

## SULLIVAN COUNTY PUBLIC HEALTH SERVICES

<p><b><u>POLICY:</u></b> Identification and Assessment of Human Trafficking Victims</p> <p><b><u>PURPOSE:</u></b> Provide for the identification, assessment, and appropriate referral of persons suspected as human trafficking victims.</p> <p><b><u>RESPONSIBLE PARTY:</u></b> Director, Deputy Director, Director of Patient Services, Agency Supervisors, all staff</p>	<p>Original Approval: 10/2018</p> <p>Revised: _____</p> <p>Reviewed: _____</p>
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### **APPLICABLE LAWS:**

- New York Public Health Law, Article 28, Section 2805-Y: Identification and Assessment of Human Trafficking Victims
- New York Social Service Law, Article 10-D, Section 483aa: Services for Victims of Human Trafficking
- New York Social Service Law, Title 6, Article 6: Child Protective Services
- New York Penal Law, Section 230.34: Sex Trafficking
- Trafficking Victims Protection Act of 2013

### **BACKGROUND:**

Human trafficking is a form of modern-day slavery in which traffickers use force, fraud, or coercion to control victims for the purpose of engaging in commercial sex acts or labor services against his/her will.

Sex trafficking has been found in a wide variety of venues within the sex industry, including residential brothels, escort services, fake massage businesses, strip clubs, and street prostitution.

Labor trafficking has been found in diverse labor settings including, domestic work, small businesses, large farms, and factories.

Human trafficking occurs in many industries.

For example:

- Agriculture/Farm work
- Hotels
- Nail salons/Spas
- Restaurants
- Construction, Landscaping
- Domestic work
- Factories
- Brothels: Massage parlors
- Escort services; Street prostitution
- Pornography: Electronic media; Strip clubs

Health Care

Health care is one of the few professions where staff meet with victims while they are still being trafficked. Staff may be able to identify victims due to the nature of their injuries. This means health care workers can intervene and provide referrals for assistance.

### It's the Law to Identify and Treat Victims

New York State Public Health Law requires certain health facilities to set up and carry out written policies and procedures. Their task is to help identify, assess, treat, and refer likely victims.

The facilities include:

- Hospitals
- Public health centers
- Diagnostic and treatment centers
- Outpatient departments.

### Common Health Problems Among Trafficking Victims

- Anxiety
- Chronic pain
- Cigarette burns
- Complications from unsafe abortion
- Contusions
- Depression
- Fractures
- Gastrointestinal problems
- Headaches
- Oral health problems
- Pelvic pain
- Posttraumatic stress disorder
- Sexually transmitted infections
- Suicidal ideation
- Unhealthy weight loss
- Unwanted pregnancy
- Vaginal pain

Sometimes presenting health problems mask the issue of trafficking. It is important that health care professionals watch for red flags. Staff can help identify potential trafficking situations.

### **DEFINITIONS:**

Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).

Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subsection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).

## **POLICY:**

### **I. Identification and Assessment**

The presence of these red flags is an indication that further assessment may be necessary to identify a potential human trafficking situation. This list is not exhaustive and represents only a selection of possible indicators. Also, the red flags in this list may not be present in all trafficking cases and are not cumulative. Indicators reference conditions a potential victim might exhibit.

#### Common Work and Living Conditions:

- Is not free to leave or come and go as he/she wishes
- Is in the commercial sex industry and has a pimp / manager
- Is unpaid, paid very little, or paid only through tips
- Works excessively long and/or unusual hours
- Is not allowed breaks or suffers under unusual restrictions at work
- Owes a large debt and is unable to pay it off
- Was recruited through false promises concerning the nature and conditions of his/her work
- High security measures exist in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.)

#### Poor Mental Health or Abnormal Behavior:

- Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid
- Exhibits unusually fearful or anxious behavior after bringing up law enforcement
- Avoids eye contact

#### Poor Physical Health:

- Lacks medical care and/or is denied medical services by employer
- Appears malnourished or shows signs of repeated exposure to harmful chemicals
- Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture

#### Lack of Control:

- Has few or no personal possessions
- Is not in control of his/her own money, no financial records, or bank account
- Is not in control of his/her own identification documents (ID or passport)
- Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating)

#### Other:

- Claims of just visiting and inability to clarify where he/she is staying/address
- Lack of knowledge of whereabouts and/or of what city he/she is in
- Loss of sense of time
- Has numerous inconsistencies in his/her story

Note: According to federal law, any minor under the age of 18 engaging in commercial sex is a victim of sex trafficking, regardless of the presence of force, fraud, or coercion.

## **II. Reporting**

The Diagnostic and Treatment Center will report all individuals suspected as human trafficking victims to the appropriate legal entity.

### **General Guidance:**

#### **For persons over the age of 18 years:**

As soon as practicable after a first encounter with a person who reasonably appears to the Diagnostic and Treatment Center to be a human trafficking victim, the Diagnostic and Treatment Center shall notify the Office of Temporary and Disability Assistance and The Division of Criminal Justice Services if such victim consents to seeking services (New York Social Service Law, Article 10-D, Section 483aa: Services for Victims of Human Trafficking) These phone numbers are posted at Reception and listed on the Emergency Contact List.

**For persons under the age of 18 years:** Reports of suspected child abuse or maltreatment are made pursuant to New York Social Service Law, Title 6, Article 6: Child Protective Services

### **What to do if You Think You See a Human Trafficking Situation**

#### **Is it an emergency?**

Call 9-1-1. Or contact law enforcement.

#### **Do You Think the Child's Parent or Guardian is Involved?**

Mandated reporters must call SCR at 1-800-342-3720. SCR is the New York Statewide Central Register of Child Abuse and Maltreatment.

Call NHTRC at 1-888-8373-7888. NHTRC is the National Human Trafficking Resource Center. Or get free, confidential help. Text "HELP" or "INFO" to: BeFree (233733).

#### **Human Trafficking is a Crime**

On November 1, 2007, the New York State Anti-Trafficking Law took effect. This made human trafficking a state crime. It also set up a process to "confirm" victims of human trafficking.

#### **Refer Victims**

You can refer likely victims. The offices below accept referrals from law enforcement agencies. Referrals are also accepted from established providers of legal and social services.

- The Office of Temporary and Disability Assistance -- OTDA
- The Division of Criminal Justice Services -- DCJS

#### **How to Make Referrals**

To make referrals, providers must complete the New York State Referral of Human Trafficking Victim Form (see attached)

## **III. Training**

All Diagnostic and Treatment Center employees will receive a required annual training in the recognition of indicators of human trafficking victims and employee responsibilities in dealing with persons suspected as human trafficking victims.