



## **Human Trafficking Definition and Identification Tool (*HT-DIT*) – Revised** **A Guide for Defining, Identifying, and Collecting Data on Human Trafficking Victims/Survivors**

The *Human Trafficking Definition and Identification Tool (HT-DIT-R)* was developed in an effort to more consistently and accurately define and identify human trafficking. It is to be used as a guide for victim/social service providers when defining human trafficking and conducting semi-structured interviews with those at-risk of and/or subjugated to human trafficking. The *HT-DIT-R* should not be handed to a (potential) human trafficking victim/survivor. Nor should it be read out-loud word for word. The *HT-DIT-R* is not intended to be utilized as a stand-alone assessment of risk indicators or resilience factors; rather, in concert with other screening/assessment tools.<sup>1</sup> The *HT-DIT-R* should be used as a confirmative tool for defining and identifying cases of human trafficking. Only victim/social service providers trained by authorized personnel should utilize this instrument.

The Office of the Attorney General Human Trafficking Advisory Board adopts the following as the **definition of human trafficking** that is to be used by Kansas victim service agencies. NOTE: This is a working definition. This is not a legal definition of human trafficking and is not to be considered for purposes of statutory interpretation.

**Human Trafficking:** Consistent to terminology set forth in both state and federal legislation, **human trafficking refers to both labor and sex trafficking.**

As per TVPA of 2000<sup>2</sup> with expansion from the Justice for Victims of Trafficking Act of 2015<sup>3</sup>:

- A) **Labor Trafficking** is “the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting 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.”
- B) **Sex Trafficking** is “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where such an act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”

As per K.S.A. 21-5426<sup>4</sup>:

- A) **Human trafficking** includes the “intentional recruitment, harboring, transportation, provision or obtain of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor.”
- B) **Aggravated human trafficking** includes kidnapping or attempting to kidnap for the purpose of sexual gratification, or involves “recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat or coercion, will be used to engage in forced labor, involuntary servitude or sexual gratification of the defendant or another.”

<sup>1</sup> Screening or assessment tools may vary between agencies. The original instrument (HT-DIT) was developed with the *Lotus Anti-Trafficking Model™ Domestic Sex Trafficking Risk and Resilience Assessment™* (Countryman-Roswurm, 2012) in mind.

<sup>2</sup> U.S. Trafficking Victims Protection Act/TVPA (2000). Public Law 106-386, 114 Stat. 1464, 106yh Cong. <http://www.state.gov/documents/organization/10492.pdf>.

<sup>3</sup> Justice for Victims of Trafficking Act of 2015, (S. 178 Sec. 108)

<sup>4</sup> K.S.A. 21-5426 (2014). <http://www.kscoflaw.com/crimcode/2668code/art54.htm#21-5426>



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### Practical Application

As one can see, the definition of human trafficking can be broken down into an action (e.g. recruitment, harboring, etc.), a means (e.g. through force or coercion), and for a purpose (e.g. labor or sex). Thus, the Action-Means-Purpose (AMP) Model<sup>5</sup> is useful in conceptualizing the identification of victims/survivors. With this in mind, when using the *HT-DIT-R*, it is critical to also consider the additional subsequent definitions:

**Commercial Sex Act:** Expanding on the aforementioned definition of “sex trafficking,” a commercial sex act includes “any sex act on account of which anything of value is given to or received by any person” (TVPA, 2000)<sup>2,6</sup>. Thus, this includes “**survival-sex**, or rather **survival-rape**, which is the “exchange” or “acceptance” of sex acts in order to meet ones own basic needs (e.g. food, clothing, hygiene, shelter, etc.) or for other survival purposes.”<sup>7</sup> Understanding that the examples provided within the constraints of this document are not exhaustive, an example of this is of a homeless youth who is needing shelter from an adult who requires that the young person provide sexual favors in exchange for a place to stay.

**Recruited** refers to the process by which a victim is sought out and/or pursued by a recruiter or trafficker. With the intent to dehumanize and control their victim, recruitment includes a multitude of methodical social and psychological grooming and/or “seasoning” tactics including but not limited to bribery, flattery, threats, intimidation, cycles of abuse and affection, isolation, etc.

**Harbored** refers to situations in which a victim is provided shelter or safety in exchange for performing a sex act or providing some form of labor service.

**Transported** involves movement of a victim from one location to another. Movement does not mandate a state or border crossing. A victim could be transported within his or her own city or state.

**Provided to someone** means that a victim has been supplied to an individual (for labor or sex).

**Provided for something** means the victim has been forced to supply something (labor or sex) in exchange for something of value.

**Traded for anything of value** emphasizes that human trafficking can occur without the exchange of money. The exchange may include anything of a value (e.g. food, shelter, clothing, safety, etc.). It is this commercial aspect that separates human trafficking from similar crimes like sexual assault.

**Obtained** refers to the act of acquiring a victim for the purpose of labor or sex.

**Solicited/Patronized** addresses demand and refers to the act of seeking or requesting acts of human trafficking in exchange for something of value.

<sup>5</sup>Polaris Project (2012). The Action Means Purpose “A-M-P” Model. <http://traffickingresourcecenter.org/sites/default/files/AMP%20Model.pdf>

<sup>6</sup>K.S.A. 21-6422 (2014). <http://www.kscofplaw.com/crimcode/2668code/art64.htm#21-6422>

<sup>7</sup>Countryman-Roswurm, K. (January, 2015). *Rise, unite, support: Doing “no harm” in the anti-trafficking movement*. *Slavery Today Journal: A Multidisciplinary Journal of Human Trafficking Solutions*, 2(1): 26-47.



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**Force** largely includes **physical/sexual threat** and may involve physical restraint, confinement and/or isolation, physical assault and/or beatings, sexual assault and/or rape, etc. An example of force may include the kidnapping of an adult who, after physical beatings, is kept against their will and forced to perform labor or sex acts.

**Fraud** primarily includes the use of **lies to manipulate** and may involve false promises regarding employment, wages, working condition, or other matters. For example, perpetrators may lure a victim with promises of well-paying work in a modeling industry, marriage, legal work in agriculture, etc., however, once control is gained and options of escape are limited, require that they engage in labor or sex acts.

**Coercion** largely includes **psychological fear** and may involve threats of harm to or physical restraint against any person (e.g. the victim or someone they love); 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 of any person; or the abuse or threatened abuse of the legal process (e.g. threats of arrest, deportation, withholding identification and/or other legal documents, etc.). For example, a perpetrator may use coercion as a means of exploiting a victim by stating, “if you try to leave me, I will kill your sister.” Or perhaps, the perpetrator might state that, “if you attempt to escape, I will call the police and report you as an illegal immigrant.”

**Lack of viable options** means that the options available to the victim would be deemed unsafe or harmful to the average person.

**Lack of accessible alternatives** means that while service or resources may be available within a community, the victim lacks access to safe and healthy alternatives to their current lifestyle. For example, within a community there may be several identifiable intervention services available. However, the processes required to access such services are often complex and rigid—creating barriers that discourage accessibility.



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Date: \_\_\_\_\_ Staff Person: \_\_\_\_\_

Victim/Survivor Identification: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_

What other multidisciplinary providers was this victimization reported to/referred: \_\_\_\_\_

<u>Action</u>	<u>Means</u>	<u>Purpose</u>
Were they...	Did this happen due to...	For the provision of...
<input type="checkbox"/> Recruited <input type="checkbox"/> Harbored <input type="checkbox"/> Transported <input type="checkbox"/> Provided to Someone <input type="checkbox"/> Provided for Something <input type="checkbox"/> Traded for Anything of Value <input type="checkbox"/> Obtained <input type="checkbox"/> Solicited/Patronized	<p style="text-align: center;">Note type of force, fraud, or coercion:</p> <input type="checkbox"/> Force _____ <input type="checkbox"/> Fraud _____ <input type="checkbox"/> Coercion _____ <input type="checkbox"/> Lack of Viable Options <input type="checkbox"/> Lack of Accessible Alternatives  <i>*Note: Proof of means is required in labor or sex trafficking of an adult. It is not required for trafficked minors used for forced labor, involuntary servitude, or sexual gratification.</i>	<input type="checkbox"/> Acts of Labor/Services <input type="checkbox"/> Sexual Acts  <input type="checkbox"/> Adult <input type="checkbox"/> Child  <input type="checkbox"/> Domestic <input type="checkbox"/> International

Checking more than one factor in any of the AMP categories is not necessary to reflect the definition, or prove a case, of human trafficking. Rather, if a victim's/survivor's shared experiences suggest the subjection to even one factor in each of the categories, they are considered a human trafficking victim/survivor.

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The HT-DIT-R was developed by Dr. Karen Countryman-Roswurm and the Victim Services Division, Office of the Attorney General with assistance from the Victim Services Committee of the Human Trafficking Advisory Board. Resources utilized included the *Lotus Anti-Trafficking Model™ Human Trafficking Definition and Identification Tool (HT-DIT)™* and the Polaris Project (2012) AMP Model. The original *HT-DIT* was intended to be utilized as a definition/identification tool along with the other *Lotus Anti-Trafficking Model™* training and direct practice tools, such as the *Domestic Sex Trafficking Risk and Resilience Assessment™*. The *Lotus Anti-Trafficking Model™*, including training resources, supporting materials, and data collected from the use of instruments, is considered proprietary research material and should not be utilized, distributed, or replicated in any manner without the explicit written consent of its authors. However, in an effort to offer *Kansas* a consistent method of defining human trafficking, identifying victims/survivors, and tracking relevant data, permission is granted for trained victim/social service providers to use this specific instrument, *HT-DIT Revised*.



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**Note the screening and/or assessment tool(s) used, and any additional instruments:**

**Note services provided by your agency\*:**

**Note referral services and agency to provide the service:**

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Shelter</td> <td style="width: 50%;"><input type="checkbox"/> Follow-up Contact</td> </tr> <tr> <td><input type="checkbox"/> Medical</td> <td><input type="checkbox"/> Individual Therapy</td> </tr> <tr> <td><input type="checkbox"/> Dental</td> <td><input type="checkbox"/> Group Treatment/Support</td> </tr> <tr> <td><input type="checkbox"/> Counseling</td> <td><input type="checkbox"/> Translation/Interpretation</td> </tr> <tr> <td><input type="checkbox"/> School</td> <td><input type="checkbox"/> Direct Financial Assistance</td> </tr> <tr> <td><input type="checkbox"/> Legal</td> <td><input type="checkbox"/> Personal Advocacy</td> </tr> <tr> <td><input type="checkbox"/> Other _____</td> <td><input type="checkbox"/> Court Advocacy</td> </tr> </table>	<input type="checkbox"/> Shelter	<input type="checkbox"/> Follow-up Contact	<input type="checkbox"/> Medical	<input type="checkbox"/> Individual Therapy	<input type="checkbox"/> Dental	<input type="checkbox"/> Group Treatment/Support	<input type="checkbox"/> Counseling	<input type="checkbox"/> Translation/Interpretation	<input type="checkbox"/> School	<input type="checkbox"/> Direct Financial Assistance	<input type="checkbox"/> Legal	<input type="checkbox"/> Personal Advocacy	<input type="checkbox"/> Other _____	<input type="checkbox"/> Court Advocacy	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Referrals:</th> <th style="text-align: left;">Agency Providing Service:</th> <th style="text-align: left;">Referrals:</th> <th style="text-align: left;">Agency Providing Service:</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Shelter</td> <td>_____</td> <td><input type="checkbox"/> Follow-up Contact</td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> Medical</td> <td>_____</td> <td><input type="checkbox"/> Individual Therapy</td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> Dental</td> <td>_____</td> <td><input type="checkbox"/> Group Treatment/Support</td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> Counseling</td> <td>_____</td> <td><input type="checkbox"/> Translation/Interpretation</td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> School</td> <td>_____</td> <td><input type="checkbox"/> Direct Financial Assistance</td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> Legal</td> <td>_____</td> <td><input type="checkbox"/> Personal Advocacy</td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td>_____</td> <td><input type="checkbox"/> Court Advocacy</td> <td>_____</td> </tr> </tbody> </table>	Referrals:	Agency Providing Service:	Referrals:	Agency Providing Service:	<input type="checkbox"/> Shelter	_____	<input type="checkbox"/> Follow-up Contact	_____	<input type="checkbox"/> Medical	_____	<input type="checkbox"/> Individual Therapy	_____	<input type="checkbox"/> Dental	_____	<input type="checkbox"/> Group Treatment/Support	_____	<input type="checkbox"/> Counseling	_____	<input type="checkbox"/> Translation/Interpretation	_____	<input type="checkbox"/> School	_____	<input type="checkbox"/> Direct Financial Assistance	_____	<input type="checkbox"/> Legal	_____	<input type="checkbox"/> Personal Advocacy	_____	<input type="checkbox"/> Other	_____	<input type="checkbox"/> Court Advocacy	_____
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*\*For definitions of above terms, see definition section of statistical reporting form for Office of the Attorney General.*

**Additional Staff Notes:**