

Summary of Forum Held on May 5, 2006: The Fight Against Human Trafficking

Summary's Highlights

Note: Hosted by the University of Pennsylvania's Jerry Lee Center of Criminology, this Forum was one in a series highlighting promising and pioneering state and local efforts to address crime.

Human trafficking in the United States brutalizes not only up to 18,000 persons illegally brought into the country each year but also many of those arriving legally, as well as numerous U.S. citizens, including children. A hallmark of human trafficking, as distinct from human smuggling, is forced servitude, such as in prostitution, farm work, and domestic service. Lured initially by false promises of legitimate jobs, trafficking victims soon find themselves virtual captives of unscrupulous individuals from whom they cannot extricate themselves, fearing beatings, harm to their home-country families, the impossibility of repaying alleged debts other than by working them off, or refusals to return confiscated documentation.

A major new tool for law enforcement and prosecutors in combating human trafficking is the Trafficking Victims Protection Act (TVPA), passed by Congress in 2000. The law expanded the grounds for arresting and prosecuting traffickers and, at least as importantly, provided incentives to victims to identify themselves and assist prosecutions while receiving aid in rehabilitating their lives. Key to fighting human trafficking, a top priority at the U.S. Department of Justice (DOJ), is law enforcement cooperating at all levels and forging close alliances with nongovernmental organizations providing victim services.

Forum participant Carl Peed—Director, Office of Community Oriented Policing Services (COPS Office), DOJ—described COPS efforts to combat human trafficking, such as training through a network of Community Policing Institutes. Professor Terry Coonan, Executive Director for the Advancement of Human Rights, Florida State University, presented details of a case illustrating traffickers' methods and outlined key TVPA provisions. Lou de Baca, Special Litigation Counsel, Civil Rights Division, DOJ, outlined the principal components of its "3P" strategy (prevention, prosecution, and protection) against traffickers and described principal prosecution challenges. San Francisco Police Department Lieutenant Mary Petrie, Executive Director, North Bay Human Trafficking Task Force, provided important insights into local-level anti-trafficking enforcement.

Forum Executive Director Laurie Robinson reported asking various prosecutors and law enforcement officials around the country whether they are aware of human trafficking in their jurisdictions. Their responses were generally blank stares, which did not mean that the problem is nonexistent but that people are often unaware of what to look for. This, she said, indicates a great need for education and training on the issue.

COPS Office Human-Trafficking Role: Carl Peed, Director, COPS Office, DOJ

Illustrative of attention given to human trafficking by COPS is its productive partnership with the Bureau of Justice Assistance (Office of Justice Programs, DOJ), which developed a human-trafficking curriculum that the Office uses in training delivered by its network of Community Policing Institutes. Other anti-trafficking efforts by COPS include its recent publication *The*

¹ The Forum summarized here was one in a series to afford Capitol Hill and Executive Branch staff and others in Washington, DC an opportunity to hear from state and local frontline criminal justice practitioners. The moderator was Laurie Robinson, Executive Director of the Forum and Director of the University of Pennsylvania Criminology Master of Science Program. Ted Gest is Associate Executive Director of the Forum. Participant comments are paraphrased unless placed between quotation marks.

Exploitation of Trafficked Women by Graeme R. Newman and workshops. Fighting human trafficking is a major initiative by the President and DOJ. Reports indicate up to 800,000 people are trafficked across international borders annually. Of those, as many as 18,000 are brought into the United States each year, with 70 percent of the women and girls forced into sexual servitude.

Traffickers' Methods and a New Law's Impact: Professor Terry Coonan, Executive Director, Center for the Advancement of Human Rights, Florida State University (FSU)

Illustrative of the workings of human traffickers is a case involving from 60 to 100 girls and women smuggled into South Florida from Mexico for promised respectable employment in restaurants, hotels, nursing homes, and the like. What soon befell them, however, was a nightmare, engineered by a 72-year-old grandmother in Vera Cruz, Mexico, for the profit of her family, according to information victims provided FSU researchers.

On an ongoing basis, the grandmother identified vulnerable, exploitable girls and arranged for a well-dressed 30-year-old woman to pull up in a Ford Bronco and talk with the impoverished families of targeted girls. She indicated how she had worked in the United States, sent thousands of dollars to her family in Mexico, and extolled job opportunities across the border. Before leaving, she gave each family \$5 in pesos as a "down payment" on the thousands of dollars that would be flowing to them from their daughters' earnings in the United States.

Crossing the Texas-Mexico border illegally but willingly, the girls suddenly faced a 2-week "seasoning period" during which they were starved, beaten, and sexually attacked to prepare them as sex slaves in some 20 brothels run by family members of the Vera Cruz grandmother. Brothels were located on the edges of migrant farm worker camps from Miami to West Palm Beach to South Carolina. Traffickers moved victims every 2 weeks to prevent them from knowing their location. The nightmare lasted for 1 1/2 years. Reportedly, the traffickers are back in Mexico enjoying an estimated \$2 million in profits with the grandmother.

The process of shepherding willing girls across the border constitutes human smuggling. They become human trafficking victims once their situation is one of forced labor *and* their ability to exercise free will and walk away is negated, such as through threats, beatings, and other coercion. A major advance in fighting this crime is the Trafficking Victims Protection Act, enacted by Congress in 2000. Previous law required prosecutors to prove that servitude involved traffickers' use of force or threats thereof. TVPA enables prosecutors to show that force *or* fraud (e.g., false job promises) *or* coercion (e.g., aspects of the seasoning process) was used to enslave victims. Unlike the old law, TVPA takes into account psychological coercion, such as traffickers' withholding passports or manufacturing huge debts victims are expected to work off. Force, fraud, or coercion need not be proved if the victim is a child.

For victims willing to work with prosecutors, TVPA bestows the same benefits as given to refugees, such as job training, housing and medical benefits. Such victims qualify for special visas, can bring in their home-country families who otherwise may be threatened by traffickers, and put on the path to citizenship. Such provisions of the law led to close alliances between law enforcement/prosecutors and nongovernmental organizations (NGOs) experienced in victim assistance, such as human rights groups and social service providers.

Federal Insights: Lou de Baca, Special Litigation Counsel, Civil Rights Division, USDOJ

Prosecutors and law enforcement now view human trafficking (or, more appropriately, compelled service or involuntary servitude) through a more discerning lens thanks to years of previous work involving vulnerable victims in such areas as domestic violence and sex crimes. Starting in the latter years of the Clinton administration, human trafficking has become a high priority in DOJ as an evil that must be stamped out. DOJ's "3P" approach is prevention, prosecution, and protection (victim rehabilitation).

Particularly with the advent of TVPA's mandate to assist and protect trafficking victims, prosecution became victim centered—that is, what happens to victims, even if in the country illegally, is just as important as bringing a case against traffickers and incarcerating them. Federal enforcement agencies, such as Immigration and Customs Enforcement (ICE) and FBI field offices, are graded not just on the number of traffickers put away but also on how well they fulfill victim-assistance mandates. Critical to that end is formalization of the relationship between law enforcement/prosecution and NGOs experienced in providing services to traumatized persons. A team effort is essential.

Three major challenges facing prosecutors include the he-said/she-said situation, where corroboration is missing because the victim has been isolated. A second hurdle is the problem of initial consent—some people believe that victims who initially consented to cross the border or even to become prostitutes are undeserving victims despite their downward spiral into involuntary servitude. Another challenge is the traumatized victim, one who almost cannot articulate what has happened, such as the Brazilian woman held for 20 years in isolation as a domestic servant. NGOs can help such victims work through their traumas.

**Local Insights: Lieutenant Mary Petrie, San Francisco Police Department
Project Director, North Bay Human Trafficking Task Force**

In addition to a grant from the Bureau of Justice Assistance, DOJ, in support of the task force, the availability of various federal agencies to walk the multiagency task force through steps necessary for its development was extremely important. Helping the San Francisco police and others hit the ground running upon receiving the grant was participation in Operation Gilded Cage, involving 400 local, state, and federal law enforcement officers targeting San Francisco massage parlors linked to human trafficking and other crimes. Results: 29 indictments and \$2-million in seized cash.

Among important aspects of task force operations is use of the U.S. Attorney as a focal point for each agency to determine what others are investigating and thereby avoid inadvertently treading on another agency's case and even endangering officers. Also important for overall coordination is to have NGOs on board. Asset forfeiture provisions enhance the interest of local law enforcement agencies in participating in the task force, which includes about 40 bay-area police departments. Victims, often children, infrequently self-identify. Outreach efforts must let them know that law enforcement is ready to help and can show them how to escape their servitude.

Because many local officers are not well informed about human trafficking, education and training is critical. Nationwide, police officers are available to respond to prostitution, battery, kidnapping, missing persons, domestic violence, and false imprisonment calls. With training,

such officers could link some of those incidents to human trafficking.

Questions and Answers

What advice would you give to a law enforcement agency that is unsure whether it faces a human trafficking problem? de Baca: Stay in touch with groups working with migrant workers, such as churches, immigration organizations, and health providers. Brothels may be following migrant worker camps. Petrie: Police officers, as they do with other crime victims, should know the nature of human trafficking and should be asking the right questions leading to victims. Such officers are your outreach. Coonan: The role of community policing is vital. Officers' relationships with the community can lead to identification of trafficking victims.

Is there adequate coordination in the federal government on human trafficking? Coonan: Not enough. It is a work in progress. Institutional memory is insufficient. Prosecutors must reinvent the wheel partly because experienced police officers move on or are promoted. Institutions as well as officers must be trained. Petrie: From a local perspective, good coordination exists. In Operation Gilded Cage, for example, each of 32 teams worked effectively and comprised personnel from local agencies and such others as Departments of State and Labor, FBI, and ICE.

Are not victims of human trafficking here in the first place because of insufficient resources allocated to patrolling the border? Coonan: Many human trafficking victims come here legally, such as on tourist, fiancée, or student visas. Border security is important, but so are the TVPA incentives for victims to come forward. They are afraid. Something must be in it for them to take part in prosecutions. de Baca: Many victims are legally in this country. Some are here on work visas. The trafficker convinces such visa holders that the U.S. government requires them to work for the trafficker or else they will be turned in. Thus, many victims become enslaved upstream from the border. We need both border and interior enforcement. We need to follow up on people admitted on guest worker visas and run periodic checks, which would put employers on notice. Tough enforcement is needed on every level.

What is being done on the demand side, such as against men who take advantage of vulnerable women? de Baca: Applicable laws are local, not federal. The United States is the world leader in arresting men for prostitution solicitation—about 26,000 in the last 2 years. Petrie: In San Francisco, arrested customers attend a one-day school addressing issues such as sexual addiction health implications, and human trafficking.

Did someone wish to comment about a hotline? Andrea G. Lange, Lockheed Martin Aspen, forum attendee: Under a contract with the U.S. Department of Health and Human Services, Lockheed Martin Aspen, in cooperation with Covenant House in New York City, operates a 24/7 hotline (1-888-373-7888) for human trafficking victims and others possessing information. Calls, running at about 200 per month, can be taken in any language. How can victims be located? Part of the answer is to give them an opportunity to self-identify, such as through this hotline.

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