

Community Service Officer Academy



What is Human Trafficking?

Modern Day Slavery

Presentation

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

- TEST



13th Amendment

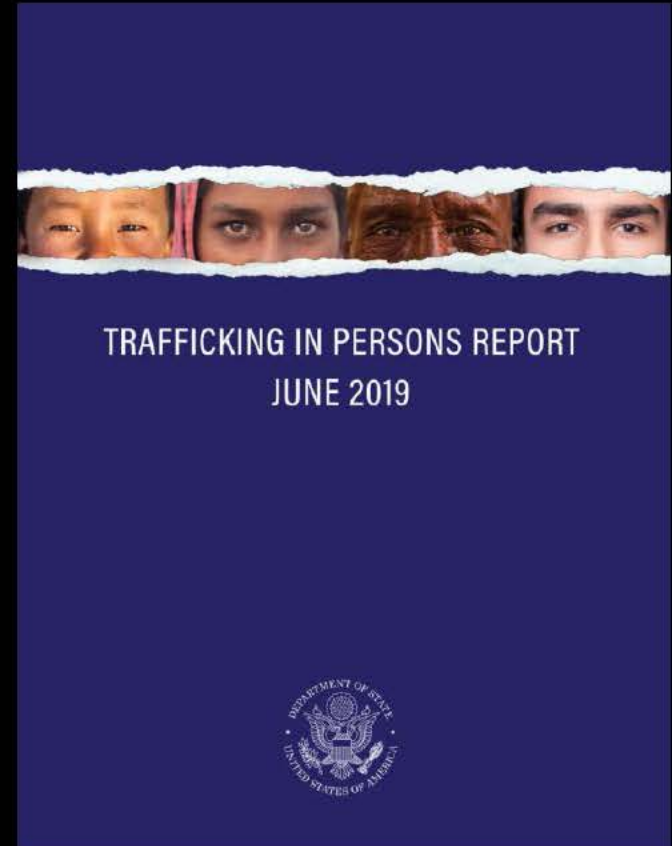
- “Neither slavery nor involuntary servitude, except as a punishment for crime where the party shall have been duly convicted, shall exist with in the United States, or any place subject to their jurisdiction” ...
- Passed January 31st, 1865
- Ratified December 6th, 1865





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

T V P A

- 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

Prevention

Outreach
Training
Education

Goal:
Increase
Identification
& Awareness

Community Focus

Protection

Rescue
Restore
Reintegrate

Goal:
Sustain
Personal
Dignity

Victim Focus

Prosecution

Investigation
Punishment
Incarceration

Goal:
Prosecute
Human Rights
Violations

Suspect(s) Focus

Partnership

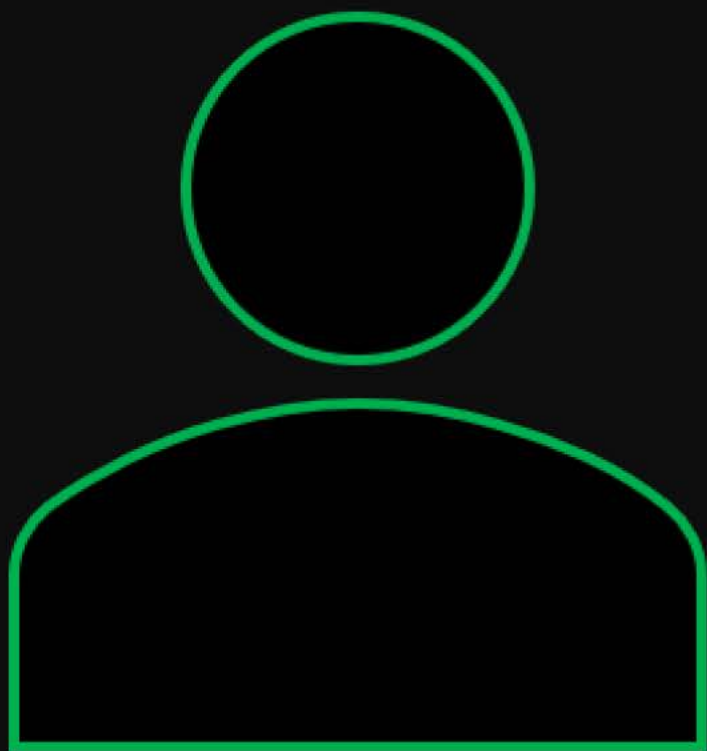
Coordinate
Collaborate
Capacity Build

Goal:
Share
Expertise &
Resources

Agency Focus

GOAL: *Prioritize People over Process*

**Four
P's**



Victim-Centered Approach



Immigration Relief Options

Federal HT – The AMP Model

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

2018

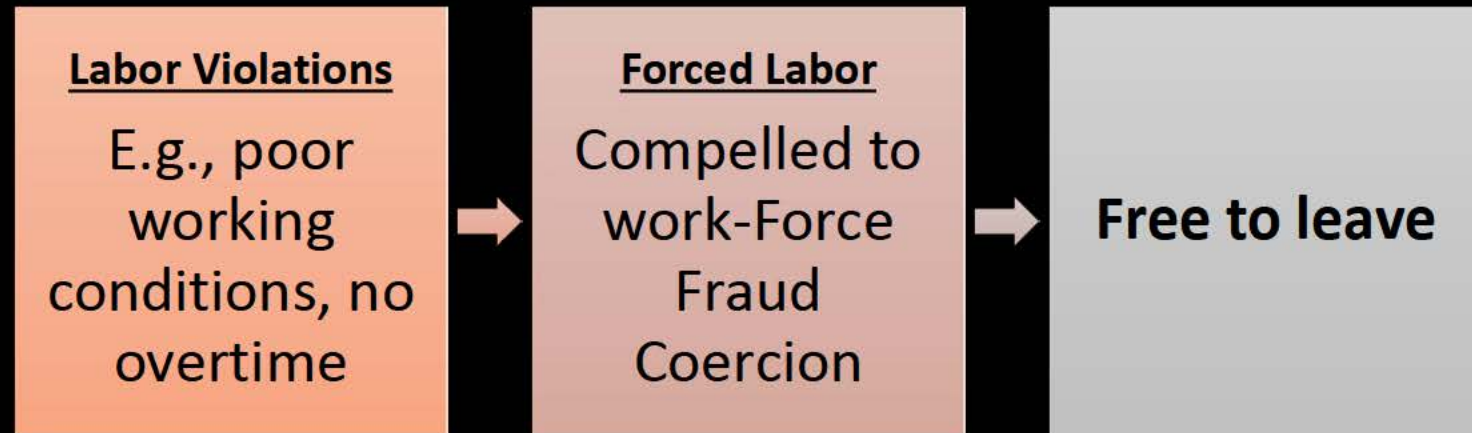


**BIG TICKET
TELEVISION.**



RIGHT NOW AT 5:00

Labor
Violations
VS.
Trafficking



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

- 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





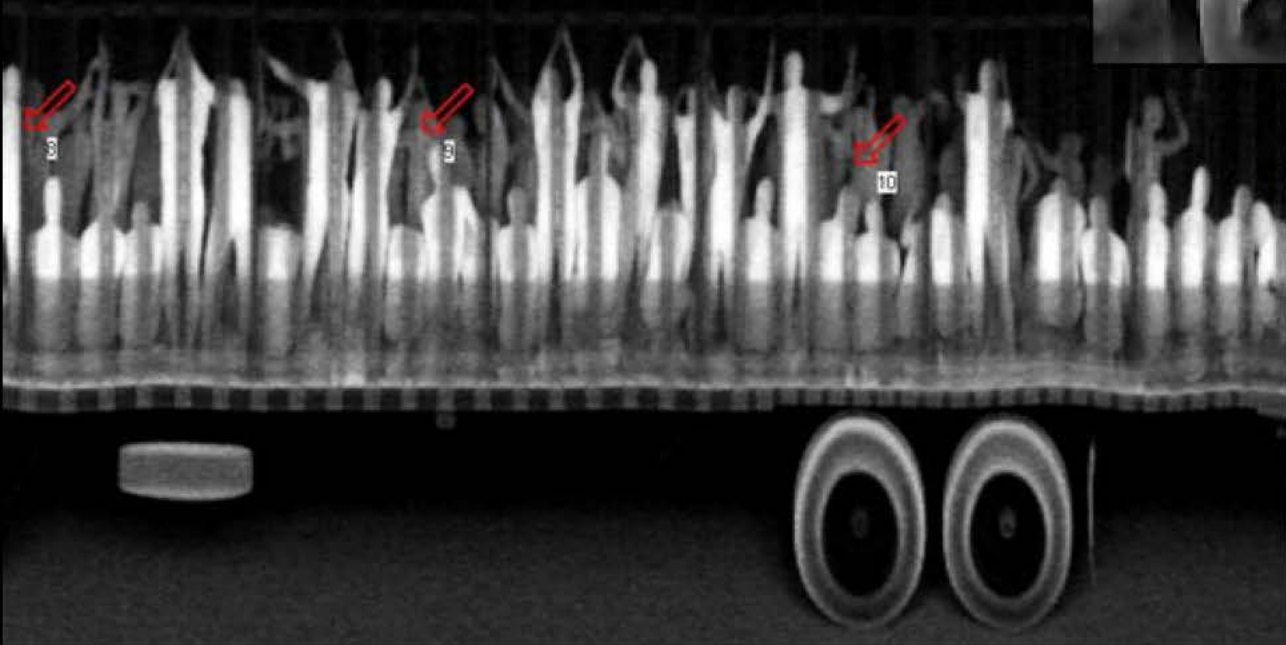
Questions

- **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: •CPC 266h & i – Pimping & Pandering •CPC 266, 266j •CPC 267 – Abduction of <i>minor</i> for prostitution •CPC 311.1–6, <i>or</i> • <i>Forced labor or services</i>

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">•266h & i – Pimping & Pandering•266, 266j•267 – Abduction of <i>minor</i> for prostitution•311.1–6 or•518 (Extortion)

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



HUMAN TRAFFICKING PROTOCOL FOR LAW ENFORCEMENT

2016

Police Chiefs Association
Of
Santa Clara County

Adopted June, 2011

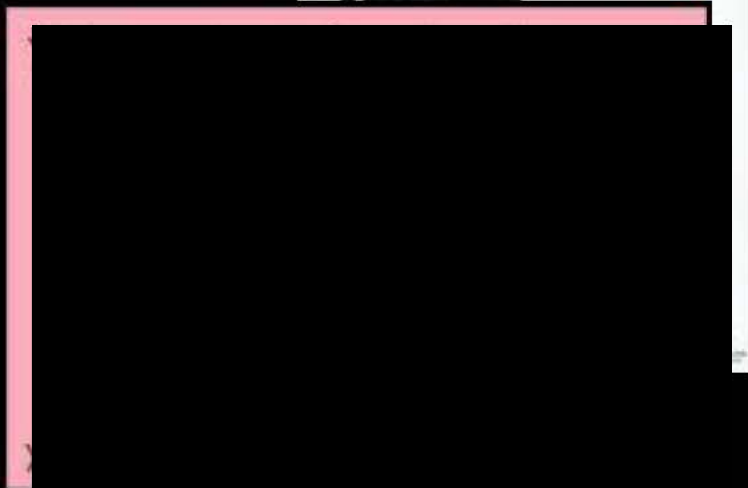
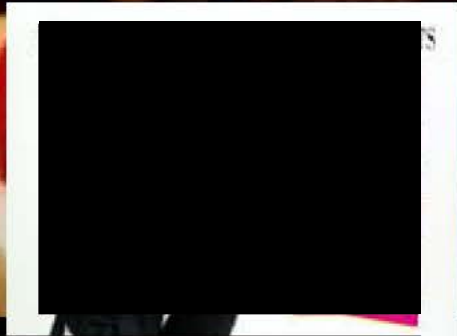


Terminology

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





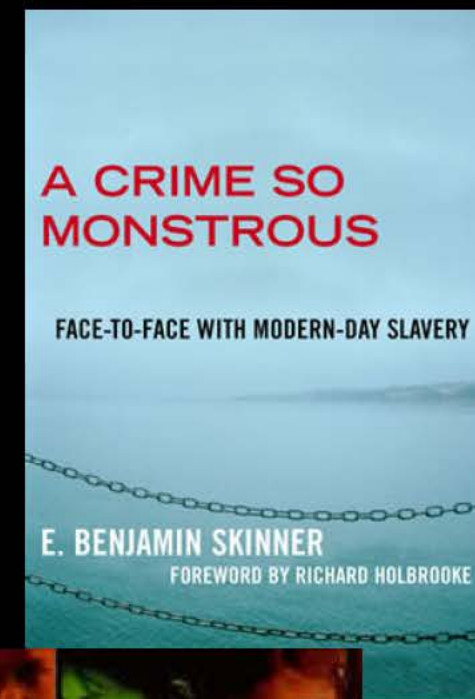
Reference Material



www.notforsalecampaign.org



www.baatc.org



www.thedarksideofchocolate.org



www.lovenever-fails.org

