

## NYS Response to Human Trafficking

The New York State Anti-Trafficking statute was enacted on June 6, 2007 (Chapter 74 of the Laws of 2007). New York's anti-trafficking statute combines tough law enforcement sanctions against traffickers and restores the dignity of the trafficked person through coordinated and varied service provision. The anti-trafficking statute creates new state crimes of sex trafficking and labor trafficking. The statute also provides a mechanism to allow victims of human trafficking who would be otherwise ineligible to receive social services to qualify for certain services. Under this new program victims confirmed as trafficking victims by New York State will be assisted until certified as a victim of Human Trafficking under the Federal law. Victims of human trafficking who are certified by the Federal Office of Refugee Resettlement (ORR) are a displaced population with similarities to other groups served by BRIA, such as Refugees, Asylees, Entrants, and certain Amerasian immigrants.

Service needs for human trafficking victims (whether "confirmed" by NYS or "certified" by ORR) include health screening, health care, follow-up medical assistance, job training and placement, and basic food, clothing and shelter. Trafficking victims also require protection from alleged perpetrators and a strict adherence to confidentiality by those who are assisting them.

*"The New York State Response to Human Trafficking Program" (RHTP)* was established by OTDA under Social Services Law when the New York State Anti-Trafficking statute was enacted. As described above, the anti-trafficking statute creates new state crimes of sex trafficking and labor trafficking, and provides a mechanism to allow victims of human trafficking (HTV), otherwise ineligible to receive social services, to qualify for certain services.

The RHTP provides for a coordinated community based approach and comprehensive case management to eligible trafficking victims as they are identified throughout eight specified regions within New York State, with contract provider agencies serving specific regions of the State. *Click here* for a map of the described regions included in each Region. *Click here* for a list of the provider agencies in each region, and the counties included in each region.

### **BACKGROUND**

Human trafficking was established as a Federal crime under the Trafficking Victim Protection Act of 2000, which also established a process for "certification" of human trafficking victims by the Federal Office of Refugee Resettlement (ORR) to enable certain victims of trafficking to access benefits and services. However, several years after the implementation of the Federal law, the number of human trafficking victims identified at the state and local level remains very low. Some possible reasons for this include the lack of involvement by state and local law enforcement in the Federal investigation of trafficking crimes and their related lack of familiarity with the circumstances of human trafficking.

The New York State Anti-Trafficking statute was passed in order to accelerate the investigation of trafficking by local and state police, to enhance their identification of the victims of these crimes, and to provide a mechanism to provide services to eligible trafficking victims. Effective November 1, 2007, state and local law enforcement officials will notify the New York State Division of Criminal Justice Services (DCJS), which, in consultation with OTDA, is responsible for the state's "confirmation" that the person is a victim of a trafficking under state law. Upon confirmation, OTDA will refer the victim to either the RHTP providers or local DSSS.