these individuals are often working with victims of trafficking.<sup>68</sup> Victims of trafficking often have other legal charges attached to their arrests.<sup>69</sup> Their attorneys could identify their situation if they know what to look for. If criminal legal professionals are trained on the signs of the grooming process, they may be able to identify if their clients are in unsafe relationships.

For example, if a prosecuting attorney is trained on the signs a trafficking victim typically exhibits, they can identify the individual's situation, assign appropriate charges, or agree to a reduction in sentence. If they are trained on how to connect trafficking victims to services and safely help them exit their situation, they can help a person leave a cycle of abuse. Criminal legal professionals are often working with trafficking victims when they are the most negatively activated and vulnerable.<sup>70</sup> If they are trained in trauma-informed practices, they can help prevent future harm by treating these individuals with the utmost care and respect.<sup>71</sup>

On the other side, if criminal legal professionals are not trained, they may let individuals fall through the cracks. Many states, like Virginia, do not mandate this type of training for juvenile justice system workers.<sup>72</sup> These professionals may interact with an individual that they see as a “delinquent” engaged in commercial sex and not identify them as a victim of trafficking. They may interact with an immigrant without proper documentation and only see an “illegal immigrant” and not the vulnerable person forced to work in unsafe conditions out of a necessity to survive.

To prevent human trafficking, proper screenings and protocols need to be put into place. Additionally, criminal legal professionals need to be trained on how to spot a trafficking situation and how to best serve victims to prevent further victimization. If all criminal legal professionals had continuing education on what human trafficking looked like, they could identify more victims, provide trauma-informed services, and assign appropriate charges to victims.

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<sup>67</sup> Kavitha Sreeharsha, *Taking on Human Trafficking: A Role for Every Lawyer and Every Bar Association*, B. LEADER, July–Aug. 2013, [americanbar.org/groups/bar\\_services/publications/bar\\_leader/2012\\_13/july\\_august/taking\\_human\\_trafficking\\_role\\_every\\_lawyer\\_every\\_bar\\_association/](http://americanbar.org/groups/bar_services/publications/bar_leader/2012_13/july_august/taking_human_trafficking_role_every_lawyer_every_bar_association/).

<sup>68</sup> *Id.*

<sup>69</sup> LOCAL POLICE, *supra* note 63, at 20.

<sup>70</sup> NAT'L DIST. ATT'YS ASS'N, NATIONAL HUMAN TRAFFICKING PROSECUTION BEST PRACTICES GUIDE, WHITE PAPER 34 (Women Prosecutors Section, ed. 2020).

<sup>71</sup> See LOCAL POLICE, *supra* note 63, at 25.

<sup>72</sup> REPORT CARD, *supra* note 50, at 23.

#### D. Child Welfare System Professionals

Individuals who experience the foster care system are at an increased risk of trafficking.<sup>73</sup> In the state of Virginia, individuals employed by the child welfare system are not required to receive trafficking-specific training.<sup>74</sup> Child welfare professionals need to be trained on how to identify human trafficking victims. They are often the only consistent adult in the lives of these youth.

A child welfare professional, like a social worker, sees an individual throughout their placements and helps them to find a family and belonging.<sup>75</sup> If they were aware that the lack of belonging associated with experiencing the foster care system made that youth more vulnerable to trafficking, they might notice signs of and work to prevent dangerous situations for the child.

Foster parents, if trained on the signs of an unsafe relationship, could be more informed when monitoring where their foster child is going and who they are talking to. If they were trained on the physical and emotional signs of an individual being trafficked, they might be able to identify the child's situation and get them help. If they were trained in trauma-informed practices specific to trafficking, they would be able to better support a victimized child on their journey to restoration.<sup>76</sup>

Finally, youth who are about to age out of the child welfare system should be trained on how to spot, identify, and prevent human trafficking in their life because this population is extremely vulnerable.<sup>77</sup> This population is thrust into adulthood, often without the tools to get a job, continue education, or find stable housing.<sup>78</sup> They often lack a stable family or support system to assist them in progressing into adulthood and are left without resources once they turn eighteen years old.<sup>79</sup> Youth aging

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<sup>73</sup> LOCAL POLICE, *supra* note 63, at 21.

<sup>74</sup> REPORT CARD, *supra* note 50, at 23.

<sup>75</sup> Rashad Skinner, *Social Work in the Child Welfare System*, DEGREE CHOICES, <https://www.degreechoices.com/blog/social-work-in-the-child-welfare-system/> (June 13, 2022).

<sup>76</sup> CHILD WELFARE CAPACITY BLDG. COLLABORATIVE, IDENTIFYING MINORS AND YOUNG PEOPLE EXPLOITED THROUGH SEX TRAFFICKING: A RESOURCE FOR CHILD WELFARE AGENCIES 3 (Children's Bureau 2016), <https://capacity.childwelfare.gov/states/resources/minors-and-young-people-sex-trafficking-resource>; ELLIOT GLUCK & RRICHA MATHUR, CHILD SEX TRAFFICKING AND THE CHILD WELFARE SYSTEM 3–5 (State Pol'y Advoc. and Reform Ctr. 2014).

<sup>77</sup> GLUCK & MATHUR, *supra* note 76, at 3, 6.

<sup>78</sup> Karen Romero, *The Intersection of Human Trafficking and Homelessness*, NAT'L ALL. TO END HOMELESSNESS (Jan. 15, 2020), <https://endhomelessness.org/blog/the-intersection-of-human-trafficking-and-homelessness/>.

<sup>79</sup> Amita Sharma, *Many Penniless Former Foster Kids Call the Streets Home*, KPBS (Apr. 6, 2011 3:26 AM PDT), <https://www.kpbs.org/news/living/2011/04/06/many-penniless-former-foster-kids-make-call-street>.

out of the foster care system should be empowered with the tools they need to prevent trafficking in their life and in the lives of others.

To prevent the continuation of human trafficking, intervention prevention is necessary to equip members of law enforcement, the criminal legal system, the child welfare system, the education system, and other professions with the tools to identify trafficking situations and safely intervene. If not, individuals who are already being trafficked can slip through the cracks and their trafficking can continue. Their traffickers can also continue exploiting others and more individuals may be exploited.

#### IV. PREVENTION TYPE 3: AFTER EXITING A TRAFFICKING SITUATION, SURVIVOR RESTORATION

##### A. *Why Support for Survivors?*

Human trafficking leaves lasting effects on survivors and makes the next generation more vulnerable.<sup>80</sup> Survivors have a trauma history that haunts them and can be passed down to the next generation.<sup>81</sup> It is important to support survivors on their restoration journey to help them fully heal, keep them from returning to commercial sex, and prevent the next generation from being trafficked. Survivor restoration is a vital part of human trafficking prevention.

##### B. *Trauma*

Human trafficking traumatizes victims.<sup>82</sup> Trauma, as defined by the American Psychological Association (APA), is “an emotional response to a terrible event like an accident, rape or natural disaster.”<sup>83</sup> There are short term responses such as shock and denial but also long-term responses such as “unpredictable emotions, flashbacks, strained relationships and even physical symptoms like headaches or nausea.”<sup>84</sup> The APA states that psychological support can be helpful in the healing process.<sup>85</sup> Often, survivors do not identify themselves as victims because their trauma is so great.<sup>86</sup>

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<sup>80</sup> See GOZDZIAK & BUMP, *supra* note 51, at 27.

<sup>81</sup> Tori DeAngelis, *The Legacy of Trauma*, AM. PSYCH. ASSOC. (Feb. 2019), <https://www.apa.org/monitor/2019/02/legacy-trauma>.

<sup>82</sup> GOZDZIAK & BUMP, *supra* note 51, at 17.

<sup>83</sup> *Trauma*, AM. PSYCH. ASSOC. (2022), <https://www.apa.org/topics/trauma>.

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *What is Human Trafficking?*, BLUE CAMPAIGN, <https://www.dhs.gov/blue-campaign/what-human-trafficking> (last visited Apr. 25, 2022).

Survivors often suffer from an even more difficult form of trauma called complex trauma.<sup>87</sup> Complex trauma is “a traumatic event that is repetitive and occurs over an extended period of time, undermines primary caregiving relationships, and occurs at sensitive times with regard to brain development.”<sup>88</sup> While there is debate about the exact definition of a complex trauma event, the basic types of events include “physical abuse, sexual abuse, emotional abuse, neglect, witnessing domestic violence, exposure to community violence, and medical trauma.”<sup>89</sup> Many of these events are seen throughout the life of a survivor of human trafficking.<sup>90</sup> Between threats of violence, repeated rape, and constant violence within the home, complex trauma events occur throughout a survivor’s life.<sup>91</sup>

Trauma’s lifelong effects make it difficult for survivors to heal, not go back to commercial sex, and have healthy relationships with others.<sup>92</sup> The effects of trauma include “deficits in relationships and attachment, emotional and behavioral dysregulation, cognitive/attentional deficits, and biological changes that may affect physical health. Further, symptoms such as dissociation, changes to self-perception, and overall shifts in beliefs about the world are frequently seen among youth who have experienced complex trauma.”<sup>93</sup> One paper on complex trauma explains that trauma rewires the brain and engages the stress response system.<sup>94</sup>

Between physical and chemical changes and emotional and relational changes, trauma makes it difficult for a survivor to relate to the world in a healthy manner.<sup>95</sup> This can result in a survivor returning to unhealthy relationships or unhealthy patterns.<sup>96</sup> Prevention education is essential to supporting survivors in their restoration journey. Survivors

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<sup>87</sup> *No Escape: The Enduring Effects of Trauma on the Emotional Health of Human Trafficking Survivors*, AYLSTOCK, WITKIN, KREIS & OVERHOLTZ, PLLC, <https://awkolaw.com/no-escape-the-enduring-effects-of-trauma-on-the-emotional-health-of-human-trafficking-survivors/> (last visited Apr. 25, 2022).

<sup>88</sup> Matthew Kliethermes et al., *Complex Trauma*, 23 CHILD & ADOLESCENT PSYCHIATRIC CLINICS N. AM. 339, 340 (2014).

<sup>89</sup> *Id.*

<sup>90</sup> *Entry into the Life*, LIFE STORY, <https://thelifestory.org/entry-into-the-life> (last visited Mar. 31, 2022).

<sup>91</sup> Kliethermes et al., *supra* note 88, at 340.

<sup>92</sup> Marti Castaner et al., *How Trauma Related to Sex Trafficking Challenges Parenting: Insights from Mexican and Central American Survivors in the US*, PLOS ONE 1, 2 (June 16, 2021), <https://doi.org/10.1371/journal.pone.0252606>.

<sup>93</sup> Kliethermes et al., *supra* note 88, at 340.

<sup>94</sup> *Id.* at 342.

<sup>95</sup> *Id.* at 340.

<sup>96</sup> *Preventing Adverse Childhood Experiences*, CDC, <https://www.cdc.gov/violenceprevention/aces/fastfact.html> (last visited Mar. 15, 2022) [hereinafter *Preventing*].

should gain insight into the ways their bodies and mind have been changed and should be made aware of opportunities for healing. Services should be provided to survivors by trauma-informed professionals to help them heal. If they do not heal fully, they cannot have a full life, and they are at risk of being re-trafficked themselves or passing down unhealthy patterns that could lead to the trafficking of the next generation.

### C. Adverse Childhood Experiences

Adverse Childhood Experiences (ACEs) are deeply connected to the perpetuation of human trafficking.<sup>97</sup> ACEs are defined by the Centers for Disease Control and Prevention as “potentially traumatic events that occur in childhood (0–17 years).”<sup>98</sup> The original study by the CDC and Kaiser Permanente lists these ten ACE’s: “Emotional abuse; Physical abuse; Sexual abuse; Parent treated violently; Household substance abuse; Mental illness in household; Parental separation or divorce; Criminal household member; Emotional neglect; Physical neglect.”<sup>99</sup> These experiences are types of abuse, neglect, and household dysfunction.<sup>100</sup> ACE scores show increased vulnerability and susceptibility to trafficking.<sup>101</sup>

ACEs cause physical and mental illnesses later in life and make people more vulnerable.<sup>102</sup> In general, children who are exposed to a lot of toxic stress struggle with jobs, relationships, and mental health illnesses, and they can pass down this stress to their children.<sup>103</sup> ACEs are found at high rates within groups of human trafficking survivors.<sup>104</sup> One study by the National Crittenden Foundation found that “thirty-three percent of women with a trafficking history had ACE scores of 4–7 while 48% had scores of 8 or higher.”<sup>105</sup>

Jeannette from Advocates for Girls and Young Women shares that “the incidence of ACE scores of 8 or more are rare in the general population—but not rare among girls and young women who experience commercial sexual exploitation or are domestically trafficked for sex.

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<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *About the CDC-Kaiser ACE Study*, CDC, <https://www.cdc.gov/violenceprevention/aces/about.html> (last visited Mar. 24, 2022) [hereinafter *About ACE Study*].

<sup>100</sup> *Id.*

<sup>101</sup> Preventing, *supra* note 96.

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Birth into Inequality*, LIFE STORY, <https://thelifestory.org/birth-into-inequality> (last visited Mar. 25, 2022).

<sup>105</sup> *Id.*

Early exposure to chronic adversity is a pathway to later exploitation.”<sup>106</sup> This chronic adversity and developmental trauma places individuals with high ACE scores in a vulnerable state that is ideal for traffickers to exploit.<sup>107</sup>

We cannot talk about trauma, however, without talking about resilience. Resilience is “the process of adapting well in the face of adversity, trauma, tragedy, threats, or significant sources of stress.”<sup>108</sup> Resilience is not just about healing from past trauma but also about growing through the pain. Through access to trauma counseling and therapy, individuals with high ACE scores can be equipped with the tools to grow and not to be further victimized. Providing a comprehensive support network of resources for survivors can help prevent the next generation from being trafficked. Providing these same resources for those with high ACE scores can prevent trafficking in their families before it begins.

#### D. Prevention in Survivor Restoration

Human trafficking survivors that are also parents are at risk of passing down unhealthy patterns that leave their children vulnerable to trafficking.<sup>109</sup> A study done on complex trauma and depression in parenting showed that “[h]igher rates of trauma exposure were related to decreased parenting satisfaction, reports of child neglect, use of physical punishment, and a history of protective service reports. These links were partially mediated by the relationship between trauma exposure and increased maternal depression.”<sup>110</sup> A study on veterans with PTSD (post-traumatic stress disorders) who are also parents showed that the children of those suffering with PTSD suffered different negative outcomes: “parental PTSD symptoms have an effect on children’s internalizing and externalizing symptoms, including depression, social emotional adjustment in young children, increased anxiety in early childhood, and adjustment problems in school-age children.”<sup>111</sup>

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<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Building Your Resilience*, AM. PSYCH. ASS’N, <https://www.apa.org/topics/resilience/building-your-resilience> (Feb. 1, 2020).

<sup>109</sup> *Birth into Inequality*, *supra* note 104.

<sup>110</sup> Victoria L. Banyard et al., *The Impact of Complex Trauma and Depression on Parenting: An Exploration of Mediating Risk and Protective Factors*, 8 J. AM. PRO. SOC’Y ON ABUSE CHILD. 334, 334 (2003).

<sup>111</sup> Suzannah K. Creech & Gabriela Misca, *Parenting with PTSD: A Review of Research on the Influence of PTSD on Parent-Child Functioning in Military and Veteran Families*, FRONTIERS PSYCH. (June 30, 2017), <https://www.frontiersin.org/articles/10.3389/fpsyg.2017.01101/full>.



Parenting can be especially hard for survivors of trafficking because of the added mental and emotional stress associated with raising a child. A study of women who had experienced sex trafficking and were now mothers showed that “many participants also experienced feeling emotionally withdrawn from their children when they felt they could not control them (i.e. tantrums, fights between siblings, and anxieties about school).”<sup>112</sup> Victims of trauma who have experienced abusive interpersonal relationships struggle with attachment to their child.<sup>113</sup> Not being able to appropriately relate to a child and having to pull away leaves the child lacking appropriate emotional relationships.<sup>114</sup> Either a lack of deep relationships with others or overly-attached parenting can create vulnerabilities that traffickers could exploit.

Even if a survivor has a good bond with their child, they can still pass down trauma through transgenerational or intergenerational trauma.<sup>115</sup> Intergenerational trauma is “trauma that gets passed down from those who directly experience an incident to subsequent generations.”<sup>116</sup> Dr. Gayani DeSilva found that “[t]rauma affects genetic processes, leading to traumatic reactivity being heightened in populations who experience a great deal of trauma.”<sup>117</sup> Dr. DeSilva explains that though anyone is at risk for generational trauma, there are vulnerable populations that include “[b]eing systematically exploited, enduring repeated and continual abuse, racism, and poverty are all traumatic enough to cause genetic changes.”<sup>118</sup> Dr. DeSilva specifically found domestic violence, sexual assault, and sexual abuse as acts that can trigger generational trauma.<sup>119</sup>

Intergenerational trauma symptoms are some of the same things that make people the most vulnerable to human trafficking. Symptoms of generational trauma “include hypervigilance, a sense of shortened future, mistrust, aloofness, high anxiety, depression, panic attacks, nightmares, insomnia, a sensitive fight or flight response, and issues with self-esteem and self-confidence.”<sup>120</sup> These symptoms being passed down can make the next generation more vulnerable to trafficking.

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<sup>112</sup> Castaner et al., *supra* note 92, at 13–14.

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* at 13.

<sup>115</sup> *Id.* at 13, 24.

<sup>116</sup> Fabiana Franco, *Understanding Intergenerational Trauma: An Introduction for Clinicians*, GOOD THERAPY BLOG (Jan. 8, 2021), [https://goodtherapy.org/blog/Understanding\\_Intergenerational\\_Trauma](https://goodtherapy.org/blog/Understanding_Intergenerational_Trauma).

<sup>117</sup> Claire Gillespie, *What is Generational Trauma? Here's How Experts Explain It*, HEALTH (Oct. 27, 2020), <https://www.health.com/condition/ptsd/generational-trauma>.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

Restoration of survivors needs to be bolstered with comprehensive, wrap-around support. Each survivor should have access to adequate counseling, financial, and court support to help them heal from their trauma history. If survivors are not supported in their healing journey, they can pass down their trauma to the next generation, causing them to be more vulnerable to trafficking. If survivors are not supported, they could fall back into commercial sex and be re-victimized. Support for survivors is a large part of preventing future trafficking.

#### V. PREVENTION TYPE 4: DISRUPTIVE PREVENTION

It is important that everyone has access to prevention education and human trafficking awareness because trafficking happens in many communities and across all fifty states. Trafficking looks slightly different in every community and is happening all over the nation.<sup>121</sup> When someone encounters a trafficking situation, it is important for them to already be equipped with the ways to identify and alert someone to get them help.

There are many individuals that touch the lives of survivors. Each of these people, if trained with prevention education, could help by intervening in their life. A teacher could see the signs of vulnerability in a student and equip them with the tools they need to stay safe from trafficking. An attorney could see the signs of a trafficking victim and support them on their journey to restoration. A counselor could see a survivor struggling to parent well and support them in ways that minimize increased vulnerability. All these instances of disruptive prevention require awareness and training.

Disruptive prevention is when an individual can step into the life of another and prevent victimhood or further victimization.<sup>122</sup> This form of prevention requires training and awareness before the individual encounters a situation of vulnerability or trafficking.<sup>123</sup> It requires preemptive education and support on the front end.<sup>124</sup> The Prevention Project program engages in disruptive prevention by equipping youth and

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<sup>121</sup> *Hotline Statistics*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/states> (last visited Mar. 30, 2022).

<sup>122</sup> Fam. & Youth Servs. Bureau, *Human Trafficking Prevention: Strategies for Runaway and Homeless Youth Settings*, ADMIN. FOR CHILD. & FAMILIES 4–5 (Nov. 2020), [https://www.acf.hhs.gov/sites/default/files/documents/fysb/acf\\_issuebrief\\_htprevention\\_102020\\_final\\_508.pdf](https://www.acf.hhs.gov/sites/default/files/documents/fysb/acf_issuebrief_htprevention_102020_final_508.pdf).

<sup>123</sup> *Human Trafficking: Frequently Asked Questions*, PREVENTION PROJECT, <https://www.prevention-project.org/home/human-trafficking/frequently-asked-questions/> (last visited Mar. 31, 2022) [hereinafter *Frequently Asked Questions*].

<sup>124</sup> *Program Overview*, *supra* note 45.

youth service providers to be able to identify vulnerabilities, identify trafficking, and support survivors on their journey to restoration.<sup>125</sup>

Anyone can engage in disruptive prevention, and it is a major way to combat trafficking.<sup>126</sup> There are few ways for an individual to engage in actively combatting human trafficking, but one of the main ways is by being trained and aware and spreading that awareness to others.<sup>127</sup> The more people that are trained, the larger the safety net for individuals. With a larger safety net, fewer individuals will fall through the cracks, and traffickers will not get away with this crime.

### CONCLUSION AND RECOMMENDATION

Human trafficking is an intricate and multifaceted crime that demands a multidisciplinary response.<sup>128</sup> The most fundamental and vital response is prevention. We need to prevent the next generation from being trafficked, support those currently being exploited to safely leave their situation, and support survivors throughout their process of restoration. We can do this by engaging in the four areas of prevention.

First, initial prevention before human trafficking begins needs to be strengthened. Students and teachers need to be equipped with the knowledge of what human trafficking is, what the grooming process looks like, the signs of human trafficking, and how to protect themselves from exploitation. They also need to be empowered to protect their communities. One way to do this is by establishing laws that mandate human trafficking prevention training for school professionals and the classrooms of all middle and high school students.

Second, intervention prevention should be led by members of law enforcement, the criminal legal system, the child welfare system, the education system, and other professions who are equipped with the tools to identify trafficking situations and safely intervene. These professionals need ongoing education to prevent trafficking from occurring in communities nationwide.

Third, survivor restoration helps to prevent the next generation from being trafficked. A survivor's healing journey affects the passing on of trauma to the next generation,<sup>129</sup> so minimizing their vulnerabilities is

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<sup>125</sup> *Program FAQ*, *supra* note 54.

<sup>126</sup> Family & Youth Services Bureau, *supra* note 122, at 5–8.

<sup>127</sup> *20 Ways You Can Help Fight Human Trafficking*, U.S. DEP'T OF STATE, <https://www.state.gov/20-ways-you-can-help-fight-human-trafficking/> (last visited July 1, 2022).

<sup>128</sup> *National Strategy to Combat Human Trafficking*, U.S. DEP'T JUST. (Jan. 2017) <https://www.justice.gov/humantrafficking/page/file/922791/download>.

<sup>129</sup> *Program FAQ*, *supra* note 54.

vital to preventing the next generation from being trafficked.<sup>130</sup> Breaking the cycle will require more resources to support long-term survivor restoration.

Finally, more people need to be trained in human trafficking awareness so they can disrupt trafficking in their communities. The more individuals trained, the larger the safety net. The larger the safety net, the more trafficking will be stopped or prevented from ever occurring.

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<sup>130</sup> *Id.*