



# Community Service Officer Academy



**What is Human Trafficking?**

**Modern Day Slavery**

# Presentation

- Definitions
- Dynamics
- Documentation
- Communication
- Collaboration
- Civil and Immigration Remedies
- Resources
  
- TEST





# 13<sup>th</sup> Amendment

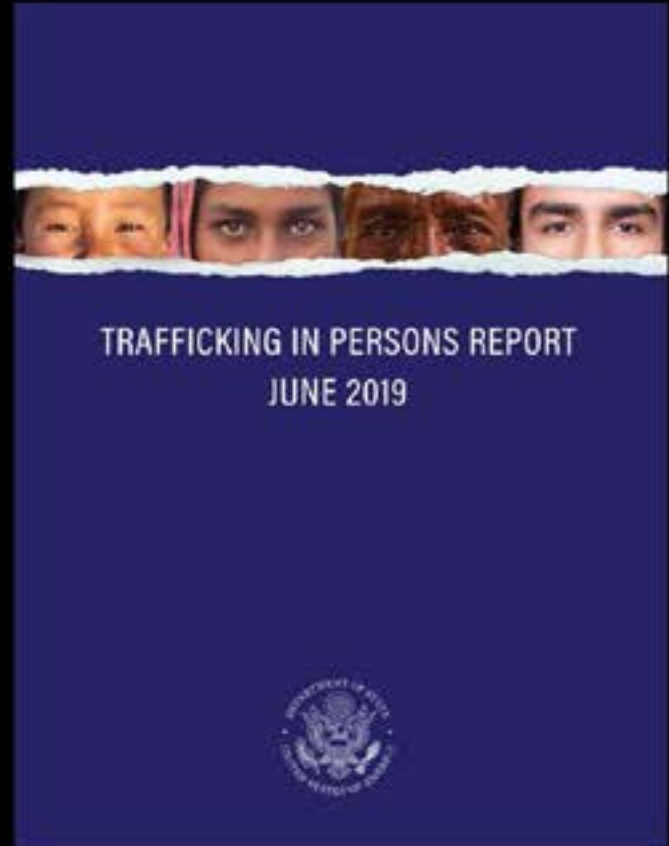
- “Neither slavery nor involuntary servitude, except as a punishment for crime where the party shall have been duly convicted, shall exist with in the United States, or any place subject to their jurisdiction”...
- Passed January 31st, 1865
- Ratified December 6th, 1865





## TIP Report

46,000,000





# International Labor Organization

- Annual global profits: \$150 Billion
- 22% via Sexual Exploitation
- 68% via Forced Labor
- 2/3's of profit: Sexual Exploitation
- \$8 Billion saved - Domestic Servitude





# Evolution of U.S. Law

- 2000 Trafficking Victims Protection Act
- Foundation of U.S. human trafficking laws
- Reauthorized 2003, 2005, 2008, 2013, 2017

# TVPA

- Sex trafficking in which a commercial sex 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; or
- 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 subjection to involuntary servitude, peonage, debt bondage, or slavery

## LABOR

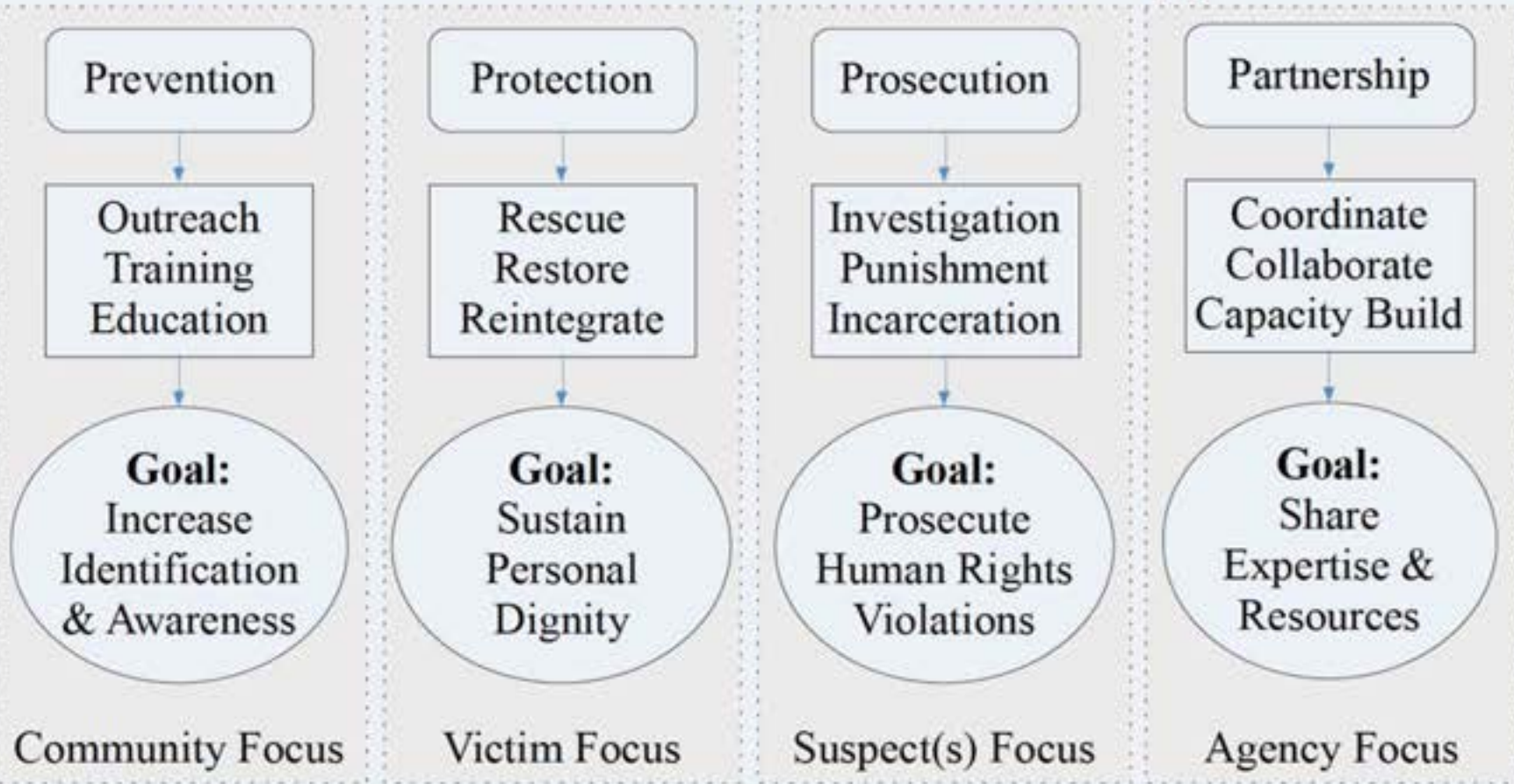
Domestic Servitude  
Commercial Agriculture  
**Forced Begging**  
Restaurant Work  
**Magazine Sales**  
Day Labor  
Construction  
Carnivals  
Factory Work/Sweatshops  
Custodial Work

## SEX

Forced Prostitution  
**Servile Marriage/Mail Order  
Bride**  
Forced Stripping/Dancing  
Child Pornography  
**Child Sex Tourism**  
Organized Prostitution  
Forced Adult Pornography  
Sex Tourism & Entertainment  
Child Sexual Exploitation  
Residential Brothels  
Massage Parlors

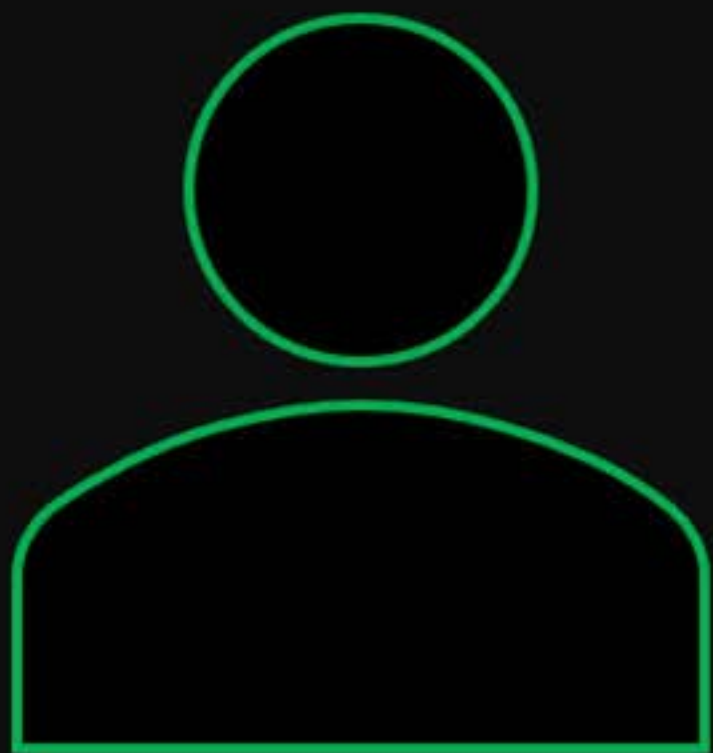
# *Federal Model: Human Trafficking Task Forces*

## Victim-Centered Trauma Informed Approach



**GOAL:** *Prioritize People over Process*





## Victim-Centered Approach



# Immigration Relief Options



# Federal HT – The AMP Model

<u>Action</u>	<u>Means</u>	<u>Purpose</u>
Recruits,	Force	Commercial sex acts
Harbors,	Fraud	
Transports,	Coercion- <i>threats</i>	Labor or services
Provides		
<i>Or</i>	Coercion- abuse	
Obtains (or so attempts)		



ANALYSIS EXPLORE SEARCH KNOWLEDGE SCIENCE METHOD

2018



BIG TICKET  
TELEVISION.



**RIGHT NOW AT 5:00**

# Labor Violations VS. Trafficking

## Labor Violations

E.g., poor  
working  
conditions, no  
overtime



## Forced Labor

Compelled to  
work-Force  
Fraud  
Coercion



**Free to leave**

# SPORTS

- Athletes are recruited with the promise of a better future
- Athletes are transported to new locations, often in isolation and without adequate resources
- Athletes are forced to play their sport for countless hours for the benefit of others
- Athletes are under full control of their caretaker / agent / trafficker





# Indicators

- Evidence of control
  - Isolation
  - Restrictions
  - Documents
  - Fraud
  - Debt
  - Environment
- Fear
  - Clothing





# Methods of Control

- Confinement
- Threats
- Assaults
- Documents
- Coercion



# Who are the Traffickers?

- International Organized Crime
- Gangs
- Family and Relatives
- Local Organized Crime
- Smugglers
- Pimps
- Madams
- **Anyone**



# Barriers for Victims Seeking Assistance

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- Culture & language
- Lack of trust
- Undocumented/fear of deportation
- Fear of law enforcement
- Lack of knowledge of services, rights, and laws
- Fear of retaliation from trafficker
- Shame & stigma







# Questions

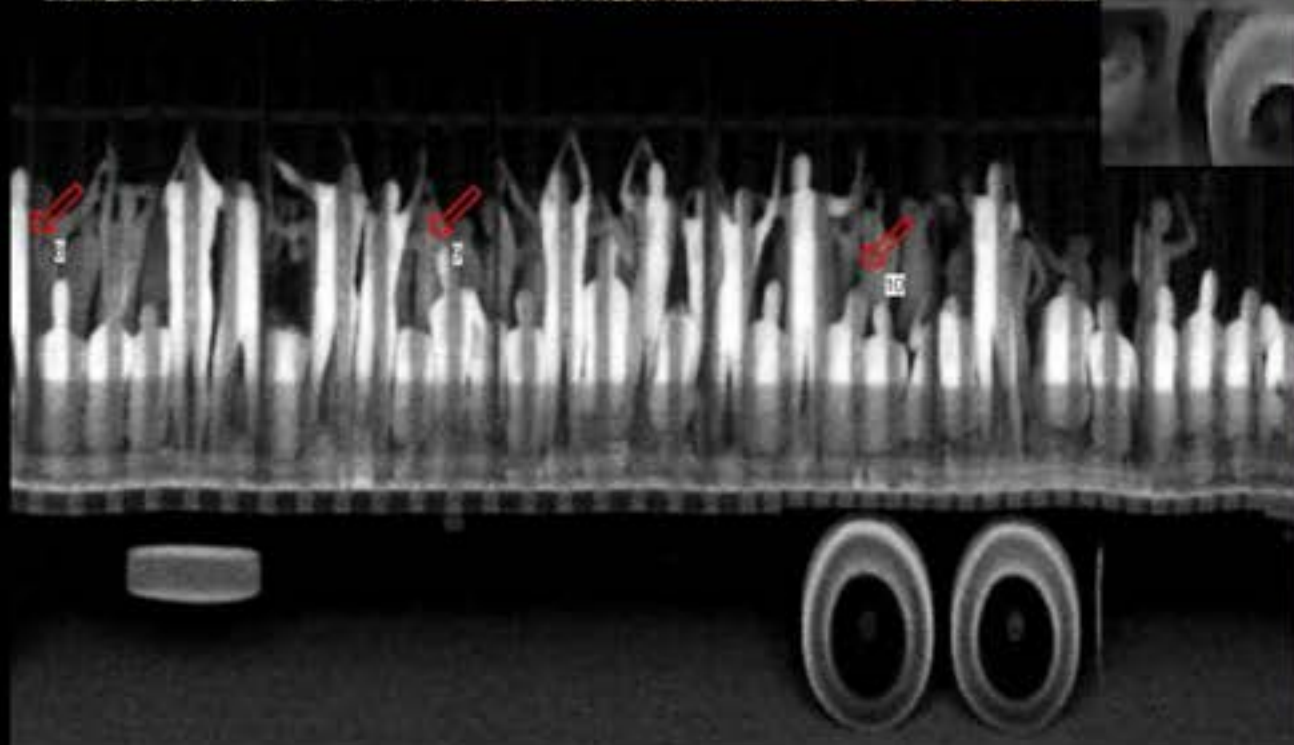
- Did you come here to work?
- Are you working in the field you expected?
- When you got here were you asked or told to repay a debt?
- Who controls your passport or identification?
- Were you being forced to do something against your will?
- Could you leave if you wanted?
- What do you believe will happen if you leave?
- Do you have fear of someone or something occurring?
- Did someone tell you that you would be deported?
- Were there locks on the doors and windows?
- When was the last time you spoke to your family back home?

**Do you want help?**





REUTERS





## Smuggling

- Crime against nation
- Must cross a national border
- Person free to leave after border passage
- A person consents to be smuggled
- No labor or sexual exploitation required

## Trafficking

- Crime against person
- No movement required
- Person is NOT free to leave after border passage
- A person is trafficked through force, fraud, or coercion
- Involves labor or sexual exploitation

*Trafficked persons can only be foreign nationals or are only immigrants from other countries*

*Human trafficking is essentially a crime that must involve some form of travel, transportation, or movement across state or national borders*

*There must be elements of physical restraint, physical force, or physical bondage when identifying a human trafficking situation*

*Victims of human trafficking will immediately ask for help or assistance and will self-identify as a victim of a crime*

*Human trafficking victims always come from situations of poverty or from small rural villages*

*Sex trafficking is the only form of human trafficking*

*Human trafficking only occurs in illegal underground industries*

*If the trafficked person consented to be in their initial situation or was informed about what type of labor they would be doing or that commercial sex would be involved, then it cannot be human trafficking or against their will because they "knew better"*

*Foreign national trafficking victims are always undocumented immigrants or here in this country illegally*

## 236.1 PC

(a) Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than \$500,000.00

(b) Sex

(c) Sex / Minor Involved



# History

## ❖ 236.1 PC

- 2006 Became California Law
- 2009 Amended to mirror the Federal Statute regarding Force, Fraud, & Coercion when a minor is involved
- 2012 Amended by Prop 35 to clarify and add more severe punishments

# California HT – AMP model: 236.1

<u>Action</u>	<u>Means</u>	<u>Purpose</u>
Deprive  <i>Or</i>  Violate  the personal liberty of another	Force, Fear, Fraud, Deceit, Coercion, Violence, Duress, Menace  <i>or</i> <i>Threat of unlawful injury to victim or to another person</i>	With intent to:  <ul style="list-style-type: none"><li>•CPC 266h &amp; i – Pimping &amp; Pandering</li><li>•CPC 266, 266j</li><li>•CPC 267 – Abduction of <i>minor</i> for prostitution</li><li>•CPC 311.1–6, <i>or</i></li><li>•<i>Forced labor or services</i></li></ul>

## 236.1(a)

### Action

Deprive

*Or*

Violate

the personal  
liberty of  
another

### Means

Force,

Fraud,

Coercion,

Duress

### Purpose

With intent to:

- *Force labor or services*

**Punishment:**

*5, 8 or 12 years and a fine not to exceed \$500,000*



# Labor Scenario

## (P.O.S.T)

# 236.1(b)

<u>Action</u>	<u>Means</u>	<u>Purpose</u>
Deprive  <i>Or</i>  Violate  the personal liberty of another	Force, Fear, Fraud, Deceit, Coercion, Violence,  Menace  <i>Threat of unlawful injury to victim or to another person</i>	<i>With intent to:</i> <ul style="list-style-type: none"><li>•266h &amp; i – Pimping &amp; Pandering</li><li>•266, 266j</li><li>•267 – Abduction of <i>minor</i> for prostitution</li><li>•311.1–6 or</li><li>•518 (Extortion)</li></ul>

**Punishment:**  
*8, 14 or 20 years and a fine not to exceed \$500,000*

# 236.1(c)(1)

## Action

Cause,  
Induce,  
or  
Persuades  
(Or attempts to)

## Means

## Purpose

*A commercial sex act to  
effect or maintain:*

- **266h & i** – Pimping & Pandering
- **266, 266j**
- **267** – Abduction of *minor* for prostitution
- **311.1–6** or
- **518** (Extortion)

*-Consent of victim not a defense*

*-Mistake of fact with regards to age of victim not a defense*

**Punishment [without means]:**

**5, 8 or 12 years and a fine not to exceed \$500,000**

## 236.1(c)(2)

### Action

### Means

### Purpose

Cause,  
Induce,  
or  
Persuades  
(Or attempts to)

Force,  
Fear,  
Fraud,  
Deceit,  
Coercion,  
Violence,  
Duress,  
Menace

***Threat of unlawful  
injury to victim or to  
another person***

*A commercial sex act to  
effect or maintain:*  
•CPC 266h & i – Pimping &  
Pandering  
•CPC 266, 266j  
•CPC 267 – Abduction of *minor*  
for prostitution  
•CPC 311.1–6 or  
•518 (Extortion)

*-Consent of victim not a defense*

*-Mistake of fact with regards to age of victim not a defense*

**Punishment [with means]:  
15 years to life and a fine not to exceed \$500,000**



# How are cases identified

- Complaints from the Community (Businesses/Neighbors)
- Referrals from NGO's (Non-Government Organizations)
- Tips from the National Human Trafficking Hotline
- Hospital/Emergency Room Referrals



- Calls for Service
  - Domestic Violence
  - Landlord / Tennant
  - Labor Disputes
  - General Disturbance
  - False Imprisonment
  - Consensual Contacts
  - Pan Handling
  - Fruit Vendor
  - Kidnapping
  - Robbery
  - Theft
  - Car Stop

# Intersection Crime

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# HUMAN TRAFFICKING PROTOCOL FOR LAW ENFORCEMENT

## 2016

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Police Chiefs Association  
Of  
Santa Clara County

Adopted June, 2011

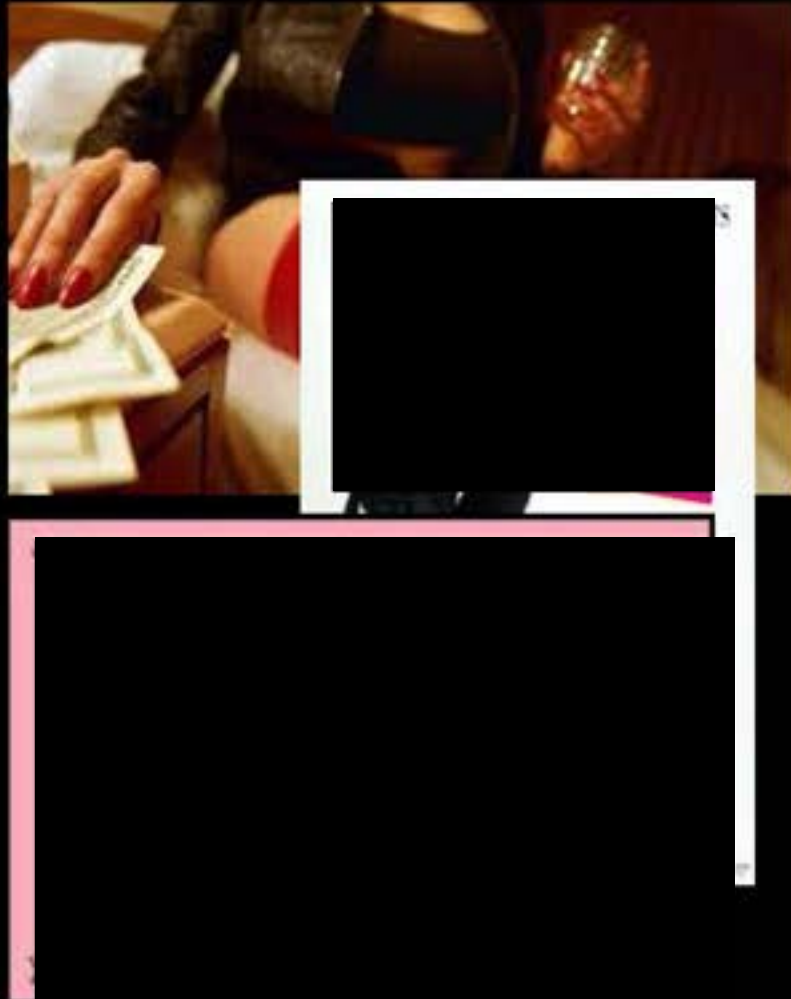






# Terminology

Prostitute



Vs

CSEC



# Victim's Perspective

# CSEC Investigation







- Teenagers
- Sexual Assault Victims
- Domestic Violence Victims
- Child Abuse Victims
- Recidivism

Bureau of Investigations

Sexual Assaults Investigations Unit

Missing Persons / Juvenile / Human Trafficking



408-277-4102

# Recourses

## National Human Trafficking Resource Center

Operated by the Polaris Project, Washington, DC

Hotline Number: 888 - 3737 – 888  
or text BeFree (233733)

Funded by the US Department of Health & Human Services

- 24 hours a day / 7 days a week
- Live operator, trained to screen HT cases
- Can accommodate many languages
- Open to law enforcement, first responder professionals, community members, and victims
- Callers can remain anonymous
- Connects to local HT law enforcement or victim resources





- HT is a crime like any other crime
- Obtaining of any person by means of force, fraud, or coercion for the purposes of labor, services, or sexual exploitation. If the person is under the age of 18, no means need be present
- Victim focused response
- Collaboration is key







# Reference Material



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



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



[www.lovenever-fails.org](http://www.lovenever-fails.org)



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

**A CRIME SO  
MONSTROUS**

FACE-TO-FACE WITH MODERN-DAY SLAVERY

E. BENJAMIN SKINNER  
FOREWORD BY RICHARD HOLBROOKE

**GIRLS  
LIKE  
US**



