



Human Trafficking in Kentucky

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Executive Summary

- Human trafficking is defined, at the most basic level, as labor or services obtained through force, fraud, or coercion. Fundamentally, it is a deprivation of entitlements and rights, and this absence of entitlements and rights limits the ability to achieve a meaningful life. For example, in the case of an undocumented immigrant human trafficking victim they are: deprived of citizenship; deprived of choices about their life such as being able to quit their job, go to the store freely, or to socialize; deprived of basic living needs such as food, health care, and safety; and they are deprived of recognition of their labor as legitimate and worthy of adequate reward such as fair pay.
- Within the context of both national and state level concern about human trafficking, Kentucky has been working to address the issues and needs of human trafficking through training, task forces and the passage of state legislation criminalizing human trafficking.
- As one critical interim step in addressing human trafficking in Kentucky, a statewide needs assessment was developed and conducted. This report summarizes the methods and results of a statewide needs assessment to better understand the scope and extent of human trafficking knowledge and cases in Kentucky. Overall 140 respondents provided information between September 2006 and June 2007 with a response rate of 86%.
- **Ten major themes** emerged from the overall survey results including:
 - (1) Vulnerability to human trafficking is associated with poverty-related, situational, and personal characteristics. For example, people looking for opportunities to better their or their family's lives are particularly vulnerable to being exploited through false promises or misleading contracts. Also, situational characteristics such as isolation or being an undocumented immigrant as well as personal factors like being a woman or a child or lacking knowledge about individual rights increase vulnerability to human trafficking.
 - (2) The tactics used to keep victims entrenched in the situation include isolation and confinement, monopolization of perception, induced exhaustion, threats and actual violence, false promises, demonstrated power of the trafficker, degradation of the victim, and enforcement of trivial demands or increased obligation. These tactics are very powerful, and are used in other situations such as on prisoners of war and domestic violence victims with an effective means of controlling the victim through simultaneous dependence of the victim on the trafficker, inducing a false sense of loyalty to trafficker, and extreme fear and anxiety.
 - (3) The consequences of these control tactics include fear, anxiety, shame, and humiliation which play a significant role in creating barriers to victims seeking help. In addition, immigrant victims of human trafficking may have significant language and cultural barriers that impede their ability to seek help as well as a lack of awareness or understanding about their rights in America or knowledge about who to turn to for help with their situation.

- (4) The media plays an important role in increasing barriers or reinforcing fears that keep immigrant victims from seeking help. For example, immigrants in general may perceive very negative messages from the media such as the U.S. doesn't like immigrants and doesn't want them in America, they have no voice or rights in America, that the police or government not only won't help them but may actually hurt them (e.g., deport them, put them in jail), or that in general they are just not valued as people in American society.
- (5) The experience of being trafficked means that individuals often endure extended periods of time under considerable fear and anxiety which cause extreme suffering both physically and emotionally and make the immediate and long-term needs of victims expansive. In addition, victims often have nothing but the clothes on their back which means they need food, clothes, temporary and long-term shelter, employment, and potentially safety concerns that need to be addressed. The isolation that probably contributed to vulnerability to being trafficked as well as contributed to keeping victims under control of the traffickers remains problematic once victims are identified. These victims often have nobody to help or support them in any way which increases their dependence on service agencies.
- (6) Agencies such as domestic violence and rape crisis programs as well as homeless shelters desperately need more resources including language access/interpreters, housing, safety, and health services to adequately address human trafficking in Kentucky. And, because human trafficking victim needs are so great, interagency service coordination is critical to effectively serving victims.
- (7) Results suggest that **human trafficking can and does occur in Kentucky** with respondents appearing to describe about 69 different cases of human trafficking, including cases of sexual, personal service, general labor, domestic labor and restaurant labor exploitation. Results also clearly indicate that women and girls are especially vulnerable to sexual assault and exploitation regardless of what kind of trafficking situation they experience.
- (8) Victims often present for other issues such as for physical or sexual assault or health-related concerns. Victims will disclose their experiences if the language barriers as well as the fear and trust barriers are overcome; and, if the right questions are asked. In other words, it is critical that their stories are heard to fully understand the situation.
- (9) Victims need to be properly identified and treated so that they are not re-victimized by being charged with crimes or put in jail. Law enforcement and the legal system representatives in particular need training to properly identify victims and hold the traffickers, not the victims, responsible.
- (10) The hidden and clandestine nature of human trafficking increases the need for public awareness, training and outreach to victims.

- **Four main recommendations** were developed based on study results including the need to:
 - (1) Increase resources and support for agencies to better serve the needs of human trafficking victim as well as to increase victim safety, legal protections, and hold traffickers accountable. Resources and support for agencies includes increasing resources to: (a) address victim needs once they are identified; (b) assure language access; (c) outreach to better educate and identify victims; (d) develop protocols and interagency coordination; and, (e) facilitate access to legal protections and justice for victims.
 - (2) Raise awareness for every individual in the State regarding the crime of human trafficking. Raising awareness includes: (a) general education of the public about the crime of human trafficking; (b) addressing the media depictions of immigrants and stereotypes of human trafficking; and, (c) ongoing trainings focused on human trafficking to a wide variety of individuals who may be in a position to serve victims of human trafficking.
 - (3) Build on the current Kentucky legislative efforts to provide even more comprehensive legislation that includes outlining victims' rights as well as provisions for housing, safety, crime victim compensation, mental and physical health services, public benefits and drug/alcohol counseling, as well as job training; and,
 - (4) Continue research on human trafficking in Kentucky. Ongoing research is needed to enhance understanding of the best ways to identify, serve, protect, and support victims of trafficking as they are seeking justice as well as to better identify U.S. citizens who may be vulnerable to trafficking.
- This survey had a number of limitations including a convenience sample which limits generalizability of results, a lack of details regarding specific cases of human trafficking including the regional distribution of victims of trafficking, and no interviews with victims of trafficking which is critical in gaining a comprehensive picture of human trafficking in Kentucky. Results should be interpreted with those limitations in mind.
- This needs assessment is only one small interim step in addressing the issue of human trafficking in Kentucky and confirms what many individuals believe, that human trafficking can and does occur in Kentucky. However, survey results also strongly suggests Kentucky has a long way to go before being adequately prepared to meet the service needs as well as to meet the legal protections and justice needs of a single victim, let alone a group of victims as is often the case.

Introduction

Human trafficking, often referred to as modern day slavery, is not a new phenomenon. In fact, it is closely related to slavery in various forms throughout history. For example, in imperial Rome, one-third of the people were slaves trafficked in from Thrace, Gaul, Britain, and Germany. During this time period wars were often fought merely to procure more slave labor (Goldsworthy, 2006; Rawson, 1993). Although most Americans understand that slavery and human trafficking have a long history, human trafficking today is typically thought of as a problem outside of the United States. However, recent national attention to this issue suggests that Americans can no longer look the other way and pretend that human trafficking does not happen in our communities. Human trafficking has even reached the media in Kentucky. For example, in 2006 a news story from Fort Thomas, Kentucky broke about a Phillipino woman who was an indentured servant for a very wealthy family. This woman had signed a contract to work for the family indicating she would work about 40 hours a week for \$200 a month. However, once she came to the U.S. the family forced her to work long days, work on days she was supposed to have off, and to perform tasks that were outside of normal domestic help (such as yard work, power stain decks and fences, painting). She also was not allowed to use the phone or talk to neighbors or anyone else. She endured threats of deportation and physical abuse that was witnessed by neighbors. In fact, according to the news article, neighbors helped her escape from the situation. The lawsuit is seeking payment for more than 5000 hours of unpaid overtime.¹

This is not the only case to surface in Kentucky. A 2005 article outlines another situation where a woman from the Philippines was brought to Kentucky to work as domestic help for a family through a network that helps with employment. However, during her three years with this

¹ <http://www.wlky.com/news/6493775/detail.html?subid=22100483&qs=1;bp=t>

family she worked 18-hours a day for an equivalent of fifty cents an hour, her passport was confiscated by the family, she was instructed not to speak to anyone other than the family, she had limited and monitored communication with her family, and she was told she was not allowed to leave until she had paid of the \$8,000 paid to the network organization to bring her to America (Lindsay, 2005).

The frame of reference for understanding human trafficking can be captured by Martha Nussbaum's writings, a philosopher and professor of law at the University of Chicago. She writes that human trafficking stands at the opposite pole of the ethical and moral standard by which human lives should be valued. First all humans should be treated as ends in their own rights, not as mere means to the economic or sexual benefit of others. There is a threshold level of individual capability, beneath which human functioning does not exist; the social goal should be for all individuals to be above that threshold. The limitation of human capabilities by others is a denial of fundamental humanity (Nussbaum, 2000). Trafficking in humans, with all its many forms and variations, is the denial of choice, self-determination, and any meaningful sense of political or even social liberty.

The U.S. Central Intelligence Agency estimates that up to 50,000 individuals are trafficked into or through the U.S. as sex slaves or for domestic or other labor.² Human trafficking is defined by the Trafficking Victims Protection Act of 2000 as: (a) sex trafficking in which a 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; or (b) 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,

² <http://gvnet.com/humantrafficking/USA.htm>

or slavery.³ It further specifies that victims of trafficking should not be detained in facilities inappropriate to their status as victims (see Appendix A for a summary of this legislation).⁴ Victims of trafficking may seek access to key public benefits (e.g. housing, medical care, food stamps) and immigration crime victim visas (U and T visas) if they are willing to cooperate with law enforcement and meet other criteria as “victims of severe form of trafficking in persons.”⁵ Recently enacted Kentucky law mirrors part of the federal statute by defining human trafficking as “commercial sexual activity” compelled by force, fraud or coercion or forced labor or services compelled by force, fraud or coercion (see Appendix B for a summary of this legislation).⁶ It creates an additional crime of promotion of human trafficking for those in the chain of events who knowingly profit from the exploitation.⁷ It also provides that victims of trafficking shall not be detained for offenses underlying the trafficking, unless necessary for public safety or if it is the least restrictive alternative to securing the appearance of the victim.⁸ Kentucky legislations at this point do not contain provisions to provide victims with access to public benefits or immigration status.

The key elements of both the Trafficking Victims Protection Act (TVPA) and Kentucky definition include the use of force, fraud, or coercion to exploit a person for profit or personal services. Labor exploitation can include slavery, forced labor, and debt bondage while sexual exploitation includes abuse within the commercial sex industry. Although often termed to be “sex trafficking,” sexual exploitation in private homes by individuals who often demand sex and work (in the home or even outside of the home) is categorized in the law as labor exploitation. The use of coercion can be direct and violent, or can be through psychological means. Further, it

³ Trafficking Victims Protection Act of 2000 (TVPA) (Public Law 106-386)

⁴ (66 Fed. Reg. 38,514-22 (July 24, 2001))

⁵ Trafficking Victims Protection Act of 2000 (TVPA) (Public Law 106-386)

⁶ Kentucky Revised Statutes, 529.100, 529.010 (June 26, 2007)

⁷ Kentucky Revised Statutes 529.110

⁸ Kentucky Revised Statutes 431.063

is important to note that a person does not need to be physically transported from location to location in order for the crime to meet the threshold of the definition (Trafficking in Persons Report, 2007). Nor is the consent of the victim relevant since no one willingly consents to slavery.⁹ Women and children are especially vulnerable to human trafficking (Raymond & Hughes, 2001).

Because human trafficking is becoming an important national focus, individual states are also making human trafficking an issue of focus to improve conditions for all residents. Several recent statewide needs assessments have been completed (e.g., Houston by Seitz Steinberg, 2004; Ohio by Davis, 2006; and, Florida by the Florida State University Center for the Advancement of Human Rights, 2003). A national needs assessment was also completed by Clawson, Small, & Myles (2003).

Within the context of both national and state level concern about human trafficking, Kentucky has been working to address the issues of human trafficking by conducting training, forming two task forces, and by passing state legislation to criminalize trafficking. As one critical interim step in addressing human trafficking in Kentucky, a statewide needs assessment was developed and conducted. This report summarizes the methods and results of the needs assessment that was done in 2006-2007. Three main areas were addressed: (1) awareness and knowledge of human trafficking; (2) training needs; and, (3) characteristics of human trafficking cases in Kentucky.

⁹ Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Protocol) provides the definition of trafficking in persons: (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) has been used.

Method

Participants

There were three main groups of participants that were used for this survey: (1) key informants which included individuals across the state known to have interest, knowledge, and/or actual experience with human trafficking cases in Kentucky (including law enforcement, health care providers, victim advocates, lawyers); (2) service agencies including directors of domestic violence shelters, rape crisis centers, and homeless shelters (that served women); and, (3) referrals by each of the above two groups of other individuals in the state that were perceived to have interest, knowledge, or experience with human trafficking cases in Kentucky. It should be noted that in Kentucky, there is one rape crisis program and one domestic violence program per area development district, so they are distributed across the state. These three methods produced 162 potential participants. Overall, there was an 86% response rate (n=140) and a 6% refusal rate (n=10) leaving 8% (n=12) that were not interviewed. See Table 1 for specific agency type representation for completed interviews overall. Just under half of the respondents (45.7%, n=64) reported they had experience with human trafficking cases in Kentucky. The agency representation for this subsample is shown in Table 1a.

Table 1. Overall respondent agency representation

| AGENCY TYPE (N=140) | % | N |
|---|--------------|------------|
| Victim services | 33.6% | 47 |
| Rape crisis | | 12 |
| Domestic violence shelter | | 24 |
| Rape crisis and domestic violence shelter | | 11 |
| | | |
| Homeless shelter | 10.7% | 15 |
| | | |
| Health | 7.8% | 11 |
| SANE (Sexual Assault Nurse Examiner) | | 9 |
| Other health (planned parenthood/Farm worker health center) | | 2 |
| | | |
| Legal | 22.9% | 32 |
| State or city law enforcement | | 12 |
| Attorney/Judge | | 16 |
| ICE (Immigration and Customs Enforcement)/ federal government | | 4 |
| | | |
| Other services | 22.9% | 32 |
| Housing | | 2 |
| Social services | | 21 |
| Mental health/substance abuse | | 5 |
| Family services | | 4 |
| | | |
| Educators/Universities | 1.4% | 2 |
| | | |
| Refused to say | .7% | 1 |
| | | |
| Total | 100% | 140 |

Table 1a. Respondent agency representation for those who reported experience with human trafficking in Kentucky (experts)

| AGENCY TYPE (N=64) | % | N |
|--|--------------|-----------|
| Victim services | 42.2% | 27 |
| Rape crisis | | 5 |
| Domestic violence shelter | | 13 |
| Rape crisis and domestic violence shelter | | 9 |
| | | |
| Homeless shelter | 3.1% | 2 |
| | | |
| Health | 6.3% | 4 |
| SANE (Sexual Assault Nurse Examiner) | | 3 |
| Other health (Planned Parenthood/Farm worker health center) | | 1 |
| | | |
| Legal | 29.7% | 19 |
| State or city law enforcement | | 8 |
| Attorney/Judge | | 8 |
| ICE (Immigration and Customs Enforcement)/federal government | | 3 |
| | | |
| Other services | 17.2% | 11 |
| Social services | | 8 |
| Mental health/substance abuse | | 2 |
| Family services | | 1 |
| | | |
| Refused to say | 1.5% | 1 |
| | | |
| Total | 100% | 64 |

Measures

The interviews were developed specifically for this project. The survey had two main components: (A) awareness and knowledge of human trafficking; and, (B) information about specific experience with human trafficking cases in Kentucky. The surveys were developed based on the literature and several needs assessments conducted in other states about human trafficking (Clawson, Small, Go, & Myles, 2003; Coalition Against Trafficking in Women, 2001). The survey drafts were finalized in conjunction with Cabinet for Health and Family Services, Division of Child Abuse and Domestic Violence Services and were reviewed by the directors of the Kentucky Domestic Violence Association (KDVA), Kentucky Association of Sexual Assault Prevention (KASAP), and the Fayette-Lexington Urban County Government Domestic Violence Prevention Board (DVPB). Several pilot interviews were conducted to also help in finalizing the survey.

Procedures

A list of key informants was obtained from the Cabinet for Health and Family Services, Division of Child Abuse and Domestic Violence Services. Also, a list of shelter and rape crisis directors was obtained from the Kentucky Domestic Violence Association (KDVA) and the Kentucky Sexual Assault Programs (KASAP), while a list of homeless shelters that served women was obtained from a listing on the internet. Potential respondents were contacted by phone and asked to voluntarily take part in the survey. The survey took approximately 45 minutes on average and it was confidential. After completing the survey, each participant was asked to provide suggestions for other individuals we should contact to participate in the survey. Surveys were completed between 9/19/2006 and 6/1/2007 with 23% completed before February

1, 2007 and 77% completed between February 1, 2007 and June 1, 2007. All study procedures were approved by the University of Kentucky Human Subjects Protections Board.

Overall, study staff made 955 calls out, 8 emails, 1 fax, and 1 in-person contact and had 44 calls in to complete the survey (see Table 2). The majority of surveys were completed by call staff made out (88.6%), with a few completed by call-ins (10%), one completed by fax and one completed in-person. An estimated 3 hours of effort on average for each completed survey was estimated which means about 420 hours were used for each completed survey and data entry of that survey and approximately 120 hours for data analysis and presentation. Further, an estimated 10 hours was used in contacting the individuals who refused (45 phone calls, 1 fax, 1 phone call in, 2 interviews scheduled (20%)) and for those we tried to reach but did not complete an interview (203 phone calls, 4 calls in, 3 emails, and 5 that were scheduled at one point (41.7%)). Finally, it took about 10 hours to develop and finalize the survey interview. Thus, it took a total of about 560 hours (the equivalent of 14 weeks of 1 FTE) to complete this study.

Table 2. Effort for completed surveys

| N=140 | RANGE | MEAN OR % | TOTAL |
|--------------|-------|-----------|-------|
| Calls out | 1-35 | 6.82 | 955 |
| Calls in | 0-2 | 26.4% | 44 |
| Mail | 0 | 0% | 0 |
| Fax | 0-1 | .7% | 1 |
| Email | 0-3 | 2.8% | 8 |
| In person | 0-1 | .7% | 1 |
| | | | |
| Completed by | | | |
| Call out | | 88.6% | |
| Call in | | 10% | |
| Mail | | 0% | |
| Fax | | .7% | |
| Email | | .7% | |

Analysis Plan

The results are presented in three main sections. The first section presents awareness and knowledge of human trafficking for all of the respondents. The second section presents information about training on issues pertaining to human trafficking. The third section provides information specifically for those that report having experience with human trafficking cases in Kentucky (n=64, 45.7%).

Within each section a series of questions were asked and are summarized. The questions were a mix of open-ended and closed-ended questions. For example, sometimes respondents were simply asked what they thought, and the essence of their spontaneous response was recorded as accurately as possible by the interviewer. Other times respondents were asked to provide an answer to a question from a set of responses (in other words they were asked to choose an answer from a set of responses provided to them). It is important to note that when open-ended questions were analyzed, the responses only include what participants spontaneously mentioned. In other words, respondents may have felt there were many things that applied to their answer to a specific question, but they only mentioned one or two of those things to the interviewer. Thus, responses to open-ended questions are only analyzed in terms of what was mentioned, but that doesn't mean their response incorporated a complete answer. In light of this methodology, results of open-ended questions should be interpreted with caution and with the idea that the themes that emerged were those that were mentioned.

For the first and second sections of the report, the questions were analyzed for the sample overall, as well as for those reporting experience with human trafficking in Kentucky (referred to as experts throughout this report) compared to those who did not report experience with human trafficking cases in Kentucky (referred to as non-experts throughout this report). The labels of

experts and non-experts were used for convenience to distinguish between those who reported experience with human trafficking cases in Kentucky and those who did not report experience with human trafficking cases in Kentucky. It should be noted that several of the individuals grouped as non-experts did have extensive experience and expertise with human trafficking cases, although their experience was outside of Kentucky. Descriptive statistics were used (Chi-Squares and ANOVAs) to examine differences between the two groups. The third section of the report only includes responses from those individuals who reported having experience with human trafficking in Kentucky.

Results

Awareness and Knowledge

Is human trafficking serious? The majority of respondents, overall, felt that human trafficking was a fairly or extremely serious problem in the U.S. (89.8%) as well as in Kentucky (67.4%) (see Table 3). However, just under half (43.5%) of the respondents thought that human trafficking was a fairly or extremely serious problem in their community. When the responses to these questions were examined for the expert and non-expert groups, more of the expert respondents felt that human trafficking was a problem in the U.S., Kentucky, and their community than the non-experts (see Table 3a and 3b). Given that the two groups were divided based on whether or not they had actual experience with human trafficking in Kentucky these findings are not surprising.

Table 3. How serious is the problem of human trafficking all respondents?

| 0=NOT A PROBLEM 1=SOMEWHAT SERIOUS 2=FAIRLY SERIOUS 3=VERY SERIOUS | MEAN | FAIRLY | EXTREMELY | FAIRLY/ EXTREMELY |
|---|------|--------|-----------|----------------------|
| In the U.S. (n=137) | 2.48 | 30.7% | 59.1% | 89.8% |
| In Kentucky (n=135) | 1.94 | 37% | 30.4% | 67.4% |
| In your area/area your agency serves (n=136) | 1.42 | 26.4% | 17.1% | 43.5% |

Table 3a. How serious is the problem of human trafficking for experts?

| 0=NOT A PROBLEM 1=SOMEWHAT SERIOUS 2=FAIRLY SERIOUS 3=VERY SERIOUS | MEAN | FAIRLY | EXTREMELY | FAIRLY/ EXTREMELY |
|---|------|--------|-----------|----------------------|
| In the U.S.* (n=62) | 2.61 | 21% | 71% | 92% |
| In Kentucky** (n=62) | 2.21 | 32.3% | 45.2% | 77.5% |
| In your area/area your agency serves** (n=64) | 1.94 | 29.7% | 31.3% | 61% |

Table 3b. How serious is the problem of human trafficking for non-experts?

| 0=NOT A PROBLEM 1=SOMEWHAT SERIOUS 2=FAIRLY SERIOUS 3=VERY SERIOUS | MEAN | FAIRLY | EXTREMELY | FAIRLY/ EXTREMELY |
|---|------|--------|-----------|----------------------|
| In the U.S.* (n=75) | 2.37 | 38.7% | 49.3% | 88% |
| In Kentucky** (n=73) | 1.71 | 41.1% | 17.8% | 58.9% |
| In your area/area your agency serves** (n=72) | 1.04 | 25% | 5.6% | 30.6% |

*p<.05 **p<.01

What is your understanding of human trafficking? Participants were asked about their understanding of the definition of human trafficking. Table 4 displays the themes that emerged from respondent answers to one open-ended question. The vast majority of respondents indicated that human trafficking included a component of threat and/or force (84.3%), however the expert group was more likely to mention this component in the definition (92.2%) than the non-expert group (77.6%). Within this overall theme there were several phrases that were used to describe threat and force including forced labor, slavery, being sold, and being kidnapped or abducted.

The second most frequently mentioned theme was sexual exploitation which incorporated mention of sexual assault, rape, and prostitution (51.4%).

Just under half of respondents (45.7%) mentioned immigrant-related issues as part of the definition of human trafficking like the way a person got into the U.S., mention of debt bondage, mention of having passport or other important documents confiscated, or being an undocumented immigrant.

About one-fifth (19.3%) of respondents reported the definition of human trafficking included fraud or someone being misled. And, 10% of respondents mentioned some other kind of situation as part of the definition (not being paid for work, being transient, or being involved in illegal activities).

Table 4. Definition of human trafficking

| | |
|---------------------------------------|---------------|
| N=140 | |
| Threat or force related | 84.3%* |
| Threat or coercion or abuse | 54.8% |
| Forced labor | 44.3% |
| Slavery | 25.7% |
| Sold | 13.6% |
| Kidnapped/abducted | 5% |
| | |
| Sexual exploitation | 51.4% |
| | |
| Immigrant-related | 45.7% |
| Related to how they got into the U.S. | 41.4% |
| Undocumented immigrants | 8.6% |
| | |
| Fraud or misled | 19.3% |
| | |
| Situational related | 10% |
| No pay | 6.4% |
| Transient | 2.1% |
| Involvement in illegal activities | 2.1% |

*p<.05

How do you think foreign born trafficking victims gain entry into the U.S.? Given that human trafficking often involves immigrant children and adults, respondents were asked how they thought these individuals enter into the U.S. with one open-ended question. As Table 5 indicates, the majority of respondents (65.7%) believed that at least some human trafficking victims enter into the U.S. illegally by being smuggled or by using false paperwork, or that traffickers have large networks that bring people into the U.S. legally (though may include misleading the victim), illegally, or through being sold or abducted (18.6%).

On the other hand, about one-fifth (22.9%) of respondents indicated they thought immigrants who are trafficked gain entry into the U.S. legally (with no mention of ties to traffickers) especially through temporary student or work visas, and 12.9% thought they gain entry through a mail order bride company or fiancé visa.

Table 5. Ways that foreign born human trafficking victims gain entry to the US

| | |
|---|-------|
| N=140 | |
| Illegal entry | 65.7% |
| | |
| Trafficking networks/sold/abducted | 18.6% |
| | |
| Legal means (e.g., temp visas, student visas) | 22.9% |
| | |
| Bride-related entry | 12.9% |
| | |
| Don't know | 13.6% |

Main types of exploitation you think is most likely for human trafficking victims in Kentucky? All respondents were asked what they thought was the most likely type of exploitation for human trafficking victims in Kentucky with one open-ended question (see Table 6). The vast majority of respondents (82.1%) reported sexual exploitation either through prostitution, sexual assault, or sexual slavery. The next largest category was forced labor (59.3%) including farm and factory labor and a couple of respondents mentioning construction and coal mining labor. More of the expert group reported factory labor was a potential area of exploitation in Kentucky (15.6%) compared to the non-expert group (5.3%).

Domestic labor (17.1%) was the next largest category including household and childcare labor. Drug and other crime related exploitation was mentioned by 15.7% of respondents; however, fewer individuals classified into the expert group reported this kind of exploitation (7.8%) compared to the non-expert group (22.4%). Restaurant service was mentioned by 11.4% of respondents, although more of the experts reported this kind of exploitation (17.2%) compared to the non-expert group (6.6%). A few participants mentioned mail order bride or bride-related exploitation (sometimes specifically mentioned in the context of being forced to perform personal services type work including sexual and labor exploitation) and other service related exploitation (e.g., hotel, other retail service).

Table 6. Main types of exploitation in Kentucky

| | |
|--|---------------|
| N=140 | |
| Sexual exploitation | 82.1% |
| | |
| General labor | 59.3% |
| General labor | 31.4% |
| Farm labor | 26.4% |
| Factory | 10%* |
| Construction | 5% |
| Coal mining | .7% |
| | |
| Domestic | 17.1% |
| | |
| Drug and other crime related | 15.7%* |
| | |
| Restaurant | 11.4%* |
| | |
| Mail order bride or bride related | 7.9% |
| | |
| Other service | 2.9% |

* p<.05

Reasons victims are vulnerable to human trafficking? As indicated in Table 7, there are four main categories that emerged from several open-ended questions about what makes victims vulnerable to human trafficking: (1) poverty-related; (2) situational characteristics; (3) personal characteristics; and, (4) being forced or sold into the trafficking situation.

Overall, almost all of the participants indicated that a poverty-related circumstance was a large vulnerability factor in human trafficking. Specific subthemes within this category included: poverty (with more experts citing this as a factor (84.4%) than non-experts (69.7%)), people wanting a better life or a chance at a better life, and the need to support their families. Closely related to the three subthemes above were people who had been misled through promises of a better life or economic opportunities but that the situation changed into one of exploitation (although more experts reported this as a factor (57.8%) than non-experts (46.1%)).

Table 7. Factors that increase vulnerability to human trafficking

| | |
|------------------------------------|--------------|
| N=140 | |
| Poverty-related | 96.4% |
| Poverty | 76.4%* |
| Want a better life | 59.2% |
| Fraud or misled | 51.4%* |
| Need to support family | 12.9% |
| | |
| Situational characteristics | 36.4% |
| Isolation | 22.1% |
| Language or cultural barriers | 12.9% |
| Immigrant/Undocumented immigrant | 10%* |
| | |
| Personal characteristics | 55.7% |
| Lack of education or knowledge | 27.9% |
| Choices/substance use | 18.6% |
| Gender/age | 17.1% |
| Cultural factors | 7.1% |
| | |
| Forced/sold | 28.6% |
| Forced | 25.7% |
| Are sold | 5% |

*p<.05

For example, respondents indicated that people are vulnerable because of the “Desire for a better life and a feeling this is their only chance.” Or they “Desire a better life for their family as well as themselves.” However, it is this very desire to escape poverty and to try to find a better life for themselves and their families that can be exploited by traffickers as noted in the following quotes:

- “Want to come to America for a better life. Then people use their dreams against them and put them into trafficking.”
- “They want a better life so they come here voluntarily but are then imprisoned by traffickers and forced to work.”
- “They are desperate and willing to take a dangerous opportunity. They just want to better their life so they take chances.”
- “They simply wanted to make a better life for themselves and their families and are willing to work really hard to do so. This work ethic made them easy prey.”
- “Young Americans who are in desperate situations are looking for ways out and can get manipulated into trafficking situations.”

A large part of being misled has to do with characteristics of traffickers in terms of what they promise people and individuals will often trust what traffickers say for a variety of reasons.

For example:

- “People are defrauded by traffickers; they are offered a job and then the situation changes when they get to the U.S. They are then put in a position that they feel they can not get out of like being sexually assaulted or involved in illegal activities. This sometimes happens through fraud in mail order bride situations.”
- “When people don’t have access to what they need to survive such as money and options, especially women, and they are seeking them out they can be enticed with a job offer and misled into bad situations.”
- “Sometimes people respond to some sort of ad to work in the U.S. or they are approached by individuals known to family. For example, they are deceived in their home country by trusted people and are either smuggled in or arrive with a visa of some sort. When they get here their situation changes.”
- “They are approached by people in their community who become their friends and who invite them to come along to the U.S. [but who misled them into trafficking situations].”

The next set of vulnerability factors shown in Table 7 were classified into the overall theme of situational characteristics. This theme incorporated several subthemes that were all associated with being isolated because they were separated or estranged from their family, they did not speak English or had cultural differences that separated them from the community, or being an immigrant or undocumented immigrant (thus were isolated due to their legal status). It should be noted that immigrant status as a vulnerability factor was mentioned by fewer in the expert group (6.2%) than the non-expert group (13.2%).

One respondent described how isolation might make someone more vulnerable to exploitation because, “A trafficker will go to a family and deceive them about what will happen if they take a family member, like a child, to the U.S. They will be told the child will receive an education or that they’ll be able to send money back home or that they will have a better future, etc. When the person gets over here they cut off contact so the person is essentially stuck in the

situation.” Another said, “I’m sure they’re in an economically vulnerable position in most cases. Also, before the trafficking even begins they’re probably isolated with no supportive family which makes them vulnerable.”

The third set of vulnerability factors mentioned in Table 7 are classified as personal characteristics which includes subthemes like lack of education in general or lack of knowledge about their rights or how to get help, being female and/or being younger, and cultural factors that facilitate trafficking conditions or even acceptance of human trafficking as part of the culture. Also, several participants mentioned either being substance users or making poor choices increased vulnerability to being trafficked.

The last category of vulnerability factors mentioned on table 7 is being forced or sold into the situation. There was an emphasis especially on the selling of children into trafficking situations because of the economic situations of the families, “They live in desperate economic conditions and the victim’s family sells them for money or they sell themselves to make money and pay off a debt.” There was also an emphasis on just being abducted or kidnapped or being physically forced into a trafficking situation by some participants, while other participants mentioned fear such as fear forcing people into trafficking situations, such as fear of being in trouble legally because they are involved in some illegal activity or are undocumented, fear of consequences because of debt owed, or just fear of what might happen if they do not comply with the trafficker(s).

What is the profile of a trafficker? Respondents were asked not only about victims of human trafficking but also about whom they thought the traffickers were with one open-ended question (see Table 8). The majority of respondents indicated there is no typical profile of a trafficker. However, other participants suggested that they were greedy, heartless individuals

(32.1%), they were businessmen, professionals, or people with a variety of contacts in the U.S. and other countries (19.3%), or they were connected to organized crime (16.4%). More of the respondents in the expert group indicated the traffickers were businessmen, professionals, or had many contacts (28.1%) than those in the non-expert group (11.8%). Some respondents were a little more specific regarding personal characteristics of the profile of a trafficker (30%) with many mentioning they are typically male, white, or of the same ethnicity as the victims or that they were immigrants themselves. A few other respondents believed the traffickers were often known to the community or had some way of gaining the trust of victims (6.4%) or that they were connected to smugglers (3.6%).

Table 8. Who are the traffickers/profile of traffickers

| | |
|---|--------|
| N=140 | |
| No typical trafficker | 37.1% |
| | |
| Greedy, coldhearted, wants to make fast buck | 32.1% |
| | |
| Businessmen, professionals, has many contacts | 19.3%* |
| | |
| Organized crime | 16.4% |
| | |
| Personal characteristics (male, immigrant, white, same ethnicity) | 30% |
| | |
| Known to the community, gains trust of victims | 6.4% |
| | |
| Smugglers or has knowledge of how to get people in and out of US | 3.6% |
| | |
| Don't know | 15% |

* p<.05

How often do you think traffickers use the following tactics against victims? Table 9 displays the mean ratings for each tactic that was asked and the percentage of respondents who indicated the tactic was always used. Seven main categories of tactics were assessed. The table

displays the proportion of respondents who reported the tactics were always used in human trafficking situations.

Table 9. How often do you think traffickers use the following tactics against victims?

| 0=NEVER 1=RARELY 2=SOMETIMES 3=OFTEN 4=VERY OFTEN 5=ALWAYS (N=137) | MEAN | % ALWAYS |
|---|------------|--------------|
| Psychological abuse | | 63.6% |
| Psychological abuse | 4.5 | 63.2% |
| The threat of shaming victims by exposing circumstances to family | 3.8 | 26.1% |
| The threat of shaming victims by exposing circumstances publicly | 3.5 | 23.9% |
| | | |
| Control | | 59.3% |
| Control of the victims' money (e.g., holding their money for "safe-keeping") | 4.2 | 41.9% |
| Confiscation of passports, visas and/or identification documents | 4.2 | 41.2% |
| Physical confinement | 3.7 | 22.6% |
| | | |
| Threat of violence and/or actual violence | | 52.9% |
| Threat of violence toward victims | 4.2 | 43.8% |
| Threat of or actual violence toward victims families | 4 | 31.6% |
| Physical violence | 3.6 | 18.2% ** |
| Sexual violence | 3.6 | 16.2% |
| | | |
| Isolation | | 52.9% |
| Isolation from the public - limiting contact with outsiders and making sure that any contact is monitored or superficial in nature; tells them that because they are not white they will be hurt if they talk to others | 4.3 | 48.9% |
| Isolation from family members and members of their ethnic and religious community | 4.1 | 34.3% |
| | | |
| Using fear of legal repercussions | | 49.3% |
| Telling victims they will be imprisoned or deported for immigration violations if they contact authorities | 4.3 | 48.2% |
| They are involved in illegal activities and afraid to tell anyone out of fear of legal repercussions or fear of legal repercussions like losing children | 3.8 | 24.8% |
| | | |
| Debt bondage - financial obligations, honor-bound to satisfy debt | 3.9 | 25% |
| | | |
| Use of drugs or alcohol | 3.2 | 6.7% |

** p<.01

The two most frequently mentioned control tactics were psychological abuse and shaming (63.6%) and controlling the victim's money, legal papers, or actual physical confinement (59.3%). Threats of violence and actual violence were mentioned by just over half of respondents (52.9%) as well as isolation from the public and others close to the victim (52.9%). Close to half of participants (49.3%) mentioned the traffickers always used fear of legal repercussions against victims. And less frequently mentioned tactics included debt bondage (25%) and use of drugs or alcohol (6.7%). One participant mentioned an additional tactic that was not asked about but should be assessed in the future as a tactic that traffickers use against victims--false promises like promises to bring families over to America.

There was only one difference between the expert and non-expert group with regard to tactics that traffickers use to control the victims, fewer of the expert group indicated that physical violence is always used (9.5%) compared to the non-expert group (25.7%).

What makes you flag or suspect a human trafficking case? Participants were asked to respond to an open-ended question about how they would recognize a human trafficking case (see Table 10). In addition to this one open-ended question, several other open-ended responses were analyzed because this issue came up in response to other questions. Just over half of respondents (52.1%) indicated that certain aspects of a person's situation would alert them to ask more questions about the situation. These situational characteristics include the victim mentioning not being paid, or being under paid or working in substandard conditions; listening to the story of how the person came to the U.S.; assessing the level of isolation or other living circumstances (e.g., one Hispanic woman living with several Hispanic men that she is not married to or related to is not typical in the Hispanic community; or many people living together in a private residence, or people living where they work). Other participants said any mention of

debt or debt bondage, family extortion, being misled, having no access to legal papers, no access to health care, or being very transient would make them suspicious and want to ask more questions.

Table 10. What makes you flag or suspect a case

| | |
|---|--------------|
| N=140 | |
| Situational characteristics | 52.9% |
| No pay, little pay, some work reference | 22.9% |
| How they got to the US | 16.4% |
| No English or foreign born | 15.7% |
| Isolation | 13.6% |
| Living circumstances | 12.9% |
| No access to legal papers | 12.9% |
| Fraud or misled | 11.4% |
| Debt | 9.3% |
| Transient | 5% |
| Mail order bride | 4.3% |
| Family extortion | .7% |
| No access to health care or needs health care | .7% |
| | |
| Control/force | 42.1% |
| Control, threats, confinement | 35% |
| Never left alone | 7.9% |
| Was sold | 4.3% |
| | |
| Victim characteristics | 38.6% |
| Sexual assault, exploitation, rape | 20.7% |
| Victim won't talk or are very fearful | 24.3% |
| Emotional or mental health problems | 2.1% |
| | |
| Self-identification | 23.6% |

The second major theme listed in table 10 is any sign that a person may be under duress (42.1%). Specifically, any sign of a person being controlled, threatened, or physically confined, or that a person was sold, or seeing a person who is never left alone or does not seem to be able to speak for themselves.

The third overall theme, victim characteristics (38.6%), included things like the victim mentions rape, sexual assault, or prostitution, or the victim is very fearful or answers questions evasively, or the victim has emotional or mental health problems.

The last theme was if the victim self-identified their situation as one of trafficking (23.6%).

What are victim barriers to disclosing? Participants were asked reasons they thought a victim would not seek help or seek services and there were four main themes that emerged from this open-ended question (see Table 11). Fear, control, threats or actual confinement (92.9%), victims don't know how to seek help or don't feel they have other options (60%), shame and humiliation keep people in these situations from seeking help (20%), and language and cultural barriers keep people from seeking help (19.3%).

Table 11. Victim barriers

| | |
|--|----------------|
| N=140 | |
| Fear and control/threats/confinement | 92.9%** |
| Fear of trafficker | 70%** |
| Fear of deportation | 34.3% |
| Fear of legal problems | 21.4% |
| Fear of law enforcement | 8.6% |
| Coercive control, confinement | 21.4% |
| | |
| Victims do not know how to get help or out of the situation | 60% |
| Victims don't know how to get help | 46.4%** |
| Don't have other options | 15% |
| Don't realize they are being trafficked | 9.3% |
| | |
| Shame and humiliation | 20% |
| | |
| Language and cultural factors | 19.3% |

*p<.05 **p<.01

Fear, control, and actual confinement are huge barriers for victims and there were many specific fears that were mentioned including fear of the trafficker, fear of deportation, fear of legal problems in general, and fear of law enforcement. According to participants, not only are immigrants who are undocumented afraid to come forward, but many come from countries where the criminal justice system is corrupt and there is a lack of trust of government agencies and especially the criminal justice system. In addition, there were several significant differences between the expert and non-expert groups. First, overall 85.9% of the expert group reported fear and control, threats, and confinement as a barrier compared to 98.7% of the non-expert group. Fewer of the expert group mentioned fear of traffickers as a barrier (56.3%) compared to the non-expert group (81.6%) but more of the expert group reported fear of law enforcement (15.6%) as a barrier compared to the non-expert group (2.6%).

The second category of victim barriers included the notion that victims don't know where to go for help, don't feel they have other options, or that victims may not even realize that what is happening to them is illegal. More of the expert group felt that victims do not know where to seek help for their situation (60.9%) compared to the non-expert group (34.2%).

Does the media influence immigrant women differently? Participants were also asked whether they believed the media influenced immigrant women's perceptions of the police differently than American women. The overwhelming majority of respondents said they believed that the media does influence immigrant women's perceptions of the police differently than American women (93.8%). Respondents were then asked to describe how they thought the media influenced immigrant women's perceptions of the police with one open-ended question.

Almost one-quarter of participants (24.5%) indicated they thought immigrants didn't pay attention to American media because of language barriers, that American media was not relevant

to immigrant women, or that they just have more limited access to the media. However, other respondents felt that the media influenced immigrants differently than Americans for several main reasons. One reason was because of the strong messages in the media that are negative toward immigrants (30.2%).

- “In the media there are a lot of stories about mistreatment of immigrants and often immigrants are portrayed negatively.”
- “The media shows a lot of Hispanic men being arrested and portrayed badly in media. It would heighten their fear in seeking help.”
- “A lot of portrayals on these shows focus on immigrants. The media loves immigrants. If an immigrant commits a crime it’s focused on a lot more than if a white person does. It perpetuates stereotypes. It’s an issue with all people of color, not just immigrants. People of color are always targeted and portrayed negatively.”
- “The media is reporting on a lot of negative stereotypes (opposition to immigration is overrepresented in the media). And, the portrayal of service providers is negative often showing that the providers are not sympathetic to immigrants. This may make immigrant women more fearful in seeking help”

Also, the current political environment may also influence the messages immigrants get from the media.

- “Immigrants may feel that the messages given in the media suggest the goal is to keep immigrants out of the U.S.”
- “Coverage around immigration debate is negative. All coverage suggests that immigrants should not be allowed any rights. This may make immigrant women fearful of coming forward about anything that has happened to them.”
- “The media gives the message that if you’re an immigrant you are probably illegal, you’re useless, you have no rights, you just have to face consequences of what happens to you.”

These negative portrayals of immigrants and backlash may make immigrants feel like,

- “They are not first class citizens, so they will be at a disadvantage going for help. Especially if they can’t speak the language, they are seen as less intelligent and definitely less articulate.”
- “Immigrant women would think that the help is not really for them. They think they are less than citizens because and that they don’t have the same rights as citizens.”
- “They may feel like there is even less justice for them because they are not the wholesome girl next door that has lived in the community all their life.”

Also, some respondents mentioned that the media devalues women and that immigrant women, who are devalued in their own countries will just have their beliefs about their lack of value reinforced.

- “There’s an overall issue of the media perpetuating the belief that men are superior to women. You always hear about how women are supposed to look and act. The media does a huge disservice to women of all kinds and of all colors.”
- “Immigrant women, especially Spanish, came from a country where women are valued less and have less control over their lives. The media reinforces these messages.”

Not fully understanding the media messages because sometimes immigrants lack the cultural context within which to interpret those messages was also mentioned (27.4%).

- “The media is very culturally based. How much you believe of what the media tells you depend on your culture.”
- “Immigrant women don’t get the subtleties; maybe don’t know difference between news and TV shows.”
- “Immigrant women are already fearful and unfamiliar with the laws, the news media shine a bad light on law enforcement and immigrants take it at face value.”
- “Because immigrant women come from a culture with different rules and don’t know the rules here, they take what the media has to say at face value.”
- “The less familiar you are with our country the more validity you will place on the media, creates “if it is on TV is must be true” mentality.”

Another theme that emerged was the influence the media has on reinforcing negative perceptions of law enforcement that immigrant often bring with them to America (22.6%).

- “If the criminal justice system is ineffective in their home country and they see stories on T.V. here, it just reinforces that notion that the American criminal justice system is ineffective too.”
- “They don’t know who to trust. They might be from a country where the police are who you fear and the media sometimes reinforces these perceptions.”

On the other hand,

- “Immigrant women don’t think the images they see in the media are true because in their countries the police don’t help people, the police are the bad guys.”

While others indicated that in their country the media is not to be trusted.

- “Most immigrants are coming from countries whose governments fill the media with propaganda, so they might not trust the media.”

- “In some countries the government runs the media outlets and that will influence immigrants.”

Also, a small proportion of respondents (4.7%) indicated that the media portrays the criminal justice system treating Americans, especially American women, badly so they think they will be treated even worse.

- “Well, if they see that the police aren’t helping people even their own citizens, they wouldn’t expect the police to help them if they’re from another country.
- “Immigrant women see American women being treated poorly and they may think if American women get treated this way why would immigrant women be treated well. Creates more fear for immigrant women.”

Another small proportion (5.7%) of respondents indicated they believe the media may have a greater influence on immigrants because they are isolated and this may be their only source of information about the criminal justice system or how things work in America.

- “Immigrants aren’t sure what their rights are and the media is their only source of information, but the media is often distorted.”
- “Immigrants are probably influenced more by the media because they are more isolated from the public, so what they see in the media has more of an influence on them.”

Table 12. Media influence on immigrant women’s perception of the police

| | |
|---|--------------|
| | |
| Media influences immigrant women’s perceptions of police differently (n=113) | 93.8% |
| Media influences immigrant women’s perceptions of the police differently because (n=106): | |
| No or limited access | 24.5% |
| Backlash or negativity about immigrants/undocumented immigrants | 30.2% |
| Lack of cultural context | 27.4% |
| Negative cultural stereotypes of police and government are reinforced | 22.6% |
| Police are seen treating Americans bad and immigrants think it would be worse for them | 4.7% |
| Media has more influence on immigrants | 5.7% |

Training on Human Trafficking

Respondents were asked where they learned about human trafficking (see Table 13).

Close to half of the respondents reported they learned about human trafficking from personal knowledge such as working with clients, coworkers, family and friends, or personal stories from others; through the media including television, the internet, news reports, articles, or other reports; and trainings or conferences. As shown in Table 13, the experts were more likely to report learning about human trafficking through personal experience and trainings or conferences, but they were less likely to report learning about human trafficking through the media than non-experts. Close to one third of respondents indicated they learned about human trafficking through other service providers.

Table 13. Where did you learn about human trafficking

| N=140 | EXPERT | NON-EXPERT | OVERALL |
|--|--------|------------|---------|
| Personal knowledge/stories from others/work with clients/coworkers | 65.6% | 40.8% | 52.1%** |
| Media (TV, Newspaper, Internet)/articles/reports | 40.6% | 55.3% | 48.6% |
| Trainings/conferences | 56.3% | 38.2% | 46.4%** |
| Other service providers | 32.8% | 25% | 28.6%* |

*p<.05 **p<.01

Respondents were also asked whether or not they had ever attended a formal training on human trafficking (see Table 14). About half of the respondents overall reported they had attended a formal training with more of the expert group reporting they had attended a formal training (75%) than the non-expert group (40.8%). Of those that did report attending a formal training on human trafficking, the majority reported they attended the training close to a year ago

on average with half reporting it was less than a year since they had been to a training, and a quarter saying it was right at a year, and a quarter indicating it had been longer than a year. A variety of agencies sponsored the trainings on human trafficking including victim service agencies, law enforcement agencies, and immigrant services agencies. And, the majority of respondents reported the training was fairly or extremely useful.

Table 14. Formal training

| | |
|---|------------|
| Ever attended formal training on human trafficking | 56.4%** |
| Of those who attended formal training | |
| How long ago (n=79) | |
| Average time | 1 year ago |
| % less than 1 year | 49.4% |
| About 1 year ago | 25.5% |
| Over 1 year | 25.1% |
| Who sponsored the training (n=73) | |
| KDVA/KSAP/DV agency | 35.6% |
| Government sponsored | 20.5% |
| Immigrant service agencies | 11% |
| Law enforcement/legal agencies | 8.2% |
| Educations/university | 5.7% |
| Social Services | 4.1% |
| International services | 1.4% |
| Found that training to be fairly or extremely useful (n=79) | 84.8% |

**p<.01

Respondents were asked two specific open-ended questions about the most recent training they attended: (1) what was the most important thing you learned (see Table 15); and, (2) what do you wish you would have learned more about (see Table 16)?

There were three general themes that emerged from the responses to what people learned: (1) the scope, definition, and dynamics of human trafficking; (2) general information about the

legal protections and caveats for human trafficking victims, the needs of victims, investigating cases, and what our state is doing to combat human trafficking; and (3) barriers or issues to helping human trafficking victims (see Table 15). However, although one respondent said, “Nothing could have made [the training] better. Kentucky was very versed in human trafficking issues even before the laws were passed. We are leaders in human trafficking issues considering the number of people in Kentucky,” most respondents did make some suggestions for future trainings (see Table 16). The suggestions ranged from things like more in-depth information about human trafficking, how to better help victims, how to better identify victims, and more information about the legal aspects of helping human trafficking victims as well as ways to better apply the information to Kentucky or to the agency within which they work or through hypothetical cases. A few respondents mentioned the need to increase public awareness and the need to address ways to prevent human trafficking in trainings.

Table 15. What did you learn that was most important?

| |
|--|
| N=79 |
| Dynamics |
| <ul style="list-style-type: none"> • Learned about how big of a problem human trafficking is internationally, nationally, and locally |
| <ul style="list-style-type: none"> • Definition and dynamics of human trafficking |
| <ul style="list-style-type: none"> • Crime of human trafficking is big money |
| <ul style="list-style-type: none"> • How human trafficking affects victims |
| General information |
| <ul style="list-style-type: none"> • General information on legal protections and justice |
| <ul style="list-style-type: none"> • Learned about the expansive needs of victims |
| <ul style="list-style-type: none"> • Learned about investigative techniques |
| <ul style="list-style-type: none"> • What our state is doing to combat human trafficking |
| <ul style="list-style-type: none"> • How critical public awareness is |
| Barriers and issues to helping human trafficking victims |
| <ul style="list-style-type: none"> • Legal issues/difficulty with getting legal protections and justice for victims |
| <ul style="list-style-type: none"> • Barriers to identifying or barriers preventing victims from coming forward |
| <ul style="list-style-type: none"> • Difficulty in identifying both victims and traffickers |
| <ul style="list-style-type: none"> • Prevention is difficult |

Table 16. What do you wish you had learned more about?

| |
|--|
| N=79 |
| Content related |
| <ul style="list-style-type: none"> • More in-depth info about human trafficking |
| <ul style="list-style-type: none"> • More information about resources, contacts, collaborations, roles |
| <ul style="list-style-type: none"> • More information about how to identify victims |
| <ul style="list-style-type: none"> • More information on better serving victims needs |
| <ul style="list-style-type: none"> • More information on legal protections and justice for victims |
| Application related |
| <ul style="list-style-type: none"> • Kentucky specific information |
| <ul style="list-style-type: none"> • Application of training (e.g., working cases) or hearing from people who worked with cases |
| <ul style="list-style-type: none"> • Training on cultural awareness |
| Miscellaneous |
| <ul style="list-style-type: none"> • More training to increase public awareness |
| <ul style="list-style-type: none"> • Prevention |

Table 17 displays information about how familiar the respondents are with the Trafficking Victims Protection Act (TVPA), whether or not they believe this legislation has changed the way clients are served in their agency, and how familiar they think others in their agency are about services and programs for human trafficking victims. Overall, only about one-quarter of participants indicated they were fairly or very familiar with this legislation, although more respondents in the expert group (40.6%) reported being fairly or very familiar with the TVPA than those in the non-expert group (14.5%). Only about one-third of participants indicated they believed that the passage of the TVPA has changed the way their agency provides services to clients, although it should be noted that many agencies have not served any human trafficking victims and this likely influenced the answer to the question.

The last question in the training section asked about how knowledgeable people in the respondent's agency are about services or programs for human trafficking victims. The majority of the respondents indicated that staff in their agency are not at all knowledgeable or have very little knowledge about resources for human trafficking victims in Kentucky (70.1%).

Table 17. Trafficking Victims Protection Act (TVPA) knowledge

| | |
|--|-------|
| | |
| How familiar are you with TVPA** (n=140) | |
| Not at all | 45% |
| A little | 28.6% |
| Fairly | 20.7% |
| Very | 5.7% |
| | |
| The passage of TVPA changed how clients are served (n=72) | 34.7% |
| | |
| How knowledgeable are the people in your agency about services or programs for human trafficking victims (n=137) | |
| Not at all | 26.3% |
| A little | 43.8% |
| Fairly | 19.7% |
| Very | 10.2% |

**p<.01

Cases of Human Trafficking in Kentucky

Ever heard of or worked with a human trafficking case in Kentucky? All participants were asked whether or not they had heard of a case of human trafficking in Kentucky. In fact, 62.6% overall reported they had heard of a human trafficking case in Kentucky, although only 36% of those in the non-expert group reported hearing about a human trafficking case in Kentucky (see Table 18). Of those who reported they had heard about a human trafficking case in Kentucky, about one-fifth reported they had heard about one case, about half reported hearing about a few cases, and about one-third reported they had heard about six or more cases. Participants were then asked whether or not they had actually ever worked with a human trafficking victim in Kentucky. Overall, 45.7% respondents indicated they had worked with a definite or suspected human trafficking case. It is important to note that although many of the cases based on the limited information provided may well fit within the federal and Kentucky definitions of human trafficking, many cases did not result in prosecution, though several victims did obtain or tried to obtain U and T visas and were victim/witnesses in criminal investigations

involving other crimes. This parallels the situation on the national level where despite federal government estimates 14,500 to 17,000 people are trafficked into the United States, as of 2007, only 1,100 people had been certified by the Department of Health and Human Services to be trafficking victims, a similar number to have received T visas, and an even smaller number to have resulted in federal trafficking prosecutions.

Table 18. Ever heard of a human trafficking case in Kentucky?

| | EXPERT | NON-EXPERT | OVERALL |
|--|--------|------------|---------|
| Ever heard of a HT case in Kentucky? (n=139) | 100% | 36% | 62.6%** |
| How many cases (n=80)* | (n=59) | (n=21) | |
| 1 case | 15.3% | 42.9% | 22.5% |
| 2-5 cases | 50.8% | 28.6% | 45% |
| 6 or more cases | 33.9% | 28.6% | 32.5% |

*p<.05 **p<.01

Agency experiences with human trafficking cases. For the group of respondents who indicated they had worked with human trafficking cases, they were asked whether the agency they were currently affiliated with had served a human trafficking victim in Kentucky. Only 35% of respondents indicated their current agency had worked with a trafficking victim in Kentucky and 10% indicated that possibly their agency may have served a human trafficking victim. This suggests that many of those who worked with human trafficking cases in Kentucky either had worked with these cases in agencies they had since left, or they worked with them in different capacities than through a specific agency. However, specific questions about this were not asked.

Case characteristics. The next few tables describe information about the specific cases that participants reported working with. It is important to note that the survey did not directly ask about cases, case details, or any information that would violate confidentiality of individuals or

agencies. That means that the information that was reported in response to the questions about case information is incomplete. However, the information that was provided was examined in order to better understand characteristics of human trafficking cases in Kentucky. As Table 19 shows, the majority of respondents indicated the cases involved adult females and about one-third of respondents (32.8%) indicated the cases involved children.

The next section of Table 19 displays respondents mention of specific type of exploitation, which fell into five main categories: (1) prostitution (*e.g., mention of prostitution, massage parlors, or forced sex with multiple people*); (2) personal service (*e.g., mention of domestic or sexual servitude with one person, domestic violence, or mail order bride*); (3) general labor (*e.g., any mention of farm labor, or general mention of forced work or labor, long work hours, no pay for working, mention of debt bondage*). (4) domestic labor (*e.g., mention of domestic labor, work inside the home, domestic work for a family*); and, (5) restaurant labor (*e.g., mention of restaurant work or labor specifically*). One-quarter of participants reported on at least one case that was lacking in detail to classify, but of those cases, 37.5% mentioned sexual assault of the victim (these are broken down separately on the table with 15.6% classified as unknown with no mention of sexual assault and 9.4% classified as unknown but did mention sexual assault). The percentages of these exploitation types do not add to 100% because some respondents mentioned more than one case.

Because some participants mentioned the same case and other participants mentioned multiple cases, actual cases were examined. It appears that there were 69 different cases that were described. Examining these 69 cases the breakdown of exploitation type changes slightly as described below. Specifically, the percentage of cases classified into each specific category and some examples are provided. Minor elements of case descriptions were changed to protect

confidentiality. It is important to keep in mind that the examples provided here were lacking in detail and may or may not appear to meet the legal definition of human trafficking. However, because these limited case details were provided in response to questions about human trafficking, the assumption was made that those cases are still human trafficking cases even though they were lacking in details of the case.

Table 19. Human trafficking cases in Kentucky

| | |
|--|-------|
| N=64 | |
| Did cases involve: | |
| Males | 23.4% |
| Females | 93.8% |
| Child(ren) | 32.8% |
| Adults | 82.8% |
| | |
| Types of exploitation mentioned: | |
| Prostitution | 23.2% |
| Personal service | 23.2% |
| General labor | 14.5% |
| Domestic labor | 8.7% |
| Restaurant labor | 7.3% |
| | |
| Unknown | 23.2% |
| % of unknown cases that mentioned sexual assault | 37.5% |

Prostitution was a commonly mentioned category (23.2%). Some examples include:

- “A prostitution case through a massage parlor was discovered, but it turned out to be a human trafficking issue. The girls were brought in from Asia and were held as indentured servants.”
- “Smuggler handed the victim over to the rest of smuggling ring. Family was supposed to have someone pick her up. Ring decided immigrant women would be sex slaves.”
- “The suspected victims were Korean girls working in a massage parlor. The girls never left the place, the girls were frequently transported out and new girls were brought in.”
- “These women who worked at a local restaurant were showing up at people’s homes, it turns out the owner of the restaurant was prostituting them.”

- “The suspected victims were told they would be brought over to the states for a job. At first she was told she had a debt of a certain amount but the amount quadrupled after she got here. She was left at a house with many men she didn’t know and she was raped.”
- “One woman was born in the U.S. but was being prostituted out to older men by her brother. The police were involved because they were arresting her; she was hanging out with men that were illegal immigrants. The police were trying to get to these men through her.”
- “One woman was a mail-order bride from the Philippines who was forced into prostitution by her husband after she had got into the U.S.”
- “Another woman was brought to the U.S. as a mail-order bride but when she got here she was told no man wanted her as a bride so they forced her into sexual acts.”

The **personal service** category (23.2%) was also commonly mentioned. Some examples

include:

- “One victim, who was smuggled into U.S., was sold to an immigrant man by the people who loaned her money to come into the U.S. This man basically used her as a sexual slave.”
- “One lady came to the U.S. with her immigrant husband. He kept her chained in hotel room, used her as a sexual slave.”
- “A women was raped by acquaintance, he used cultural and religious shame tactics and basically black-mailed her into becoming domestic servant and sexual slave.”
- “The victim had married an American man in her home country and came to U.S. on petition to come as his wife. He then forced her to work, she refused and then he resorted to physical and sexual violence.”
- “She first entered the U.S. on a student visa. She was hired as a babysitter by a couple. She then became pregnant with the man’s child. They were all living together in a house with their children. She was basically being used as a domestic servant.”
- “The woman used a coyote to cross the Mexican border. The coyote raped her and then extorted money from the family for her release.”
- “A woman was in the U.S. legally with a temporary visa. She was working for a man and ended up getting involved in a romantic relationship with him. She was working 18 hour days and he was not paying her. He wouldn’t let her leave the house except for work. He was also using sexual and domestic violence as a way to keep her intimidated.”
- “One woman had been used by a close relative to have sex and became pregnant; he would then sell the children.”

The next most frequently mentioned category of cases was **general labor** (14.5%).

- “The fourteen year old son of a client was brought by a coyote from Mexico to the US and forced to work to pay off a debt.”
- “A victim and her husband came here to work on a farm, but that wasn’t what they were doing, ended up working with agriculture and were not being paid for their labor. They had a contract that changed throughout their time in America.”

- “He was a Mexican farm worker who had broken his legs while working. He couldn’t work so his employers just basically threw him away. He had no more food and had received no medical care for his legs.”

Almost 9% (8.7%) of cases were classified into **restaurant labor**. For example,

- “Victim was in a rural county in Kentucky and worked at a restaurant. She was forced to work 12 hours a day but was not paid. She also lived in the owners home and was not allowed to leave except for work.”
- “Teenage boy was brought to Kentucky from Texas. He was promised a free ride to his family’s house and ended up in a different state to do restaurant labor.”
- “Hispanic workers from Texas were forced to work in a restaurant.”
- “One victim, a young male had signed a contract. He was basically an indentured servant and was working off a debt in a restaurant for very little pay. He had just got finished paying it off and was looking for services which is how we became aware of the case.”

Just over 7% (7.3%) of cases were classified as **domestic labor**. Some examples include,

- “A woman was working as domestic help for a family. She was threatened by the family that they would report to the police she had stolen stuff from them if she told anybody. Her passport was confiscated by the family and she had no control over her money. She was told she would have to work for five years to pay off her debt. She was instructed not to speak to others and to lie to neighbors about who she was if they happened to ask.”
- “A young girl was raped and beaten by a man; she lived with the man and his wife and was used for domestic chores inside their home and forced to work cleaning in a hotel as well.”
- “Several women were mail-order brides but ended up being sold as domestic workers.”

Overall, 23.2% of the cases mentioned did not include enough detail to classify in to exploitation type categories. Close to thirty-eight percent (37.5%) of those cases did, however, mention sexual assault. For example,

- “A young pregnant woman presented to the hospital. It was unclear whether she was sexually assaulted or if she had been prostituted. She was very embarrassed to talk about her situations. When they asked who the father was she mentioned she had intercourse with some of the men she had been traveling with, but she didn’t specify whether force was involved.”
- “The victims spoke a different language and were very young. The victims had been in the U.S. for six months and had moved around in the U.S. and one of them had been raped.”
- “She came in for sexual assault help after being thrown from a bus.”

Other case characteristics. Table 20 displays some other characteristics of the human trafficking respondents described. When asked how the most recent human trafficking victim was identified, the majority of respondents (37.5%) indicated that victims self-identified either through disclosing full or partial details of their situation and/or through seeking services. Smaller proportions of respondents mentioned victims were identified through a law enforcement agency (14.1%), other services (12.5%), and other people like co-workers, friends, or a community member (12.5%). A few participants indicated victims were identified through the medical care system (6.3%) or through neighbors (4.7%). Neighbor identification was especially common for the domestic workers.

Respondents were also asked whether law enforcement became involved in any of the human trafficking cases they worked with. The majority of respondents indicated that law enforcement did become involved with the cases (78.1%). Of those that indicated law enforcement was involved in any of the cases, the majority indicated law enforcement was involved for other reasons. Specifically, respondents talked about how the police were often involved with the victims because of other complaints like physical or sexual assault.

Other respondents mentioned that law enforcement was involved with the victim as part of a criminal investigation (18%). For example, one respondent said, “They were involved because they arrested the victim. She was hanging out with men that were illegal immigrants and the police were trying to get these men through her.” Another respondent described law enforcement involvement as, “They were watching a massage parlor for suspected prostitution. Although they felt the women that worked there were probably trafficking victims no investigation was performed. They actually charged the victims with prostitution.” On the more positive side of criminal investigations, several respondents talked about how law enforcement

was helping to build a case against the traffickers by conducting an investigation, encouraging the victim to press charges, and working with the FBI or other government offices to address the crime.

Other respondents indicated that law enforcement was involved with the victims for legal protection (14%). For example, to help them to get out of the situation, in accessing legal protections such as T visas or U visas, and/or by referring the victim to needed services after realizing their situation.

One respondent indicated the trafficker had actually called the police on the victim for some reason. Also, 10% of respondents said they tried to get law enforcement involved with the case but were not successful. For example, one respondent talked about how, “The county and state police were rude when they were contacted to help the victim.” Another respondent indicated that, “The FBI was called for some cases but they did not help very much. Local law enforcement gave little to no help with the human trafficking cases.” Another responded described how, “Police had to be convinced to take the report and convinced that they had to interview the victim. No one wanted the case.” Basically, one respondent described the process as, “I have gone with clients to report human trafficking to law enforcement. Then the law enforcement decides whether or not to help them. Sometimes they help and sometimes they don’t.”

Respondents were also asked about what legal protections were used in these cases. As noted in Table 20, many respondents didn’t know (43.8%) or gave very general answers with regard to federal legislation being used (32.8%). About one-fifth however, did mention that state statutes were used and 15.6% indicated no legal protections were used.

Table 20. Characteristics of cases

| | |
|---|--------------|
| N=64 | |
| How identified | |
| Self-identification | 37.5% |
| Police/LE agency | 14.1% |
| Other service referrals | 12.5% |
| Others helped | 12.5% |
| Medical care | 6.3% |
| Neighbor | 4.7% |
| | |
| Law enforcement was involved with case(s) | 78.1% |
| Why was law enforcement involved? (n=50) | |
| Law enforcement responded to other issues | 44% |
| Part of a criminal investigation | 18% |
| For legal protections | 14% |
| Tried to get law enforcement involved but was not successful | 10% |
| Trafficker called the police | 2% |
| | |
| What legal protections were used | |
| Don't know | 43.8% |
| Federal legislation (e.g., mention of TVPA, VAWA, visas, general federal legislation) | 32.8% |
| State statues | 20.3% |
| None | 15.6% |
| | |
| Any victims in US before being trafficked? | |
| No | 46.9% |
| Yes | 31.3% |
| Don't know | 20.3% |
| | |
| Languages | |
| Spanish | 67.2% |
| Chinese | 17.2% |
| Tagalog (Philippines) | 12.5% |
| Russian | 9.4% |
| Korean | 7.8% |
| Indonesian | 6.3% |
| Arabic | 1.6% |
| Vietnamese | 1.6% |
| Cambodian | 1.6% |

The last two sections of Table 20 suggest that many victims were trafficked in association with coming into the U.S. and that the majority of victims spoke Spanish. In addition to Spanish speaking victims, Chinese, Tagalog, Russian, Korean, and Indonesian were all mentioned as languages spoken by some of the victims.

Also, respondents indicated that about one-third (31.3%) of the victims were in the U.S. before they were trafficked while close to half (46.9%) indicated the trafficking occurred in relation to coming into the U.S.

Victim needs. Half of the respondents (53.2%) indicated victims had needs that were not met by their agency, and the majority of respondents (64%) indicated that human trafficking victim needs are somewhat or much more severe than other victims they typically serve (see Table 21). It is important to note that many of the respondents served domestic violence or sexual assault victims, or served homeless men and women so they are used to seeing some very severe cases of victimization. Specific victim needs mentioned by respondents included basic living needs (e.g., food, short-term and long-term housing, mental health services, financial and employment needs, and referrals to a variety of services); legal needs, language barrier-related needs, safety needs, and a small proportion of respondents indicated some victims need help getting back to their country of origin.

Table 21. Victim needs

| | |
|---|--------------|
| N=64 | |
| Victim(s) had needs that were not met by your agency | 53.2% |
| | |
| Severity of needs that HT victims face compared to other clients agency serves | |
| Equal | 25% |
| Somewhat more severe | 28.1% |
| Much more severe | 35.9% |
| Don't know | 6.3% |
| | |
| Basic living needs | 87.5% |
| Food, shelter, clothing | 76.6% |
| Counseling | 40.6% |
| Referrals to other services | 31.3% |
| Financial | 25% |
| Employment | 17.2% |
| | |
| Legal needs | 79.7% |
| | |
| Interpreter/Language-related | 32.8% |
| | |
| Safety/family safety | 18.8% |
| | |
| Need to get back home | 9.4% |

Human trafficking victim differences. Respondents were asked to describe how human trafficking victims differed from other victims of crime (see Table 22). Seven themes emerged from this question:

- (1) Human trafficking victims are more likely to have language barriers.
- (2) Human trafficking victims have more limited access to justice because of their undocumented status, because they have a more limited understanding of the U.S. legal system and their legal rights, or because human trafficking is often overlapping with other criminal activity victims may appear as criminals themselves. Prejudice was mentioned by a small proportion of respondents as a reason human trafficking victims have more limited access to

justice. For example, one respondent said, “They are not just victimized by trafficker, society/community doesn’t see them and can’t help them,” and another said, “our society is judgmental towards immigrants.” Another respondent summed this theme up with, “Public backlash against immigrants is a huge issue because the public mentality is that they are making the human trafficking stories up to get a visa.”

(3) Human trafficking victims have greater needs because they basically walk away from their situation with nothing and the experiences often leave victims with long term and serious health and/or mental health problems.

(4) Human trafficking victims often are isolated from their family, have no friends, and often have nobody in their life that cares about them or that can support them in leaving or after leaving this situation.

(5) Human trafficking is more difficult to identify than other crimes in part because victims have a greater fear or are just more difficult to identify.

(6) Human trafficking cases are very complex and the protections are limited making it a very difficult crime to prosecute and to help victims. More specifically, “human trafficking can operate on a much bigger and more complex scale.” Which requires “a lot of cooperation between agencies (e.g., FBI, social agencies, lawyers).” Further complicating the issue is that “human trafficking is organized and controlled by a group for money,” “there are often multiple perpetrators involved,” and “there are often multiple victims involved.” Other legal complications include “human trafficking cases have harder government paperwork issues,” “may require dealing with multiple countries,” and, “human trafficking is a hard crime to prove.” These factors all increase “the level of legal services needed.”

(7) Because many service agencies do not understand human trafficking crimes as well as other crimes, services for human trafficking victims are harder to obtain. “There needs to be more education, agencies tend to be reactionary. They don’t act until there it is a problem for them.”

Table 22. How are human trafficking victims different from other victims?

| | |
|---|--------------|
| N=64 | |
| Language barrier | 46.9% |
| | |
| More limited access to justice | 42.2% |
| No legal status | 25% |
| More limited knowledge of US legal rights | 9.4% |
| Overlap of illegal activities | 4.7% |
| Prejudice | 7.8% |
| | |
| Bigger problems | 37.5% |
| Greater health/mental health problems | 20.3% |
| Bigger needs and problems | 18.8% |
| | |
| Has nobody/very isolated | 26.6% |
| | |
| More difficult to identify | 25% |
| Greater fear | 17.2% |
| More difficult to identify | 10.9% |
| | |
| Legality of human trafficking | 21.9% |
| Complex crime | 15.6% |
| More limited protections | 9.4% |
| | |
| Service agencies do not understand human trafficking | 4.7% |

Service challenges. The last question experts were asked was about service barriers or challenges to working with human trafficking victims (see Table 23). Two main themes emerged including the need for more resources (78.1%) and the need for increased awareness and education about human trafficking for other service providers, the general public, and for the

legal system (71.9%). These two themes have been noted in other sections of this survey, however, they are important to recognize and emphasize.

First, approximately 42% of respondents indicated that more resources were needed to identify victims or reach victims and to overcome some of the cultural barriers that exist between victims and service provider staff as well as cultural barriers that may facilitate human trafficking. Cultural barriers that might facilitate trafficking include fear of government agencies or law enforcement. For example, “depending on where they are from, some are from areas where police are a threat instead of a help.” “If you’re from a different country or culture you have preconceived notions of how the legal system works and don’t think it will work any differently in the U.S.” Other cultural barriers that might facilitate trafficking include acceptance of poor work conditions, shame, or difficulty in “convincing victims they have rights and should utilize them.”

Interpreters or staff to cope with language barriers was mentioned by close to two-fifths of respondents (39.1%). Closely related to the themes mentioned above was the importance of increased funding and/or staff (28.1%) to better serve human trafficking victims or to outreach to immigrant communities.

Respondents emphasized that in order to serve victims of human trafficking more awareness of human trafficking was needed at multiple levels. Specifically, respondents indicated that the lack of understanding of human trafficking by service providers, lack of protocols to identify and serve human trafficking victims, and lack of service coordination (42.2%) presents a major challenge to helping human trafficking victims.

Also, respondents talked about the need for more awareness about human trafficking among the general public and among immigrants (32.8%) so that when a human trafficking victim is identified, the response is better, faster, and consistent.

- “The community needs to understand that human trafficking occurs in all communities and at all socioeconomic levels, it’s not just the drama you see on television.”
- “There is a lack of knowledge in communities that human trafficking is happening,” and “community support is critical in addressing human trafficking.”

The stereotypes that people have of human trafficking can be harmful as well.

- “People always think of sex rings when they think of human trafficking, but there are more sophisticated ways that people are trafficked, such as bringing people to work as housekeepers.”
- “People would be shocked if they knew that some of the people they see in mainstream jobs are victims of trafficking.”

Respondents also made very clear that human trafficking has to be addressed at the individual citizen level.

- “Everyone needs to open their eyes and ears so they can direct victims to help, resources, or programs. Keeping quiet is the serious crime.”
- “The community needs to understand the power of threats involve both physical and psychological. People also need to understand the role that isolation plays in human trafficking. Also understanding the link between suspected criminal behaviors of victims, such as prostitution, and forced labor. Taking a deeper look at certain situations is important to addressing human trafficking.”
- “Circumstances of victims are basically slavery. Human trafficking is looked at very passively. Some people just see an employer and employee relationship, but if you were to look closer you would see that these people are being forced.”

Respondents also mentioned how important it is for increased awareness of human trafficking among the legal community in order to increase access to legal protections and justice for human trafficking victims (25%). “Law enforcement can provide barriers” for a number of reasons including, “sometimes law enforcement agencies don’t recognize human trafficking because of the lack of education or awareness” or because they don’t “understand how to investigate this kind of situation.” Also, “law enforcement doesn’t always think of the victim’s

best interests,” “are not sensitive to victims fears, needs or concerns (e.g., not explaining what’s going on to the victim),” or “dealing with law enforcement is painful and the system revictimizes them.”

Table 23. Service challenges

| | |
|---|--------------|
| N=64 | |
| Services need resources | 78.1% |
| Resources to identify and reach out to victims | 42.2% |
| Interpreters | 39.1% |
| Funding and staff | 28.1% |
| | |
| Services need increased awareness and education | 71.9% |
| Awareness and education of services for other service providers | 42.2% |
| Awareness and education of the general public | 32.8% |
| Better response from the legal/criminal justice system | 25% |

Discussion

Summary

Human trafficking is defined, at the most basic level, as labor or services obtained through force, fraud, or coercion. Fundamentally, it is a deprivation of entitlements and rights, and this absence of entitlements and rights limits the ability to achieve a meaningful life. For example, in the case of an undocumented immigrant human trafficking victim they are: deprived of citizenship; deprived of choices about their life such as being able to quit their job, go to the store freely, or to socialize; deprived of basic living needs such as food, health care, and safety; and they are deprived of recognition of their labor as legitimate and worthy of adequate reward such as fair pay.

The methods used to control human trafficking victims are not new. Many of the tactics that traffickers use against victims are used against domestic violence victims. These particular tactics can be traced back to manipulation tactics used to systematically weaken a prisoner of war as described by Biderman (Amnesty International Report on Torture, 1973). These tactics are used for three main goals: (1) restriction of movement, requiring permission for even basic necessities, and deprivation of food, sleep and human contact makes the victim dependant on the perpetrator; (2) occasional unpredicted brief respites as well as debt bondage, exorbitant interest rates on debts, and charges for basic necessities induces or increases feelings of obligation to the perpetrator; and (3) the threats and abuse as well as degradation induce dread and chronic fear which increases compliance of the victim with the perpetrators demands (Amnesty International Report on Torture, 1973).

The overall goal, according to Biderman, is to obtain compliance and control of the victim. The Amnesty International Report on Torture (1973) outlined Biderman's original

control tactics in a chart. The essence of that chart is overlaid with tactics traffickers used to control human trafficking victims that were mentioned by respondents from this survey (see Table 24). Understanding that human trafficking is a crime that is committed through coercive control of another human being, and that there are deliberate tactics used to control people as outlined by the Biderman framework is key to understanding human trafficking in general and understanding why individuals become entrenched in these situations.

A recent example of a human trafficking case in Las Vegas, as reported in a press release from the U.S. Department of Justice, Federal Bureau of Investigation, outlines how coercive control tactics are used in trafficking cases. Investigators found 9 individuals (5 of which were minors) who were victims of human trafficking for China Star Acrobats. The pending criminal charges allege that victims received rationed meals of limited quantity, were not being paid the salary they were promised for performing acrobats, their passports and work visas were confiscated, their every movement was watched and controlled, and they were fearful that their families in china or they themselves would be harmed if they attempted to leave.¹⁰

It is important to understand that these coercive control tactics are very powerful and have multiple consequences. The consequences of these control tactics include fear, anxiety, shame, and humiliation which play a significant role in creating barriers to victims seeking help. In addition, immigrant victims of human trafficking may have significant language and cultural barriers, may lack awareness or understanding about their rights in America, or may not know how to obtain help even if they recognize they need help. Furthermore, the media likely plays an important role in increasing barriers or reinforcing fears that keep immigrant victims from

¹⁰ U.S. Department of Justice: Federal Bureau of Investigation press release. (July 3, 2007). Three Arrested for Involuntary Servitude. Retrieved July 10, 2007 from the World Wide Web: <http://lasvegas.fbi.gov/pressrel/2007/servitude070307.htm>

seeking help. For example, immigrants in general may perceive very negative messages from the media such as the U.S. doesn't like immigrants and doesn't want them here, they have no voice or rights in America, that the police or government not only won't help them but may actually hurt them (e.g., deport them, put them in jail), or that in general they are just not valued as people in American society. These very powerful messages in the media may increase barriers to seeking help as well as reinforce the tactics traffickers are using to maintain control and exploitation.

This survey found that there are some specific factors that may render some individuals more vulnerable to being victims of human trafficking which has been found in other research on human trafficking victimization (Hopper, 2004). For example, people who are impoverished and looking for opportunities to better their or their family's lives are particularly vulnerable to being exploited through false promises or misleading contracts. The lack of education or knowledge about their legal rights in the U.S. also can make people vulnerable to a variety of exploitations. Immigrants may be doubly vulnerable due to their legal status and societal attitudes devaluing their work and place in society.

Further, respondents indicated that women and children are especially vulnerable to becoming human trafficking victims potentially because they are devalued within certain societies, they are more vulnerable because they have fewer opportunities within their own culture or lack a strong voice for justice, or because the kinds of exploitation women and children endure net especially big money for traffickers (e.g., sex work). In fact, although the majority of the cases were forced labor rather than sex trafficking, which contrasts with overall participant perceptions of trafficking exploitation overall, it is important to note that sexual assault crossed many categories of human trafficking. Thus, not only are women and girls more

vulnerable to trafficking in general, they are more vulnerable to sexual assault and exploitation regardless of the kind of the trafficking situation they may endure.

In addition to the vulnerability and control tactics used by traffickers against victims there were several other major themes that were repeated throughout the survey results. First, human trafficking can and does occur in Kentucky, although the exact scope and extent is still unknown. Survey results do suggest that a number of people in a variety of agencies demonstrate awareness of human trafficking and that they would recognize at least some situations as trafficking.

Second, victims often present with other issues such as sexual assault, physical assault, other health or mental health care needs, or service needs such as housing and employment rather than presenting directly as a human trafficking victim. This means that service providers and community members need to be aware of what human trafficking is and that in certain situations it is critical that questions are asked to determine the full story which may include human trafficking experiences. In other words, victims will talk about their experiences if we are listening. And listening includes asking questions, providing competent language access/interpreters, and building trust so that the victim feels comfortable in disclosing the humiliating experiences they have endured and so that they can overcome the numerous fears they have regarding the consequences of disclosing.

A third critical theme that emerged from this study was that human trafficking victims have a wide variety of needs that have to be addressed in order to successfully help victims. These needs may be even greater than the needs of other crime victims, such as victims of domestic violence and rape. Often trafficking victims are extremely isolated, have language barriers, have no where to live, and have no jobs or income to sustain themselves. They may only

have the clothes on their backs and no means of survival which makes them totally dependent on service providers at least in the short-term. And, if victims are undocumented immigrants access to basic living needs and ways to sustain themselves may be even more limited.

Also, as noted in the Amnesty International Report on Torture (1973), living with the kind of chronic stress and duress that human trafficking victims often endure, both during the trafficking experience as well as long after the experience, can be extremely debilitating. The trauma can manifest in constant feelings of anxiety, profound depression (loss of self-worth, self-esteem), distorted or damaged stress-coping systems due to the overload of stress they experience for such an extended period of time, distressing dreams and disturbed sleep, post-traumatic stress syndrome, shame, humiliation, and self-blame. Also, other conditions such as lack of proper nutrition and health care and physical injuries may increase the need for health care. These extensive immediate needs should be addressed along with potential longer term needs such as ways for victims to sustain themselves independently over time or ways to return to their country of origin where potentially they can reunite with their families or cultural support systems. Such needs must be addressed before or concurrent to the criminal investigation and prosecution. The trauma that occurs from these situation increases the necessity of dealing with victims in a sensitive manner. This suggests that harsh questioning procedures or detaining or jailing victims following their escape from human trafficking could potentially increase their trauma level and revictimize them. For example, jailing or arresting the victim confirms the traffickers' threats and may further increase his or her coercive control.

Another major theme that emerged throughout the results was the importance of increasing the public awareness of human trafficking from the average citizen to staff in a variety of service agencies. Many people are not aware that human trafficking possibly can and does

occur in their communities in Kentucky, and the limited knowledge that many citizens have of human trafficking often comes from the media which feeds stereotypes of who victims and traffickers are and where it may be most likely to occur. Respondents in this survey indicated very strongly that victims and traffickers may or may not fit a particular stereotype, and that trafficking can and does occur in big cities as well as rural areas. It is also important to consider that the lack of public awareness facilitates the environment for human trafficking. Human trafficking can be addressed most effectively by acknowledging it, understanding it, and potentially helping if it were to intersect with our own life. Keep in mind that in several of the cases described in this report, it was neighbors who reached out to help someone entrapped in these situations.

It was also very clear, from survey results, that services agencies need resources to address the issues of human trafficking including specific funding and staff to outreach to victims as well as to address victim's vast needs such as basic living needs, safety needs, emergency and longer term housing, employment and financial resources, and physical and mental health needs once they are identified. Further, funding for staff that are bilingual/bicultural or to resources to diminish language and cultural barriers is critical to addressing human trafficking. Support for more training and coordination among service providers was also mentioned as an important need for services to better address human trafficking.

Finally, resources to increase access to legal protections and justice for victims, to raise service providers' knowledge of legal protections, and to coordinate with law enforcement agencies to help victims are important in addressing human trafficking on a larger level. The legal community may not always address human trafficking in the most effective way for several

reasons including the fact that often the crime of human trafficking involves the victims being involved in illegal activities themselves (e.g., prostitution)¹¹, the lack of understanding of human trafficking, and the fact that human trafficking is a complex crime to understand, investigate, and prosecute even when victims are cooperative, and often victim cooperation is difficult as well.

On the other hand, victims who do come forward and seek help and justice should be recognized as having incredible strength and courage as emphasized in the following quote by an attorney for a domestic trafficking victim who was forced to care for a couple and their two children for five years during which time she was threatened with imprisonment, and was physically and sexually assaulted by the male employer (as cited in Pearson, 2002, p. 134):

"There is a tendency to 'over-victimise' the victim in the courtroom in trafficking cases, but there is a need to recast the narrative. You can choose between seeing this story as a poor dumb girl from the village who was completely duped into a very horrific situation, or you can see it as a woman who was denied everything at various points in her life, but despite it all was smart and savvy and really is going to try to make something out of this."

Limitations

This needs assessment study has many limitations that must be considered in the interpretation of results. First, the survey sample was one of convenience and thus, results cannot be generalized to the larger population of the state. Also, there are many individuals who were not interviewed that might have been able to provide much more information about human trafficking in Kentucky such as officers who are likely to be first responders in many of these cases, more prosecutors, and more individuals who have knowledge of the labor community. Second, this study was a self-report study that did not ask specific details about cases which limits the ability to truly understand and analyze cases in Kentucky. The study also did not ask

¹¹ Both the TVPA and KY law dictates that victims have a right not to be jailed or detained with only a few exceptions. (66 Fed. Reg. 38,514-22 (July 24, 2001); Kentucky Revised Statutes 431.063.

about geographical distribution of where victims are, or where they are likely to be, which would have been helpful for providing services, identifying victims, and for a better understanding of human trafficking in Kentucky. Third, this study did not include the voices of victims which are critical in facilitating a greater understanding of human trafficking. Fourth, because of the clandestine nature of the crime of human trafficking and the incredible barriers that must be overcome for victims to seek help, little is known about victims that have not yet been discovered. This may make our knowledge of human trafficking limited. Outreach to areas that are isolated from the larger community (e.g., farm workers, migrant workers) needs to be done and more experts who work with these populations should be heard.

Recommendations

The following four main recommendations were developed from study results and from recommendations that have been noted in other needs assessments of human trafficking.

(1) Increase resources and support for agencies to better serve the needs of human trafficking victim as well as to increase victim safety, legal protections, and hold traffickers accountable. Resources and support for agencies includes increasing resources to: (a) address victim needs once they are identified; (b) assure language access; (c) outreach to better educate and identify victims; (d) develop protocols and interagency coordination; and, (e) facilitate access to legal protections and justice for victims.

Resources for Victims. More resources for human trafficking victims are needed for agencies already serving victims of trafficking as well as those that may come into contact with possible victims to address the multiple and pressing needs of the victims to recover from the traumatic experiences. Resources, at a minimum, include: temporary shelter and longer term housing, physical and mental health care, public benefits, legal assistance, drug and alcohol

counseling, job training or assistance in obtaining employment, and assistance should the victim chose to relocate or return to home country.

Language Access. Resources should also be provided to facilitate language access at every point of service access for victims. Additionally, resources are needed to translate information and agency documents into a variety of languages as well as for bilingual/bicultural staff for outreach to specific communities.

Increased and Wider Outreach. This study highlighted victims in certain sectors of labor and sex work, but there needs to be more effort to identify victims that may be present in other areas including agriculture and the horse industry as well as factory labor. In addition, there is a need to better identify U.S. citizens who fall prey to traffickers.

Service Coordination. This study highlighted apparent gaps in coordination of services among agencies as well as the importance of cooperation between victim services and law enforcement. Key agencies should have internal protocols and policies developed and implemented so that knowledge about human trafficking is not isolated to a few staff members but instead is made part of the agency mission and priorities.

Further, there is a need to coordinate across service agencies. Cross trainings, interagency meetings, and identifying a point of contact within each relevant agency can facilitate interagency collaboration (Clawson et al., 2003). Also, establishing interagency protocols to clearly define agency and organization roles to reduce duplication of efforts and to increase opportunities for sharing information may be important. Establishing a trafficking expert database along with statewide and national trafficking victim service provider referrals may also be helpful in addressing human trafficking. Further efforts and funding should be allocated to

building collaborations and strengthening trust among agencies for the most effective delivery of services to trafficking victims as well as effective prosecutions.

Increased access to legal protections and justice for victims. Not only are the legal protections that are available complex and time consuming to pursue, but victims often have no money to pay for attorneys. And, even if funds were available, there is limited understanding among attorneys about the crime of human trafficking and a shortage of availability among those who are willing and able to take on these cases. Further, the time it takes to gain protections and for cases to be prosecuted is very long and victims get frustrated, especially if their basic living needs and other needs are not being addressed. Victims may also feel they are being revictimized in the process which can also lead to frustration and lack of cooperation over time. Additionally, those that advocate for victims need a better understanding of the legal protections for victims so that they can better educate and advocate for the victims they are helping. Respondents also emphasized that better cooperation and coordination with law enforcement and other legal agencies would be helpful in addressing victim needs as well as victim protections and justice.

(2) Raise awareness for every individual in the State regarding the crime of human trafficking. Raising awareness includes: (a) general education of the public about the crime of human trafficking; (b) addressing the media depictions of immigrants and stereotypes of human trafficking; and, (c) ongoing trainings focused on human trafficking to a wide variety of individuals who may be in a position to serve victims of human trafficking.

Public Awareness. Survey results clearly indicate that public awareness of human trafficking is very important. The lack of awareness includes victims themselves, service providers, and law enforcement as well as the general public. Human trafficking is a crime that affects individuals, groups of individuals, and the communities in which the crime is occurring.

Raising awareness of every individual in the State of Kentucky should be the goal, because in order to help victims they need to be educated about their rights and how to seek help. However, neighbors, customers, and citizens may be the ones needed to respond to victims given the hidden and clandestine nature of the crime and this may be more effective than placing the entire burden for identifying victims on the police and service agencies. Public awareness campaigns on the rights of victims of trafficking, the laws protecting victims and criminalizing the conduct of traffickers, and services available must be broadcast widely, in urban and rural areas of Kentucky, in the main languages identified in this survey. Public awareness campaigns should also target members of the community (e.g. neighbors) who may spot a possible trafficking situation.

Media depictions of immigrants and stereotypes of human trafficking. Results of this survey strongly suggest that the media may have a great influence on human trafficking victims in several ways. Not only are the police depicted negatively in the media, but the backlash against immigrants that is repeatedly shown on news and television may have very negative repercussions for help seeking. It seems that dual messages are being given to immigrants especially, on one hand there may be media messages that help is out there for them while on the other hand they are bombarded with negative messages about immigrants in America. These dual messages need to be addressed and media campaigns targeting human trafficking victims must be developed within the current sociopolitical context portrayed in local and national news as well as through radio and other media entertainment outlets. Further, the stereotypes of human trafficking in general that are depicted in the media need to be addressed as part of awareness and education about human trafficking for every citizen in Kentucky. Human trafficking

situations are often not what is stereotypically shown on television and unless these stereotypes are broken down victims will remain unidentified, revictimized, and silenced.

Training. This study demonstrated that training does have a substantial impact on raising the awareness of providers who may encounter victims of trafficking. Training should be conducted on the specific needs of trafficking survivors as opposed to other crime victims; the legal process and protections for trafficking victims; methods and means of force, fraud and coercion as experienced by victims; the profiles of traffickers; strategies for public awareness and outreach, cultural competency, working with interpreters and successful strategies for collaboration. Respondents emphasized throughout the survey that a better understanding of the legal protections available to human trafficking victims is critical to increasing victim access to legal protections and to justice. Training should expand outside the surveyed group and also target others in the criminal justice system, as well as other providers who may come into contact with possible victims to increase outreach and identification of victims.

(3) Build on the current Kentucky legislative efforts to provide even more comprehensive legislation that includes outlining victims' rights as well as provisions for housing, safety, crime victim compensation, mental and physical health services, public benefits and drug/alcohol counseling, as well as job training.

(4) Continue research on human trafficking in Kentucky. Ongoing research is needed to enhance understanding of the best ways to identify, serve, protect, and support victims of trafficking as they are seeking justice. This may include surveying other parties who may come into contact with a trafficking case, including law enforcement, prosecutors, child protective service workers, labor and employment agencies, as well as the individuals themselves who have been trafficked. Research is also needed to capture the geographic clustering of victims to better

inform outreach and education strategies. Research should also focus on the particular dynamics of U.S. citizen victims of human trafficking.

Conclusions

This study was done as part of a statewide effort to address human trafficking in Kentucky. This needs assessment is only one small interim step in addressing the issue of human trafficking in Kentucky and confirms what many individuals believe, that human trafficking can and does occur in Kentucky. However, survey results also strongly suggests Kentucky has a long way to go before being adequately prepared to meet the service needs as well as to meet the legal protections and justice needs of a single victim, let alone a group of victims as is often the case.

Table 24. Biderman's coercive control chart and relevance to human trafficking

| General Method | Variants | Effects (purposes) | Examples |
|------------------------------|--|--|--|
| Isolation | <ul style="list-style-type: none"> • Complete or semi-isolation • Group isolation | <ul style="list-style-type: none"> • Deprives victim of all social support which is critical in escaping these situations • Makes victim dependent upon trafficker | <ul style="list-style-type: none"> • Victims are isolated from the outside world and they have no support system. • The women working there weren't allowed out in public. • The victim was instructed not to speak to others, to lie to neighbors about who she was if they were to ask. • Traffickers exploit cultural differences and norms like telling victims that Americans don't like foreigners or that the government or law enforcement are corrupt or will harm to keep them isolated. These perceptions are sometimes reinforced by media depictions of the criminal justice system. • Keeping victims transient, moving them in and out of places quickly so that no ties could form. |
| Monopolization of perception | <ul style="list-style-type: none"> • Physical confinement • Barren environment • Restricted movement • Requirement of victims to ask permission for access to even basic necessities | <ul style="list-style-type: none"> • Fixes attention upon immediate predicament; fosters introspection • Eliminates stimuli competing with those controlled by captor • Frustrates all actions not consistent with compliance | <ul style="list-style-type: none"> • They live at their place of employment or live with large groups of people in a confined small space. • They have no money, no transportation, no access to a phone. • Restricting access to cash so that victims are completely dependent on trafficker and must ask permission for any small, basic need. • Not allowed to learn English. • Not allowed to go anywhere alone or to speak for themselves. • Phone calls and other communications with family or others are limited and monitored. |

| General Method | Variants | Effects (purposes) | Examples |
|--------------------------------|---|--|---|
| Induced debility Exhaustion | <ul style="list-style-type: none"> • Inadequate nutrition, health care • Exposure • Disregard of health • Sleep deprivation • Overexertion | <ul style="list-style-type: none"> • Weakens mental and physical ability to resist • Increases financial or labor gain for trafficker | <ul style="list-style-type: none"> • They have rationed and restricted access to food and other basic necessities. • Lack of proper and timely medical care. • Long work hours. • Poor and inhumane work conditions. |
| Threats | <ul style="list-style-type: none"> • Threats of violence, death • Threats of non-return • Threats of deportation or arrest • Threats against family • Vague threats • Mysterious changes of treatment | <ul style="list-style-type: none"> • Cultivates anxiety • Attention is on how to keep trafficker(s) from becoming angry or how to avoid abuse • Keeps victims under control of trafficker | <ul style="list-style-type: none"> • Threats of physical or sexual assault. • Threats to harm family. • Actual physical assault. • Actual sexual assault. • Threats of deportation. • Threats to turn victim over to police. • Told their children will be removed if anyone finds out about them. |
| Occasional indulgences | <ul style="list-style-type: none"> • Occasional favors • Fluctuations of trafficker's attitudes, moods • Promises • Rewards for partial compliance | <ul style="list-style-type: none"> • Provides positive motivation for compliance | <ul style="list-style-type: none"> • Promises of bringing family over. • Promises of working off debt eventually. • Reminds victims they are better off than they would be on their own or in their country of origin. |
| Demonstrating 'omnipotence' | <ul style="list-style-type: none"> • Confrontation • Implying they have powerful connections • Suggests that wherever they go they will be found. • Demonstrating complete control over victim's fate | <ul style="list-style-type: none"> • Suggests futility of resistance | <ul style="list-style-type: none"> • Traffickers have networks that may seem to reach far and wide (organized crime). • Multiple abusers. • Told nobody outside would believe them or understand them. • Told that the trafficker will tell the police they did something illegal (some traffickers have actually called the police on the victim). • Media depictions sometimes reinforce traffickers claims that nobody will believe them over the traffickers, or that nobody will help them. |

| General Method | Variants | Effects (purposes) | Examples |
|---------------------------|---|---|--|
| Degradation | <ul style="list-style-type: none"> • Personal hygiene needs denied • Filthy infested surroundings • Demeaning punishments • Insults and taunts • Denial of privacy • Victims have no control or power over their life | <ul style="list-style-type: none"> • Makes cost of resistance appear more damaging to self esteem than capitulation • Reduces victim to ‘animal level’ concerns • Breaks person down • Deprivation of entitlements and rights | <ul style="list-style-type: none"> • Using cultural shame or degradation tactics. • Sexual assault/sexual slavery. • Lack of recognition of their labor as legitimate and worthy of adequate reward such as fair pay. • Shame and humiliation keep victims silent. • Being sold. • Being used as a commodity like extortion of family for money. • Being told no man would want her as a bride. • Being thrown out like garbage (being thrown out of a moving van, being abandoned because of two broken legs). • Having babies sold or being forcefully separated from children. |
| Enforcing trivial demands | <ul style="list-style-type: none"> • Enforcement of minute rules • Debts increase for trivial reasons or due to high interest rates • Contract obligations change or continually change | <ul style="list-style-type: none"> • Develops habit of compliance • Keeps victims entrenched in the situation | <ul style="list-style-type: none"> • Charging victims for food, transportation, and other basic living necessities which increase their debt. • Contractual obligations continue to grow asking more and more of victims. • Debt obligation and/or interest rates are exorbitant and ties victims to bondage for years. • Loss of control over life and life circumstances/powerlessness. |

Adapted from “Amnesty International Report on Torture (1973, p. 53).

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Appendix A

Summary of Trafficking Victims Protection Act of 2000 (TVPA) (Public Law 106-386) and accompanying regulations (66 Fed. Reg. 38,514-22 (July 24, 2001)).

Key Definitions

Sex Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years; or

Labor Trafficking: 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.

Coercion: is defined as threats of serious harm to or physical restraint against any person. It also encompasses any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person. Coercion also includes the abuse or threatened abuse of law or the legal process.

Trafficking Victim's Rights

- Right not to be detained, and if detained, not held in facilities inappropriate to their status as victims
- Right to protections and services if in federal custody in accordance with their status as victims
- Protection (of victims and their families) from intimidation, including using all legal and practical means available and not releasing names or identifying information
- Right to be informed of their rights and services available, including federal protections, immigration benefits, legal services, victim services (including rape and domestic violence services), protection from intimidation, crime victim compensation, right to restitution, right to notification of case status, and medical services.

Immigration Remedies Available to Victims of Trafficking

Continued Presence: temporary interim benefit sought by federal law enforcement agencies to secure the continued presence of a possible victim witness of human trafficking who needs to remain in the United States for investigation and prosecution

T Visa: For individuals who:

- Are victims of “severe form of trafficking in persons” as defined by TVPA;
- Comply with all reasonable requests for prosecution (unless under 15 years of age);
- Are present in United States (or territories) on account of the trafficking;
- Would suffer extreme hardship involving unusual and severe harm upon removal; and
- Are otherwise admissible to the United States

U Visa: for victims of certain crimes (including trafficking, rape and domestic violence) who:

- Have suffered substantial harm as a result of the crime;
- Possess information about the crime;
- Crime has occurred in United States ;and
- Are certified by law enforcement to have been, or are being or are likely to be helpful in the investigation or prosecution of the crime

Certification of Victims by Department of Health and Human Services¹²:

- Adult victims of human trafficking (age 18 and over) who are certified by the U.S. Department of Health and Human Services (HHS) can receive federally funded services (including health insurance, cash assistance, training, mental health counseling, food assistance and housing assistance) and benefits to the same extent as refugees. To receive certification, an individual must:
 - Be a victim of human trafficking as defined by the TVPA;
 - Be willing to assist with the investigation and prosecution of traffickers; and
 - Have completed a bona fide application for a T visa; **or**
 - Have received Continued Presence status from the U.S. Department of Homeland Security
- Child victims of human trafficking (under age 18) are immediately eligible for benefits – they do not need to apply for a T visa or get Continued Presence status. For such victims, HHS issues – once it has received proof that the child is a victim of trafficking – a “letter of eligibility.” The victim or the victim’s advocate may then present the letter to social service providers as proof of eligibility.

¹² Adapted from the Rescue and Restore Campaign materials of the U.S. Department of Health and Human Services, available at http://www.acf.hhs.gov/trafficking/about/cert_victims.html.

Appendix B

Summary of 2007 Kentucky Human Trafficking Legislation

Key Definitions

Human Trafficking (KRS 529.010) : refers to criminal activity whereby one (1) or more persons are subjected to engaging in:

- (a) forced labor or services; or
- (b) Commercial sexual activity through the use of force, fraud or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud or coercion

Crime of Human Trafficking (KRS 529.100): A person is guilty of human trafficking when the person intentionally subjects one (1) or more persons to human trafficking

Promotion of Human Trafficking (KRS 529.110): A person is guilty of promoting human trafficking when the person intentionally:

- (a) Benefits financially or receives anything of value from knowing participation in human trafficking; or
- (b) Recruits, entices, harbors, transports, provides or obtains by any other means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person knowing that the person will be subject to human trafficking

Labor (KRS 529:010): work of economic or financial value

Services (KRS 529.010): an on-going relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor

Commercial Sexual Activity (KRS 529.010): means prostitution, participation in the production of obscene material, or engaging in a sexually explicit performance

Rights of Trafficking Victims

Right not to be detained (KRS 431.063): Victim of human trafficking shall not be held in a detention center, jail, or other secure facility pending trial for an offense arising from the human trafficking situation, except where the incarceration is found to be the least restrictive alternative to securing the appearance of that person before the court or the release of the person under any other reasonable condition would be a clear threat to public safety.

Right to confidential communications with caseworker (KRS 422.295): prevents disclosure of confidential communications made to a trafficking victim counselor for the purpose of receiving counseling, therapy, services, information or treatment related to human trafficking, except where limitations apply.