

# **Domestic & International Slavery & Human Trafficking**

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# Slavery & Human Trafficking

“We were constantly guarded and abused.

If anyone refused to be with a customer, we were beaten.

If we adamantly refused, the bosses would show us a lesson by raping us brutally.

They told us if we refused again it would be even worse the next time.

I was too afraid to try to escape.”

- “Maria,”

U.S. v. Cadena, (S.D.FL 1997)



# What is “Human Trafficking”

“Trafficking Into Servitude” the recruitment, harboring, transporting, providing, or obtaining a person for:

“Involuntary Servitude” - the holding of a person, for any period of time, to compel their service or labor against their will;

- by actual force,
- by threats of force, or
- by threats of legal coercion.

# What is “Human Trafficking”

“Peonage” is Trafficking for Discharge of a Debt.

“Forced Labor” is **obtaining** service or labor of a **person**:

- By threat of serious harm, or physical restraint,
- By scheme, pattern, plan intended to cause belief that failure to perform would result in harm, or
- By abuse of law or legal process

# What is “Sex Trafficking”

- Benefit from Participation in a Venture . . .
- “In or Affecting Interstate Commerce,” . . .
- Where a Person is Recruited, Enticed, Transported, Provided, or Obtained . . .
- For a Commercial Sex Act,
  - If Under 18 years of Age
  - Or with the Knowledge that Adult Participation was caused by force, fraud or coercion

# What is “Trafficking For Illegal Sexual Activity”

- Transportation of a Person Across State or International Boundaries for Engagement in Criminal Sexual Activity
- (Coercion Not Required)
- (Consent Irrelevant)
- (Victim Need Not Know of Purpose of Travel)
- Greater Punishment if Person is Juvenile

# What is “Foreign Travel & Illicit Sexual Conduct”

- A U.S. Citizen or Legal Permanent Resident,
  - Travels (or intends to travel) abroad, and
  - Intentionally Engages (or intends to engage) in Illicit Sexual Conduct (Including Sex with a Minor)
- Or,
  - Arranges, Induces, Procures, or Facilitates Foreign Travel of Another to Engage in Illicit Sexual Conduct

# Organized Child Prostitution Enterprises

- San Diego and Los Angeles identified by the FBI as High Intensity Child Prostitution Areas (HICPA).
- Approximately 300,000 child prostitutes in the U.S.
- Different Levels:
  - 1) Street Level (Pimps)
  - 2) Organized Street Level (Informal Network of Pimps, Sharing of Victims, Other Crimes)
  - 3) Organized Prostitution (Business Procedures - Money Collection, Victim Delivery, Paid Advertising)
- Majority of Info from Vice Officers and CBO's ("Tracks")
- Informants, Cooperating Witnesses, Surveillance, GPS

# **RICO: Racketeer Influenced and Corrupt Organizations**

- Employed by, or associated with, an “Enterprise”:
  - Group Associated in Fact
  - Common Purpose - Engage in a Course of Conduct
  - A Formal or Informal Organization
  - Various Associates Acting as a Unit
  - Continuity of Structure and Personnel
  - Activities Affect, Interstate or Foreign Commerce
- Pattern of “Racketeering Activity” or Collection of Unlawful Debt.

# RICO: Racketeer Influenced and Corrupt Organizations

“Pattern of Racketeering Activity” At least two acts of enumerated crimes within the last ten years that constitute a threat of continuing racketeering activity.

- Activities which have a substantial effect on interstate commerce.
- The acts must share similar results, participants, or methods of commission.
  
- Enumerated crimes include: Alien Smuggling, Harboring, and Transportation; Importation and Harboring of Prostitutes for Financial Gain; Trafficking for Illegal Sexual Activity, Involuntary Servitude, and Peonage. Not Forced Labor, Trafficking Into Servitude, Sex Trafficking, Document Servitude.

# Community-Based Organizations

- **Neutral Intermediaries with Victims**
- **Help Develop Trust Between Victims and Law Enforcement Officers (LEO's)**
- **Identify Potential Criminal Matters**
- **Provide Insight Into Unique Victim Issues and Needs**
- **Provide the following services:**
  - **Housing**
  - **Medical Services**
  - **Counseling**
  - **Clothing**
  - **Employment**
  - **Schooling**
  - **Legal (immigration) services**
  - **Translation services**

# The Law Enforcement Response

1. Identify/Find Known or Potential Victims
2. Finding Necessary Resources
3. Understand Law Enforcement Limitations
4. Understand Victims' Limitations
5. Prepare for Prosecution

# 1. Identifying/Finding Victims

Hurdle: Recognizing “Victims.”

Response:

- Understanding Victimization
- Community Outreach
- Getting Assistance from CBO’s

## **2. Finding Necessary Resources**

### **Hurdles:**

- **Limited Resources**
- **Learning to “Invent Wheel”**
- **Other Reactive Cases**

### **Response:**

- **Multi-Agency/CBO Response (Task Force)**

# **3. Understand Law Enforcement Limitations**

## **Hurdles:**

- **Not Victim-oriented**
- **Not Always First-Responder**
- **Must Focus on Target/Subject/Defendant**

## **Response:**

- **Develop Case - Don't just "Find" Evidence, "Shape" the Search For Right Evidence**

# 3. Understand Law Enforcement Limitations

## Bridging the Difference Between:

- “Knowing What’s Going On” and “Proving It”
- “Obtaining Information” and “Presenting Reliable Testimony”
- “Finding the Problem” and “Uncovering Full Scope of the Problem”

# **4. Understand Victims' Limitations**

## **Hurdles:**

- **Lack of Trust in Remedy (or LEO's) History  
With Subject(s)**
- **Inconsistencies**
- **Limited Time**

## **Response:**

- **Explain Available Remedies**
- **Show Consistent Attention**

# 5. Preparing for Prosecution

Issue: Proving “intent/knowledge” of

- **Illegal status**
- **Transportation/Entry**
- **Nature of Work**
- **Money made, received**
- **Age of Participants**
- **Business of Others**

# 5. Preparing for Prosecution

## Hurdles:

- **Threats/Violence**
- **Loyalty/Relationships**
- **Lack of Other “Safe Haven”**
- **Lack of Confidence in Government**
- **Immigration Issues**
- **Language Issues**
- **Authority Issues**
- **TIME**

# The “Perfect” Case

- **Identifiable Crime**
- **Probable Cause to Search**
- **Jurisdiction for Search**
- **Multi-Agency Approach**
- **Timely Raid**



# The “Perfect” Case

- **Knowledge of Activity:**
  - **Place and Times**
- **Testimonial Evidence:**
  - **Victims**
  - **Johns, Pimps, Enforcers**
- **Physical Evidence:**
  - **Sexual Activity (Condoms, Photos, Ledgers)**
  - **Scanty Clothing**
  - **Violence/Coercion**
  - **Documentary (Logs, Receipts)**



# The “Perfect” Case

- **Many Victims**
- **Evidence of Force/  
Coercion**
- **Agents/Officers with  
knowledge of Language,  
Culture, Psychology**
- **Victims Found Early**
- **All Victims Found**
  
- **Denials or Unwilling to  
Talk**
  
- **Go to Victim Advocates  
For Assistance**



# The “Perfect” Case

## Gaining Trust:

- Minimize Number of Interviewers
- Female Interviewer?
- Native Speaker
- Expect Little Until “Breaking Point”
- Ask About Others
- Treat as Victim, Not Criminal, Not Witness
- Acknowledge Fears
- Provide Assurances, But Not Promises
- Appeal to Sense of Justice (For Others)



- Be Aware of Immigration Consequences
- Plenty of TIME

# The “Perfect” Case

- **Minimize Number of Interviews**
- **Before Too Jaded**
- **Be Aware of Possible “Loyalties”**
- **Corroborate Others**
- **Confront With Knowledge From Others**
- **Get First-Hand Info**
- **Let Them Describe it Their Way**
- **Convince they are “Victim”**



# The “Perfect” Case

- Learn Scope of Ring
- Get BIG Info:
  - Money
  - Smuggling
  - Violence
  - Ages
  - Roles
- Get Circumstantial Evidence:
  - Knowledge of Activity
  - Knowledge of Age
  - Roles of Others
  - Conspiracy to Act
  - Transportation
  - Coercion
  - Voluntariness of Victim



# The “Perfect” Case: Hollywood’s Version

- **Inter-agency Response**
- **Immediate Response**
- **Numerous Witnesses, Victims**
- **Physical Evidence**
- **Agents trained in language, culture, psychology**
- **Victims found early, willing to talk**
- **Not Present:**
  - **TIME**
  - **Inconsistent Statements**
  - **Victim Advocate**
  - **Corroboration**

# Investigative Adjustments for Child Prostitution

- Agree on Planned Approach, Investigative Procedures, Intake Form
- Don't Give Up – Keep Stopping, Keep Detaining, Ignore Reluctance
- Be Strict – “Tough Love” (“You can yell at me, but I’m going to keep coming back, find you, and protect you.”)
- Don't Give Them an Out
- Keep Victims Away From Element As Long As Possible
- Get Former Victims To Intercede
- Know of Short- and Long-Term Secure Shelters
- Don't Interrupt – Open Questions, No Writing, Their Words
- Know the Story Before the Interview – Focus on One Thing
- Be Honest – What you will do, When you'll be back, Consequences
- Corroborating Evidence:
  - History of Abuse (At Home, By Pimp)
  - How Victim Met the Pimp -Seduction Process
  - Alienation Process
  - Evidence of Drugs, Violence
  - Photograph Bruises, Injuries

