

# FLORIDA CERTIFIED DOMESTIC VIOLENCE CENTER HANDBOOK ON HUMAN TRAFFICKING

Third Edition, 2016



*The Third Edition of the Florida Domestic Violence Center Human Trafficking Handbook was revised with the assistance of VIDA Legal Services.*

# Part 1

# BASIC INFORMATION ON HUMAN TRAFFICKING

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## ABOUT THIS HANDBOOK

*This handbook is designed for use by Florida certified domestic violence center advocates.<sup>1</sup> Important similarities exist between the needs of domestic violence survivors and human trafficking victims,<sup>2</sup> which make domestic violence centers uniquely qualified to identify, empower, and assist victims of human trafficking. There are also important differences between domestic violence and human trafficking service provision, including safety concerns, resource availability, legal needs, and trauma responses that require specific training. In order to assist certified domestic violence center advocates with identifying and addressing the needs of human trafficking victims the information has been organized into three sections: 1. Basic Information on Human Trafficking, 2. Partnering to Respond to Trafficking, and 3. Resources. Information contained within should not be used in lieu of formal training on human trafficking, but as a supplementary resource.*

<sup>1</sup>Information contained in this Handbook is adapted from the Domestic and Sexual Violence Advocate Handbook on Human Trafficking: Collaborating to End Modern Day Slavery 2<sup>nd</sup> Edition, 2004.

<sup>2</sup>This handbook generally refers to trafficked persons as “victims of trafficking.” However, victims who are trafficked may sometimes be referred to as “trafficked persons” or “survivors of trafficking.” Many people who are trafficked do not self-identify as “victims” and may be more comfortable with another term for themselves.

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# OVERVIEW

Human trafficking is a form of modern-day slavery. It is the use of force, fraud, or coercion to compel someone to provide labor or services. Even if a person gives consent at some point, the situation may still be trafficking if the trafficker used intimidation, fear, or other forms of violence to exert power and control over the victim, including:

- Threat or use of physical violence or force
- Fraud or deception
- Manipulation or coercion
- Abuse of power or position of vulnerability

Trafficking does not necessarily require movement of people from one place to another. It is a crime related to exploitation of labor or services.



*“When I met who I thought would be my soul mate, I didn’t know I was getting close to a very dangerous man who, claiming to love me, used me for two years by dragging me into a world of drugs and abuse. I was a victim of his physical and verbal abuse. I became so afraid of him that I couldn’t tell him I didn’t want to be with him. Because of his drug addiction, he lost his job and not having money to pay for his drugs, forced me to prostitute myself. When I said I didn’t want to do it, he beat me so bad that I had to do it.”*

*—Anonymous survivor of human trafficking in Florida, 2012*

*The Trafficking Victims Protection Act (TVPA) of 2000 and its subsequent reauthorizations are the most influential pieces of legislation in the US surrounding human trafficking. The TVPA defines trafficking as either:*

*(a) A commercial sex act induced by force, fraud, or coercion, or in which the victim is under the age of 18, 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 subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.*

## SMUGGLING V. TRAFFICKING

Smuggling is generally a voluntary arrangement in which a person agrees to be transported into a country through non-legal means. The relationship between the smuggler and the person being smuggled usually ends when the border is crossed. Smuggling fees are paid up front or upon arrival. This ends the transaction between the smuggler and the person smuggled into a country.

In contrast, Trafficking in Persons is a crime of exploitation of labor or services. It is not voluntary. It includes threats, deception, coercion, intimidation, or use of force and does not necessarily involve a border crossing or movement from one place to another.

Smuggling can turn into trafficking when threats of harm or coercion are used against the person smuggled to compel labor or services, including commercial sex acts. For example, a smuggler/trafficker may impose new debts for the transportation provided across a border and force victims to work off those debts by holding the victim's documents, threatening them or their family, and physically harming them.

## SCOPE

The full dimensions of human trafficking are difficult to measure, due to levels at which trafficking goes undetected. Thus, current statistics of human trafficking are limited. Globally, it is estimated that almost 21 million people are victims of forced labor, 4.5 million of whom are victims of forced sexual exploitation.<sup>3</sup>

In the US, victims are trafficked within the country, brought into the country, and sent out of the country. This means US citizens, as well as citizens of other countries, could be victims of trafficking in the US and abroad. The federal government estimates that between 14,500 and 17,500 persons are trafficked into the US.<sup>4</sup> At this time, there are no estimates, statistics, or data as to how many adult US citizens are victims of forced labor.

Florida is one of the top three locations in the United States where human trafficking has been identified. Human trafficking in Florida flourishes in part because of its economic climate, which is largely dependent on agriculture and tourism. Certified domestic violence centers in the state of Florida have provided services to victims of all forms of trafficking.

<sup>3</sup>"Forced Labour, Human Trafficking, and Slavery"

<sup>4</sup>"Trafficking in Persons Report"

# TRAFFICKER CHARACTERISTICS

“Cesar Navarrete and Geovanni Navarrete beat, threatened, restrained, and locked workers in trucks to force them to work for them as agricultural laborers. The defendants underpaid the workers and imposed escalating debts on them, threatening physical harm if workers left their employment before their debts had been repaid.”<sup>6</sup>

It is important to note that there are no general characteristics of traffickers. They come from a wide range of socio-economic backgrounds and have varying ages, genders, and educational levels. Traffickers may be related to their victims or be complete strangers. They may work alone, with other family members, or as part of a large network. Traffickers often go undetected and may have connections with local businesses, government officials, or law enforcement, who benefit from the labor or services of the victim(s).

## Traffickers recruit their victims through:

- Personal relationships
- Internet, social media, newspaper ads
- Employment agencies, recruiters
- Word of mouth
- Kidnapping and abduction

# VICTIM CHARACTERISTICS

Traffickers often prey on the most vulnerable: people with disabilities, the very young or old, people who identify in minority sexual orientation or gender identities, people who have low literacy and educational levels, people who cannot speak English, American Indians and Alaska Natives, people living in rural areas, and people who are living in extreme poverty, to name a few.<sup>5</sup>

Trafficking victims are predominantly women and children, but men and gender nonconforming individuals are also exploited in both the sex and labor industries.

<sup>5</sup>“Trafficking in Persons Report”

<sup>6</sup>“Immokalee, Florida, Family Charged with Forcing Immigrants into Farm Labor”

*Social service providers and law enforcement are often among the first professionals to encounter victims of trafficking for reasons other than trafficking itself, such as domestic violence or drug/alcohol dependency. For that reason, it is important that certified domestic violence centers and their broader communities are aware of trafficking indicators and are prepared to meet the needs of victims.*

# VENUES AND INDUSTRIES

Trafficking is a clandestine operation in which traffickers guard and control their victims, taking great precautions to conceal the circumstances of trafficking from the public.

**VICTIMS OF  
TRAFFICKING  
CAN BE FOUND  
IN ANY SITUATION,  
INCLUDING:**

Restaurants and bars – for example, the food industry

The commercial sex trade, including exotic dancing, prostitution, and pornography

The drug trade

Domestic servitude

Cleaning services

Hotels

Servile marriage or foreign bride schemes

Begging

Construction

Factories

Farm work, particularly migrant

Service industries such as nursing homes

“Nelson and five other people presented themselves on social media as rappers and music producers but actually made their money peddling sex and drugs, according to investigators.”<sup>7</sup>

## USE OF TECHNOLOGY IN TRAFFICKING

Technology can be used as a tool for trafficking and exploitation. The internet allows traffickers to work remotely and anonymously with limited risks and maximum profits. They are able to connect quickly and efficiently with other members of their trafficking ring and use various technologies for the recruitment and selling of victims.

### **Human trafficking has been facilitated by the internet through:**

Newsgroups, web messages, and bulletin boards

Websites and search engines

Chat rooms and other web chat sites

Mobile and smart phone applications

Internet payment systems

Video games

File Transfer Protocol (FTP)

Peer-to-peer networks and file swapping programs

Encryption

<sup>7</sup>Olmeda, Rafael



# CONNECTIONS BETWEEN DOMESTIC VIOLENCE AND HUMAN TRAFFICKING

Domestic violence and human trafficking are forms of violence that use coercive control, intimidation, and physical violence as a means of dominance over an individual or a group of individuals. While many differences exist between domestic violence and human trafficking, there are numerous similarities in the tactics perpetrators and traffickers use to commit the violence and how the victims experience the violence. Domestic violence batterers choose to perpetrate violence. Similarly, traffickers choose to engage in exploitation and trafficking.

## **Some tactics used by both traffickers and domestic violence perpetrators to control and hold power over their victims include:**

Intimidation and fear

Social and geographical isolation

Physical violence

Emotional abuse

Sexual abuse and exploitation

Financial abuse

Threats to family members

Use of children and/or animals to manipulate and control victims

Withholding food, sleep, medical care, passports, visas, and other immigration or identification documents

*Domestic violence and human trafficking are symptoms of a hierarchical society in which violence, power, and control are used to exploit vulnerable populations.*

*“Trafficking in persons and domestic violence can occur on a continuum of violence, and the dynamics involved in human trafficking are frequently interwoven with those of domestic violence.”<sup>8</sup>*

Victims of trafficking and survivors of domestic violence have often experienced systemic violence prior to their victimization, such as war, poverty, racism, childhood abuse, sexual violence, or other forms of oppression. They often have limited support networks, either before or after the victimization, and may have limited educational and employment opportunities.

Survivors who escape domestic violence or trafficking situations may experience homelessness, joblessness, and a lack of resources as a result of the abuse. They may experience further victimization because of the vulnerability caused by traumatic experiences.

Many survivors of domestic violence are trafficked within the context of the abusive relationship. Often, the two types of victimizations cannot be separated. For example, a batterer may use physical and emotional violence as a tactic of control and coerce his partner into sexual acts with other men for personal profit or enforce involuntary labor for his own and his family’s benefit.

While there are many similarities, human trafficking and domestic violence are different crimes. Human trafficking at its core is a crime of exploitation where there is a profit from the abuse. Force, fraud, and coercion must be present unless the victim is a minor involved in commercial sex. Domestic violence, on the other hand, involves a pattern of behavior intended to exercise power and control over another in an intimate relationship.<sup>9</sup>

A Sheriff’s Office in Florida responded to a domestic abuse call at the home of a man and his wife, only to discover teenager Maria cowering in the corner. Maria tearfully informed law enforcement that the man made her work in the tomato fields by day and would come to her room by night.

—*Lou de Baca, 2002, Working Together to Stop Modern-Day Slavery*

<sup>8</sup>“Human Trafficking and Domestic Violence”

<sup>9</sup>“Human Trafficking and Domestic Violence”

# LAWS AGAINST HUMAN TRAFFICKING

All victims of human trafficking need access to legal services and advocacy in order to navigate what can be a complicated and difficult legal process. Attorneys can help victims understand their rights, obtain release from detention facilities, block deportation, obtain visas and work authorizations, and seek access to resources and support. Victims who are not US citizens must receive legal support as soon as possible in order to understand their rights as a victim of a crime.

## TRAFFICKING VICTIMS PROTECTION ACT

The *Trafficking Victims Protection Act (TVPA)* and subsequent reauthorizations are important pieces of anti-trafficking legislation that make human trafficking a federal crime in the United States.<sup>10</sup> The *TVPA* made major changes to criminal penalties, civil causes of action, benefits, immigration relief, and prevention efforts surrounding human trafficking and has resulted in increased awareness of trafficking as a global and local epidemic.

### **Important aspects of the TVPA include:**

- Defines human trafficking as a criminal offense
- Creates severe penalties for those found guilty of trafficking
- Mandates restitution for victims
- Establishes the T-Visa, which allows trafficked victims to live and work temporarily in the US and apply for permanent residency

The largest barrier to accessing the protections of the *TVPA* is a lack of legal assistance. Certified domestic violence centers should always attempt to refer victims to attorneys. This is particularly true for non-US citizens, who should be referred to immigration attorneys with experience in trafficking cases.

Domestic violence advocates should have general knowledge of laws against human trafficking and should refer victims to lawyers with expertise in immigration and trafficking as soon as possible.

<sup>10</sup>“US Laws on Trafficking in Persons”

## Florida Statute 787.06<sup>11</sup>

Florida created a section in the Florida Criminal Code that closely mirrors the *TVPA* in its definition and description of human trafficking offenses. Under section 787.06, engaging or benefitting from either sex or labor trafficking can be prosecuted as a second degree felony offense and as a RICO (Racketeer Influenced and Corrupt Organizations) offense, which allows for enhanced criminal penalties. The law also mandates that all law enforcement officers receive training on human trafficking prevention and investigation and that state attorneys receive training on investigating and prosecuting human trafficking cases.

## Florida Statute 796.09<sup>12</sup>

Additionally, Florida law provides a civil cause of action for damages for people who have been coerced into prostitution or sex work. The definition of coercion in the statute is broad and includes physical violence, promise of marriage, exploitation of pornographic performance, and exploitation of human needs, including affection. Almost all victims of sex trafficking qualify. This statute allows for victims to seek compensatory and punitive damages against the trafficker in civil court.

## Other Legal Remedies

### **The following federal and state laws may provide other forms of criminal or civil relief to victims:**

Alien Tort Claims Act

Torture Victims Protection Act

Fair Labor Standards Act or state labor laws

Human smuggling

Kidnapping

Organized crime and racketeering

Fraud and false statements, including visa fraud, money laundering, and fraud in foreign labor contracting

State contractual remedies

Equitable claims/remedies

<sup>11</sup>"Florida Statute 787.06"

<sup>12</sup>"Florida Statute 796.09"

Immigration Relief is a complex area of federal and state law and victims should receive advice only from immigration attorneys.

# IMMIGRATION RELIEF

Without legal immigration status, victims of trafficking may be wary of law enforcement and of any agency that is perceived to coordinate with government, particularly when traffickers use a victim's immigration status as a tool for exploitation and control. However, there are several legal strategies to help victims obtain authorization to live and work in the US.

## Available immigration relief includes:

**Continued Presence<sup>13</sup>:** Continued Presence provides temporary permission to remain in the US to individuals identified by law enforcement as potential victims of human trafficking during an investigation. It is granted at the request of law enforcement for one year, which may be renewed.

**T- Visa<sup>14</sup>:** The T Visa is available to a victim of a severe form of trafficking who, among other things, complies with "reasonable requests" from law enforcement. It allows victims to apply for legal permanent residency once the investigation or prosecution is completed or three years in T Visa status, whichever period is shorter. Victims under the age of 18 and those with physical or psychological trauma do not have to cooperate in prosecution in order to be eligible.

**U-Visa<sup>15</sup>:** The U-Visa is available to victims of certain violent crimes, such as domestic/sexual violence and stalking, who have suffered serious and substantial abuse, and who are helpful, have been helpful, or will be helpful in the investigation and/or prosecution of the crimes committed against them. Without a signed certification from an eligible certifying government agency, a victim will not be able to access U-Visa relief. Like the T-Visa, the U-Visa is valid for four years, with some extensions available.

**Other remedies:** Other legal remedies, including Asylum, Special Immigrant Juvenile Status, S Visa, Temporary Protected Status, and Violence Against Women Act (VAWA) Self-Petition may be available under immigration law. Once obtained, these remedies can grant the victim authorization to live and work in the US.

# CERTIFICATION

Certification is the term used to describe the process that the Department of Health and Human Services (HHS) uses when officially stating that a foreign born individual is a victim of a severe form of trafficking. To become certified, an adult has to be willing to assist "in every reasonable way" in the investigation and prosecution of the traffickers.<sup>16</sup> HHS requires a statement from law enforcement that says the adult victim is cooperating in the investigation. A statement from law enforcement is not necessary to deem a minor victim of trafficking eligible for benefits.

Obtaining certification for a victim is a complex process best handled by an experienced immigration attorney. However, a lack of certification should not alter the services offered by certified domestic violence centers.

Victims who receive Continued Presence, T-Visas, or U-Visas are able to bring certain family members to join them in the US, depending on the age of the victim.

The HHS Certification Letter opens the door to a wide range of public assistance options for non-US citizens and should be discussed with an immigration attorney.

<sup>13</sup>"Continued Presence"

<sup>14</sup>"Victims of Human Trafficking: T Nonimmigrant Status"

<sup>15</sup>"Victims of Criminal Activity: U Nonimmigrant Status"

<sup>16</sup>"US Laws on Trafficking in Persons"



Part 2

# PARTNERING TO RESPOND TO TRAFFICKING

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# IDENTIFYING TRAFFICKING IN DOMESTIC VIOLENCE SITUATIONS

Trafficking largely goes unseen and many victims do not self-identify as being trafficked. It is more likely that an individual will seek services or support for a different reason, such as violence within the home. Certified domestic violence center advocates should be aware that domestic violence survivors may also be victims of trafficking. By appropriately identifying that someone is a victim of trafficking, advocates can better identify and address that survivor's specific needs and provide options for assistance and benefits.

In order to screen for trafficking, advocates must first establish a trusting relationship, address confidentiality, and explain their role in providing assistance prior to asking questions. Advocates should ask about trafficking if their "radar" or intuition says the person may be a victim of trafficking. Screening tools assist advocates working with potential victims of trafficking. Questions should be asked with empathy and a trauma-informed approach.

A comprehensive list of screening questions can be found in part three of this manual.

## ADDRESSING THE NEEDS OF VICTIMS OF TRAFFICKING

The purpose of an advocate asking about human trafficking is to provide information, support, and resources related to the victim's rights, benefits, and possible relief. In many ways, certified domestic violence center advocates are prepared to work with victims of trafficking. Advocates are accustomed to navigating various systems and recognize that survivors' experiences with violence are complex, often requiring many types of assistance. Moreover, advocates understand the importance of confidentiality, have experience creating safety plans, and can respond to immediate crises within an empowerment-based philosophy.

"The victim is at the center of any response to human trafficking. Creating conditions of trust and respect will help victims reclaim their lives and move toward self-sufficiency and independence. All victims deserve to feel safe and supported, and when quality care, compassionate responses, and essential services are provided, not only will they recover from their victimization, but they are usually more capable and willing to present strong evidence and testimony in the prosecution of perpetrators, thereby helping to accomplish important justice and restitution goals."<sup>17</sup>

<sup>17</sup>"Victim Service Providers"

# ADVOCACY

Similar to the approach used with domestic violence survivors, advocates working with victims of human trafficking should use a survivor-focused, trauma-informed, and empowerment-based approach to understanding the needs of a victim of trafficking.

## **When advocating for victims of trafficking, advocates should:**

Partner with the victim to address societal and institutional barriers that hinder the victim's ability to make progress and seek solutions to the barriers encountered

Be straightforward and honest about your understanding of the system and any limitations that may exist

Talk about any risks, concerns, and fears related to accessing the criminal or civil justice systems

Affirm the victim's right of self-determination

Avoid imposing your own personal values or ideas on the victim

Coordinate with other agencies at the request of the victim

Provide supportive counseling and crisis intervention

Educate victims about their rights

# SHELTER

Emergency shelter for victims of trafficking requires specific considerations. Victims of trafficking may require shelter longer than a survivor of domestic violence and may need increased protection. Victims cooperating with law enforcement in the prosecution of the traffickers must have stable, safe housing throughout the investigation and prosecution of the criminal case, which may take several years to complete.

Some trafficked persons may prefer living with other victims of trafficking, sometimes from the same case, because of their shared experiences. They may have a difficult time assimilating with others who do not share their cultural or linguistic background. Victims of trafficking may feel a duty to do extra work in shelter, such as cleaning, cooking, or taking care of children.<sup>18</sup> Advocates working in shelter must be prepared to support victims of trafficking in an empowerment-based model of advocacy and address such considerations as they occur.

<sup>18</sup>"Human Trafficking Service Provider Manual"

Advocates can establish trusting relationships and explain confidentiality and advocate privilege, as well as their role, prior to asking additional questions about the violence a survivor is experiencing. Advocates should always ask questions to help determine what the needs of the survivor are and how they can assist with any immediate basic needs.

*Advocates should always put the victim at the center of all advocacy.*

## CONFIDENTIALITY

Assisting victims of trafficking may require the release of confidential information more often and to more organizations than when assisting non-trafficked survivors of domestic violence. Staff should always obtain the informed, reasonably time-limited, written consent of the victim when relaying confidential information to any person.

## SAFETY PLANNING

Some victims of trafficking may face danger from organized crime, which can pose different threats than those from a single individual. The level of danger depends on numerous factors, including how much a victim's testimony can harm the traffickers and how violent and extensive a trafficking network may be.

Victims, both US citizens and non-US citizens, may face heightened security concerns if they return to their place of origin. Traffickers may have connections in the local community and may harm the victim and/or their loved ones.

Additionally, victims of trafficking may face risks due to increased isolation. They may come from abusive homes, be from a foreign nation, have no or limited English skills, be distrustful of police, and be unfamiliar with ways to seek help and safety. They may not have access to adequate resources and support and may experience heightened stigma. There may be various social and cultural stigmas or lack of resources for emotional and psychological healing. Advocates should be aware that the return and reintegration process can be very challenging and safety plan appropriately.

### **When safety planning with victims of trafficking, advocates should:**

Carefully and honestly discuss the potential challenges of reintegration before creating a plan to return home

Work with the victim to develop a safety plan that includes the possibility of working with law enforcement

Always put the victim at the center of all advocacy

# ADVOCACY WITH LAW ENFORCEMENT

In order to effectively support victims of trafficking, advocates must form working relationships with law enforcement at the federal and local levels prior to an emergency. Federal officials, particularly the United States Attorney's offices, are critical to anti-trafficking responses and victim assistance. The TVPA mandates that in order for an adult victim to receive benefits, federal law enforcement has to verify that the person is complying with reasonable law enforcement requests. As such, local law enforcement plays an important role in applications for benefits and services, particularly for undocumented victims seeking immigration relief. It is important that advocates have a comprehensive understanding of these resources and discuss all options for relief available with victims of trafficking, including the potential benefits and consequences of working with law enforcement.

There are no guarantees that a victim of trafficking will receive benefits, supporting documents, or assistance from law enforcement.

# TECHNOLOGY-BASED ADVOCACY

Technology changes rapidly and advocates should be prepared to learn new strategies to creatively and effectively support victims. While technology is often a tool used by traffickers, it can also be a strategy employed by advocates and survivors. For example, a non-English speaking victim or survivor may benefit from a translation device such as a mobile application, to communicate with fellow residents at shelter. However, such technology should not be used in lieu of an interpreter for communication between advocates and victims. All technology in the domestic violence center should be carefully secured to protect the safety of all participants and staff. It is important that advocates work with survivors to safety plan around the use of technology.

# INTERPRETATION AND TRANSLATION

Trained and qualified interpreters are crucial in cases involving victims of trafficking with limited English proficiency or who are deaf or hard of hearing. Not only do they facilitate communication between the victim and the advocate, but they may be an excellent resource on the victim's cultural and linguistic perspective. Interpreters should be offered in every aspect of the case, including support services, interviews with law enforcement, in the criminal/civil case, and when connecting victims with resources.

## **Find an appropriate interpreter:**

Ask the victim if they prefer to work with an interpreter of a specific gender.

Avoid volunteer interpreters unless they were trained in interpretation previously and have been identified by the agency prior to a specific case.

Screen for potential conflicts of interest that the interpreter may have. Do not assume that the interpreter is qualified just because they speak the language. Be aware that although people may share the same language, there might be ethnic, cultural, or religious tensions between groups that might lead to miscommunication. Different social and educational backgrounds or regional dialects may lead to misunderstandings as well.

Make every effort to obtain an interpreter who does not know the victim or the victim's family or friends.

Do not use family members or children as interpreters. Use only certified interpreters.

## **Discuss protocol and expectations with the interpreter ahead of time:**

Do not assume the interpreter understands trafficking. Make sure that the interpreter is comfortable asking difficult questions related to exploitation.

Understand that interpretation is a slow process. Interpreters may need breaks.

The interpreter should interpret exactly what the victim and the advocate state. There should not be summaries or side conversations. If the interpreter needs clarification from the victim, the interpreter should inform the advocate that there is a need for clarification prior to additional communication with the victim.

Interpreters or translators may come from a community where traffickers have strong connections. This can put the victim at great risk. It is important to build strong local alliances with ethnic-based community associations, interpretation services, and translator banks prior to requesting any services, in order to establish trust with common providers when seeking assistance.



### **Keep the victim at the center of the conversation:**

Prior to any conversation with the use of an interpreter, advocates should stress the importance of confidentiality with the interpreter and require that they sign a confidentiality agreement. At the start of each conversation, confidentiality should be reviewed in the presence of the victim.

Ask questions in the first person and have the interpreter use the first person. Talk directly to the victim. Instead of saying, “Can you ask her if...” say “Can you tell me if...”

If possible, keep the same interpreter throughout the case.

## **FINANCIAL ASSISTANCE AND ADVOCACY**

Victims of trafficking often do not have money and personal resources, despite the labor they performed. In some cases, compensation for labor or services may be obtained through a successful court case.

### **There are several additional financial resources available:**

**Trafficking Victims Protection Act (TVPA)** allows non-US citizens to utilize public assistance programs, such as Temporary Assistance for Needy Families (TANF), Medicaid, and Social Security Income (SSI).

**Refugee Cash Assistance (RCA)** program provides cash assistance for victims for up to eight months if they are found ineligible for TANF or SSI, but must participate in employment programs.

**Florida Crime Victim Compensation** provides compensation for expenses related directly to crimes (including domestic violence and human trafficking) such as medical treatment, relocation assistance, wage loss, and some out-of-pocket expenses.<sup>19</sup>

Victims of trafficking may not have bank accounts or experience controlling their own finances. Advocates should be prepared to provide support and education related to financial literacy and economic justice as needed.

Some benefits may only be available for a limited timeframe. For example, some refugee benefits are available for the first seven months and there is a four-year restriction of TANF benefits in Florida.

<sup>19</sup>“Bureau of Victim Compensation”

# WORKING WITH SPECIFIC POPULATIONS

This section provides advocates with information regarding working with human trafficking victims identified within specific populations or communities. While it separates people into individualistic categories, it is important to note that many victims of trafficking identify within two or more of these categories. This list is also not exhaustive, but focuses on the unique needs of some populations who may experience trafficking. Advocates should be prepared to work with any center participant as an individual with a unique identity, experience, personality, and background.

## VICTIMS OF TRAFFICKING WHO ARE US CITIZENS

Although much of the general public assumes that modern-day slavery only affects people who are not citizens of the US, it is important to note that US citizens can also be victims of both sex and labor trafficking in the US.

### **A US citizen who has been the victim of trafficking may:**

Face stigma and prejudice from society

Have no immediate access to identity documents or proof of residency

Have underdeveloped life skills

Have cognitive or physical disabilities

Suffer from trauma

Have chemical dependency

Have criminal arrest records

Be underage

Have limited social support systems

Victims who are citizens may be eligible for public assistance programs because they are victims of a federal or state crime

US citizens who are victims of trafficking do not need to be certified by the US Department of Health and Human Services to receive any benefits.

*A victim of trafficking who does not have legal documents could be eligible for immigration relief, including the T & U Visas, **and** the battered immigrant self-petitioning provision of the Violence Against Women Act (VAWA). It is important that the advocate consults a qualified immigration attorney who can advise on the options available.*

## **VICTIMS OF TRAFFICKING WHO ARE NON-US CITIZENS**

Individuals who have migrated from a foreign country may be particularly vulnerable to trafficking because they may have limited social networks, limited literacy and English proficiency, and/or may fear deportation. Similar to domestic violence batterers, traffickers may manipulate and distort beliefs held by the victims and may take advantage of cultural, linguistic, and immigration-related concerns as sources of power and control. Advocates should not make assumptions about the needs, backgrounds, and experiences of any victim and should facilitate open lines of communication in order to address concerns as they arise.

Linguistic and cultural differences may pose additional challenges for the victim throughout the process. Victims of trafficking may not have supportive environments such as family, religious institutions, or community programs and may have difficulty adjusting to the unfamiliarity of available resources, such as the type of food. They may not have experience with various technologies and conveniences in shelter or in public.

Victims of trafficking who were not born in the US require multi-faceted assistance, particularly if they choose to stay in the US. Victims may prefer to stay in the US for a number of reasons. They may be assisting with the prosecution of the traffickers, have family or friends in the region, be concerned about putting others at risk, or feel shame in their experiences. Advocates should connect with refugee service providers, which provide programs such as job skills training and placement, English as a Second Language (ESL) classes, general life-skill courses, counseling, housing, and transportation assistance.

If a victim of trafficking prefers to return to their country of origin, advocates should explore safety concerns and refer to an immigration attorney that can advise the victim about potential immigration remedies and other legal services. Advocates may assist the attorney in collecting important documentation, advocating for the victim's rights, and supporting the victim throughout the process.

# VICTIMS OF TRAFFICKING UNDER THE AGE OF 18

The Florida  
Abuse Hotline  
(1-800-962-2873)  
accepts calls  
regarding minors  
who are victims of  
trafficking. Advocates  
must report cases of  
trafficking of minors  
to the Florida Abuse  
Hotline.

Youth are at particular risk of trafficking victimization because they may be easily manipulated and exploited and usually have fewer sources for self-advocacy.

## **Youth in greater risk of being trafficked may:**

- Be victims of abuse prior to being trafficked
- Be homeless, a runaway, or neglected
- Be a member of a minority sexual orientation or gender identity community
- Be in foster care or otherwise involved in the child welfare system
- Lack a high school diploma/GED
- Have limited or no personal agency
- Lack identity documents or be undocumented

Non-US citizen victims under the age of 18 who do not have a parent or guardian or who entered the United States with a parent or guardian, but could not remain with them, are eligible for services through the Unaccompanied Refugee Minors Program through the Office of Refugee Resettlement. The program designates a legal authority to act in the place of the parent and ensures that the child receives services including foster care, English language training, career planning, health and mental health needs, socialization skills, adjustment training, family reunification, residential care, education or training, and Ethnic/religious preservation.

Minors may also qualify for Asylum or Special Immigrant Juvenile Status. Non-US citizen victims under the age of 18 are not required to cooperate with law enforcement in the investigation or prosecution of the trafficker to obtain visas or benefits.

# VICTIMS OF TRAFFICKING FROM ISOLATED AND INSULATED COMMUNITIES

“Everybody just kind of minded their own business in a small town. In that silence of everybody minding their own business—I spent 13 years of my childhood being sex trafficked.”

—*Human Trafficking Survivor*

Trafficking flourishes when it goes unnoticed. Many members of rural communities may assume that trafficking exists only in urban areas, which perpetuates the invisibility of human trafficking and encourages an environment where people do not question the signs of trafficking that may exist in the community.

Moreover, in rural areas, jobs and financial resources are often scarce, social services are unavailable or inadequate, and victims must travel further distances to access services. Victims of trafficking in rural areas may be geographically isolated from law enforcement and other governmental agencies that can investigate human trafficking.

Certified domestic violence centers in rural communities may have to travel outside their communities to identify and develop relationships with potential referral sources. The Refugee Task Force, legal aid and legal services offices, migrant worker advocacy networks, and rural health networks are examples of entities that can help centers with this process.

Military bases can also be prime locations for trafficking because of the structure of command and the insulated community instilled on a base. A large number of women have been trafficked to US military bases to work in the sex industries in communities surrounding bases.<sup>20</sup> Centers serving the communities surrounding military bases should build on established working relationships with representatives from the military bases to develop coordinated responses.

Victims of trafficking often experience multiple victimizations that include sexual assault and intimate partner violence. For example, a woman may escape a situation of trafficking with the help of a man who later becomes an abusive partner. She may seek a certified domestic violence center for services related to the immediate abuse, though she may have additional needs related to the trafficking she experienced.

<sup>20</sup>“Florida Responds to Human Trafficking”

# SEXUAL ORIENTATION AND GENDER IDENTITIES

Members of minority sexual orientation and gender identity or lesbian, gay, bisexual, and transgender (LGBT) communities may experience increased vulnerability to trafficking, particularly sex trafficking, because of the discrimination they experience in their homes and communities.<sup>21</sup> Non-accepting families may reject their children who identify as or are perceived to identify as LGBT and refuse to provide basic care, including housing. Without stable social support networks, these youth may experience homelessness and lack access to vital resources.

LGBT victims of trafficking may face additional barriers, such as a lack of institutional awareness and discrimination, when attempting to access social services, community support, resources, and relief. The fear of continued violence and oppression by providers may further silence LGBT victims. Such barriers increase for transgender victims, for whom social services related to sexual violence, intimate partner violence, and reproductive health are limited or non-existent. LGBT victims without legal immigration status may be eligible for a U-Visa or T-Visa or file an Asylum application based on fear of persecution concerns in their country of origin because of their sexual orientation or gender identity.

## COORDINATED COMMUNITY RESPONSE

A multidisciplinary coordinated community response (CCR) is one of the best ways for communities to respond to victims of trafficking. Just as with domestic violence survivors, victims of trafficking have a variety of needs. Developing and maintaining a coordinated community response to human trafficking requires the collaboration of many individuals, agencies, and organizations.

Efforts to coordinate a response to human trafficking should promote awareness and education through ongoing conversations about the issue. Despite efforts to educate the public about the extent of modern-day slavery, many communities are still largely unaware of the scope of human trafficking and its devastating impact.

As with a coordinated community response to domestic violence, a coordinated community response to human trafficking should have a clear purpose or range of goals, such as organizing community members to identify, respond, and provide safe, meaningful, and effective services to victims.

<sup>21</sup>This handbook uses the language “minority sexual orientation and gender identity communities” to acknowledge the diversity of identity that many individuals may choose. While most people have become accustomed to abbreviated terms such as “LGBT” it is not a complete or possibly accurate representation of those who do not identify as heterosexual or cisgender. Advocates should always ask and reflect the language chosen by the individuals they work with.

## Partners in an anti-trafficking CCR should include:

### Non-Profit and Community Based Organizations

Certified domestic violence centers  
Ethnic community-based associations  
Sexual violence programs and rape crisis centers  
Immigrant legal services  
Refugee assistance  
Children's services organizations and advocacy programs  
Child Protection Team (CPT)  
Local legal services/legal aid  
Faith-based organizations  
Interpreter services  
Crime assistance organizations  
Crisis counseling programs  
Homeless shelters  
Labor (migrant, farm worker) organizations  
Adoption agencies  
Local/Regional Groups  
Refugee task forces  
County health departments and healthcare providers  
Law enforcement  
County government  
Education community, including teachers and school board  
Local domestic violence councils and task forces  
Guardian ad litem  
Adult, juvenile, and dependency courts

### Federal Government

Department of Justice/United States Attorney  
Victim-Witness Coordinators  
Federal Bureau of Investigations (FBI)  
Department of Homeland Security: HSI/CIS/CBP  
Department of State Diplomatic Security  
Department of Labor  
Equal Employment Opportunity Commission

### State Government

Department of Children and Families  
Attorney General  
Public Defender  
Department of Labor  
Department of Agriculture  
State Attorneys

### Other

Survivor(s) of trafficking  
Corporate, business community  
Civic organizations

Be aware that traffickers, and often their trafficking network, are present in every community. A trafficker can be anyone, including someone who may be a part of a coordinated community response.

Part 3

# RESOURCES

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# HUMAN TRAFFICKING POWER AND CONTROL WHEEL<sup>22</sup>



<sup>22</sup>This wheel was adapted by the Polaris Project from the Domestic Abuse Intervention Project's Duluth Model Power and Control Wheel and demonstrates the tactics that traffickers use to wield power and control over their victims.

# SCREENING QUESTIONS FOR TRAFFICKING

Answers to the following questions can help an advocate determine if a person is eligible for benefits under the TVPA as a victim of trafficking.<sup>23</sup> Advocates should be intentional about wording and adjust questions based on cultural and individual contexts. Advocates must prioritize confidentiality when documenting responses to screening questions due to the danger that traffickers pose to victims of trafficking.

## SAFETY

Have you or your family been threatened with harm if you try to leave?

What is your understanding of what would happen if you left your job?

What would happen if you went home or returned to your place of origin?

Have you been threatened with deportation or reporting to immigration if you try to leave?

Have you been physically harmed, deprived of food, water, sleep, medical care, or other life necessities or forced to ask permission for things like food, water, or medical care?

Has anyone threatened your family?

Does anyone have access to your phone, email, or social media accounts?

Victims of trafficking may need time before they feel safe enough to disclose sensitive or personal information. Ask questions once you have an established relationship.

## SOCIAL NETWORKS

Are you allowed to buy clothes and food on your own?

Can you come and go as you please? Are there rules about this?

Can you freely contact your friends and family?

Are you free to have a relationship with someone?

Are you isolated from your community (people of the same national or cultural background)?

Can you bring friends to your house?

<sup>23</sup>Compiled from: Safe Horizon, Christa Stewart, Stop Trafficking of People; An Introductory Resource, Migration and Refugee Services, USCCB; and FSU Human Trafficking Working Group member.

## **EMPLOYMENT**

Who is your employer?

Does your employer provide you with housing, food, clothes, or uniforms?

Did you sign a contract? What did it say?

Do you owe money to your employer?

Did your employer/boss tell you what to say if the police came? (e.g., told you to lie about your age, relationship, or your work?)

Are you forced to have sex as part of your job?

Can you freely leave the employment/situation?

What happens if you make a mistake at work?

What are the conditions of employment, including pay and hours of work?

Does your employer hold your wages or charge for room, board, food, or transportation?

Are there guards or video cameras where you work to make sure no one leaves?

## **ORIGINS & IMMIGRATION STATUS**

Did you come to the US or Florida for a specific job or purpose?

How did you get here?

When you got here, did you have to do different work than you expected?

Were you kidnapped or sold?

Who was in control of your travel arrangements and documents?

What is your immigration status? Do you have authorization to work in the US?

Do you have possession of your personal documents such as identification papers, passports, visas, birth certificates, etc.? If not, who does?

Were you told what to say to immigration when you arrived?

# TERMS USED IN TRAFFICKING PREVENTION AND VICTIM ASSISTANCE

**4Ps** – Protection, prevention, prosecution, and partnership

**CCR** – Coordinated Community Response

**Certification** – Process of being recognized by the federal government as a victim of severe trafficking for purposes of public benefits when the victim is a non-citizen

**Civil cause of action** – Ability to sue for money, property, or enforcement of a right in civil court

**Commercial sex act** – Any sex act for which anything of value is given or received

**Continued presence** – At the request of law enforcement, allows victims without legal immigration status to remain in the US during a criminal investigation, and in certain cases a civil case

**DCF** – Department of Children and Families

**DHS** – Department of Homeland Security

**DOJ** – Department of Justice

**Fraud** – Knowingly misrepresenting or concealing the truth in order to harm or coerce someone else

**HHS** – Department of Health and Human Services

**Human smuggling** – Bringing a consenting individual across a national border through non-legal means

**ICE** – US Immigration and Customs Enforcement

**Minor** – Any person under the age of 18

**NHTRC** – National Human Trafficking Resource Center

**ORR** – Office of Refugee Resettlement

**Peonage** – Debt slavery or servitude, in which individuals must work to pay off a loan

**RICO** – Racketeer Influenced and Corrupt Organizations

**T-Visa** – Visa for victims of severe forms of human trafficking

**TIP** – Trafficking in Persons

**TVPA** – Trafficking Victims Protection Act

**U-Visa** – Visa for victims of violent crimes

**VAWA** – Violence Against Women Act

**USCIS** – US Citizenship and Immigration Services

# CONTACTS FOR ASSISTANCE



National Human Trafficking Hotline  
1-888-373-7888, Text: 233733

Florida Abuse Hotline, Department of Children and Families  
1-800-962-2873

Florida Domestic Violence Hotline  
1-800-500-1119, TDD 800-621-4202, Florida Relay 711

## **VICTIM ASSISTANCE AND ADVOCACY PROGRAMS**

### **FLORIDA COALITION AGAINST DOMESTIC VIOLENCE AND FLORIDA'S 42 CERTIFIED DOMESTIC VIOLENCE CENTERS (STATEWIDE AND LOCAL)**

850-425-2749 ■ [www.fcadv.org](http://www.fcadv.org)

Florida Domestic Violence Hotline: 800-500-1119/TDD 1-800-621-4202/Florida Relay 711

### **FLORIDA COUNCIL AGAINST SEXUAL VIOLENCE (STATEWIDE)**

888-956-7273 (Toll-free Information) ■ [www.fcasv.org](http://www.fcasv.org)

### **INTERNATIONAL RESCUE COMMITTEE, HUMAN TRAFFICKING (MIAMI)**

866-443-0106 ■ [www.rescue.org/us-program/us-miami-fl/human-trafficking](http://www.rescue.org/us-program/us-miami-fl/human-trafficking)

### **COALITION OF IMMOKALEE WORKERS (IMMOKALEE)**

239-657-8311 ■ [www.ciw-online.org](http://www.ciw-online.org)

### **SURVIVE AND THRIVE ADVOCACY CENTER (TALLAHASSEE)**

850-222-4504 ■ [www.oldfirstchurch.org/ministries/anti-human-trafficking-partnership.html](http://www.oldfirstchurch.org/ministries/anti-human-trafficking-partnership.html)

### **KRISTI HOUSE (MIAMI)**

305-547-6800 ■ Emergency: 877-GOLD-916 ■ [www.kristihouse.org/project-gold](http://www.kristihouse.org/project-gold)

### **THE LIFEBOAT PROJECT (APOPKA)**

407-310-8905 ■ [www.thelifeboatproject.org](http://www.thelifeboatproject.org)

## **NATIONAL ANTI-TRAFFICKING RESOURCES**

### **COALITION TO ABOLISH SLAVERY & TRAFFICKING (CAST)**

213-365-1906 ■ [www.castla.org](http://www.castla.org)

### **NATIONAL HUMAN TRAFFICKING RESOURCE CENTER**

888-373-7888 ■ Text: 233733 ■ <https://traffickingresourcecenter.org>

### **FREEDOM NETWORK**

[www.freedomnetwork.org](http://www.freedomnetwork.org)

### **FUTURES WITHOUT VIOLENCE**

415-252-8900 ■ [www.futureswithoutviolence.org](http://www.futureswithoutviolence.org)

### **POLARIS PROJECT**

202-745-1001 ■ [www.polarisproject.org](http://www.polarisproject.org)

### **TAPESTRI**

404-299-2185 ■ [www.tapestri.org](http://www.tapestri.org)

## **LEGAL ASSISTANCE**

### **VIDA LEGAL ASSISTANCE, INC.**

305-247-1057 ■ 786-601-6234 ■ [www.vidalaw.org](http://www.vidalaw.org)

### **AMERICANS FOR IMMIGRANT JUSTICE**

305-573-1106 ■ [www.ajjustice.org](http://www.ajjustice.org)

### **FLORIDA STATE UNIVERSITY, CENTER FOR ADVANCEMENT FOR HUMAN RIGHTS**

850-644-4550 ■ [www.cahr.fsu.edu](http://www.cahr.fsu.edu)

### **FLORIDA COALITION AGAINST DOMESTIC VIOLENCE LEGAL HOTLINE**

800-500-1119 \*choose prompt 3

## **GOVERNMENT PROGRAMS AND LAW ENFORCEMENT**

### **DEPT. OF CHILDREN AND FAMILIES – OFFICE OF REFUGEE SERVICES**

850-488-3791 ■ [www.dcf.state.fl.us/refugee/programs.shtml](http://www.dcf.state.fl.us/refugee/programs.shtml)

### **DEPT. OF JUSTICE, CHILD EXPLOITATION AND OBSCENITY SECTION – CRIMINAL DIVISION**

[www.usdoj.gov/criminal/ceos](http://www.usdoj.gov/criminal/ceos)

### **DEPT. OF JUSTICE, CHILD EXPLOITATION AND OBSCENITY SECTION – CIVIL RIGHTS DIVISION**

[www.usdoj.gov/crt/crim/index.html](http://www.usdoj.gov/crt/crim/index.html)

### **DEPT. OF STATE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS**

[www.state.gov/g/tip](http://www.state.gov/g/tip)

### **DEPT. OF HEALTH AND HUMAN SERVICES, OFFICE OF REFUGEE RESETTLEMENT**

866-401-5510 (Toll-Free Trafficking Verification) ■ [www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking)

### **T & U Visa Application Dept. of Homeland Security Citizenship & Immigration Services**

Vermont Service Center ■ Attn: VAWA Unit, Box 1000 Lower Welden Street, St. Albans, VT 05479

## **REFUGEE SERVICES**

Florida Refugee Task Forces ■ 850-488-3791

Miami ■ 786-257-5173 ■ 786-457-3561

Tallahassee ■ 850-778-4065

Jacksonville ■ 904-485-9540

Orlando ■ 407-317-7336

Tampa & Naples ■ 813-545-1716

Ft. Lauderdale & West Palm Beach ■ 561-227-6722

## OFFICES OF THE UNITED STATES ATTORNEY

Northern District of Florida ■ 850-942-8430

Middle District of Florida ■ 239-461-2225

Southern District of Florida ■ 305-961-9430

Office of the Attorney General, Statewide Prosecutor ■ [www.floridalegal.com](http://www.floridalegal.com)

## OFFICE OF STATEWIDE PROSECUTION BUREAUS

Tallahassee Office ■ 850-414-3700

Jacksonville Office ■ 904-348-2720

West Palm Beach Office ■ 561-837-5000

Tampa Office ■ 813-287-7960

Orlando Office ■ 407-245-0893

Ft. Lauderdale Office ■ 954-712-4600

Ft. Myers Office ■ 239-338-2440

Miami Office ■ 305-377-5850 ext. 201

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*For more information and training opportunities, please contact the Florida Coalition Against Domestic Violence at [fcadv.org](http://fcadv.org) or (850)425-2749.*

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