Human Trafficking: Modern Day Slavery

Association of Certified Anti-Money Laundering Specialists

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Human Trafficking is not a new problem. It’s a new term for an old crime: slavery.

13th Amendment “neither slavery nor involuntary servitude…shall exist in the United States”

Slavery - people held or compelled into service against their will
Federal Law

18 United States Code, Chapter 77
PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS

Section.
1581. Peonage; obstructing enforcement.
1582. Vessels for slave trade.
1583. Enticement into slavery.
1584. Sale into involuntary servitude.
1585. Seizure, detention, transportation or sale of slaves.
1586. Service on vessels in slave trade.
1587. Possession of slaves aboard vessel.
1588. Transportation of slaves from United States.
1589. Forced labor.
1590. Trafficking w/respect to peonage, slavery, involuntary servitude, or forced labor.
1591. Sex trafficking of children or by force, fraud, or coercion.
1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.
1593. Mandatory restitution.
1593A. Benefitting financially from peonage, slavery, and trafficking in persons.
1594. General provisions.
1595. Civil remedy.
1596. Additional jurisdiction in certain trafficking offenses.
OAKLAND – When selling crack cocaine became a tougher way to make money at the beginning of the decade because of increased police pressure, many drug dealers turned to pimping instead.

By selling young girls for sex, street hustlers were less likely to get caught. They didn't have to carry the commodity in their pocket or stash it in their homes, as they usually did with crack cocaine. They could use cell phones and laptop connections to the Internet to conduct business with customers while simply posing as boyfriends walking down the street with their girls….

"There is increased economic incentive promoting young men to become involved in pimping," the report said. "The lure of what is perceived as easy money is supported by easy access to a never ending supply of runaway, AWOL and throwaway youth — youth who are highly vulnerable, who have no way to meet their basic needs of food, shelter and human connection and who are invisible to society at large." …
20.9 Million People
$150 billion
$99 billion
$51 billion*

*Profits and Poverty: The Economics of Forced Labour
International Labour Office, 2014

Low Risk - High Profit
Human Trafficking is…

Recruitment

Harboring

Transportation

Provision or

Obtaining of a person…

for a Commercial Sex Act or

Labor or Services…

through Force, Fraud or Coercion.
United States v Kozminski  
487 U.S. 931 (108 S.Ct. 2751, 101 L.Ed.2d 788) 1988  
Held: “…the term ‘involuntary servitude’ necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury or by the use or threat of coercion through the law or the legal process…”

 Trafficking Victims Protection Act  
22 U.S.C. Sec. 7102 (A)-(B) 2000  
Coercion The term "coercion" means –  
(A) threats of serious harm to or physical restraint against any person;  
(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or  
(C) the abuse or threatened abuse of the legal process.
Sex Trafficking

*Commercial* sex act induced by force, fraud or coercion,

*OR*

*Commercial* sex act in which person performing the is under age 18.
Labor Trafficking:
Recruitment, harboring, transportation, provision, or obtaining a person...
For labor or services...
Through force, fraud or coercion...

*For purpose of subjection to involuntary servitude, peonage, debt bondage or slavery*
How Are Victims Trafficked?

Force:
Rape, beatings, constraint, confinement, addiction to drugs

US Department of Health and Human Services, ACF, Trafficking Campaign
How Are Victims Trafficked?

Fraud:
False and deceptive offers of employment or better life.

Photo courtesy of Sandy Shepherd and Given Kachepa.
Zambian A Cappella Boys Choir. Given Kachepa is on top row, far right, with arms crossed. This was the official photo sold by TTT at their concerts.
How Are Victims Trafficked?

**Coercion:**

- Threats of serious harm to, or physical restraint of, any person;

- Any scheme, plan or pattern intended to cause victims to believe that failure to perform an act would result in restraint against them; or

- The abuse or threatened abuse of the legal process.
Crime of trafficking occurs with the exploitation of the victim.

The physical movement of the victim is not a requisite.
Labor Trafficking

**Domestic Work**

*United States v. Calimlim* (7th Cir. 2008)
2 physicians, live-in housekeeper for 19 years

*United States v. Sabhnani* (2nd Cir. 2010)
Long Island couple, 2 domestic servants

*United States v. Djoumessi* (6th Cir, 2008)
14 year old domestic servant – Detroit
Labor Trafficking

Hospitality Industry

Employment agencies
Indictments in 2009 result in convictions of individuals who through “Giant Labor Solutions,” “Five Star Cleaning LLC,” and “Crystal Management” provided labor pools for hotels, casinos, and other employers in 14 states, including MO, KS, AL, AZ, CA, CO, FL, LA, MA, MN, NV, NJ, SC, WY

“Let us worry about your labor needs so you may focus on your business!”
Labor Trafficking

Construction and Landscaping

Indian guestworkers, following Hurricane Katrina (February 2014)

NH tree removal company – Jamaican workers
Labor Trafficking

**Health and Beauty**

Young girls from Togo
Hair braiding
(2010)

**Bars and Clubs**

*U.S. v. Aleksandr Maksimenko*
Eastern European Women
Dance at strip clubs
Knocking at Your Door: Labor Trafficking on Sales Crews

The National Human Trafficking Resource Center (NHTRC) hotline and the Polaris BeFree Textline received 419 reports of likely labor trafficking cases involving traveling sales crews between January 2008 and February 2015, more than any other industry except domestic work. (Executive Summary, p.1., 2015)
And a bakery....

*Italian Bakery* (2008)

Guilty plea to unlawful hiring of undocumented immigrants;

Civil suit regarding allegations of human trafficking by extended Ecuadoran family against “mom and pop” bakery in Connecticut
Labor Trafficking in Ohio 2013

Ashland, Ohio

Defendants charged w/holding woman with cognitive disabilities and her child against their will and forcing the woman to perform manual labor for them…

Defendants used a combination of violence, threats, sexual assaults, humiliation, deprivation, and monitoring to establish and continue a pattern of domination and control over their victims, identified only as S.E. and B.E., according to the indictment.

Jessica Hunt was sentenced to 32 years in prison -- two more years than her boyfriend -- with added time for obstruction of justice.

U.S.District Court photo


Jordie Callahan
Sentenced to 30 years

Labor Trafficking in Ohio

Agriculture

Enslaved in Marion County
Young Guatemalans Housed Here
While Working At Area Egg Farms
2015

http://www.marionstar.com/story/news/local/2015/09/05/enslaved-marion-county/71786932/?from=global&sessionKey=&autologin=
A leader of a human trafficking ring pleaded guilty yesterday in federal court to charges that he lured Guatemalan minors and adults into the United States on false pretenses, then used threats of physical harm to compel their labor at egg farms in Ohio...

The defendants threatened workers with physical harm and withheld their paychecks in order to compel them to work...Eight minors, as young as 14, and two adults were identified in the indictment as victims of the forced labor scheme.


A car passes by the Oakridge Estates trailer park. (Photo: Matthew Hatcher/The Marion Star)

While Oakridge Estates appeared tranquil this past week, it was the scene of a Dec. 17, 2014, federal immigration raid, where law enforcement personnel removed 45 people in connection with labor trafficking at area egg farms. (Photo: Matthew Hatcher/The Marion Star)
Human Trafficking: Who Are Victims?

Victims are trafficked across international borders.

PBS Map on Trafficking Patterns

US Department of Health and Human Services, ACF, Trafficking Campaign
Maria Terechina pleaded guilty to conspiring to defraud the U.S. and conduct human trafficking. Federal prosecutors said that Maria Terechina was a criminal who helped trick hundreds of eastern European women into taking hotel jobs in Ohio that they couldn't escape because she took their passports and controlled where they lived and how they got around…

Many victims are also US citizens.
Who is at-risk to be trafficked?

- Children
- Vulnerable women
- Homeless,
- Immigrants
- The disabled
- LGBTQ
Red Flags

- Is the person you encounter accompanied by another person who seems controlling?
- Does one person insist on giving the information for the other person?
- Does one person hold the ID for the other person?
- Can the person leave their job if they want to?
- Can you see or detect any physical abuse?
- Use of the term “Daddy”
- Branding – not just a fun tattoo
- Young girl with hotel cards
- Young girls with older boyfriends
- Young girls with new clothes, new jewelry, nails, hair
Questions

• What type of work do you do?
  • Are you being paid?
  • Can you leave your job if you want to?
  • Can you come and go as you please?
  • Have you or your family been threatened?
• What are your working and living conditions like?
  • Where do you eat and sleep?
  • Do you need permission to eat/sleep/go to the bathroom?
  • Are there locks on the doors/windows so you cannot get out?
  • Has your identification been taken from you?
Mindset / Responses of Trafficking Victims

- Victims comply and don’t seek help because of FEAR
- Victims are kept isolated; watched, escorted, guarded
- Victims often coached to provide certain answers
- Trauma Bond
- Many victims do not speak English
- Unaware what is being done to them is a crime
- Often blame self; Ambivalence; Not see self as victim; Dependency
Needs of Trafficked Persons

• Services – not detention
• Translation/interpretation
• Services for physical and mental health
• Food, Housing, Clothing
• Legal services – immigration services
• Education
• Employment

Victims Need a Collaborative Response...
Law Enforcement; Judicial System; Social Service; Health Care; Education; Community Groups...
In Plain Sight…

“Prostituted Child”

not “Child Prostitute”

Due to misidentification, ignorance, or efforts to keep victims safe from traffickers … children are often labeled as delinquents and placed in detention facilities.
In Plain Sight…

“Possible Trafficking Victims” not “Illegals,” “Aliens,” “Juvenile Delinquents,” or “Runaways”
What is happening in Ohio?

Picture from Kathleen YS Davis, *Human Trafficking and Modern Day Slavery in Ohio*, 2006
Ohio Law

ORC 2905.32

No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain...another person knowing that the person will be subjected to involuntary servitude or compelled to engage in sexual activity...

Compelled does not require that the compulsion be openly displayed or physically exerted; it’s established if state proves victim’s will overcome by force, fear, duress, intimidation or fraud.

First Degree Felony, mandatory minimum of 10 years in prison, ORC 2905.32 (E)
Ohio Law

ORC 2905.33

Unlawful conduct with respect to documents

No person, without privilege to do so, shall knowingly destroy, conceal, remove, confiscate, or possess any actual or purported government identification document or passport of another person in the course of a violation of, with intent to violate, or with intent to facilitate a violation of section 2905.01, 2905.02, 2905.32, 2907.21, 2907.22, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code.

Third Degree Felony
Ohio Headlines

Jury convicts Ashland couple of keeping mentally disabled woman as a domestic slave for two years
Cleveland.com March 7, 2014

Jeremy Mack found guilty on 9 counts in human trafficking trial
Channel 5, February 18, 2014

FBI: Man Sold Girl for Sex at Downtown Starbucks
January 6, 2011, Fox 8 News
Ohio Headlines

Human trafficking “hiding in plain sight” in northern Ohio, U.S. Attorney says

Ohio Man Sentenced to 30 Years in Prison for Sex Trafficking of Minor
Federal Bureau of investigation, July 3, 2012

National activist fighting sex trafficking says she was first exploited in Cleveland
Cleveland Plain Dealer, October 13, 2011
Response to Issue

**FEDERAL Plan**: Coordination, Collaboration, Capacity 2013-17

**STATE**: Ohio Governor’s HT Task Force
Ohio Atty. General’s TIP Commission

**LOCAL Efforts**:
- Collaborative to End Human Trafficking
- Cleveland Municipal Court
- Project STAR (Hotline), Cleveland Rape Crisis Center
- Multiple agencies working to develop coordinated continuum of services for victims of sex trafficking
  - Bellefaire Homeless and Missing Youth Program; CC Juvenile Court; CC Prosecutor’s Office; CC Sheriff’s Dept; CC Missing Person’s Unit; Renee Jones Empowerment Ctr, Salvation Army; SANE Nurses…
- City of Cleveland Community Relations Board; City Council
- Greater Cleveland RTA….Ohio Public Transit Association
THE CODE

CODE OF CONDUCT FOR THE PROTECTION OF CHILDREN FROM SEXUAL EXPLOITATION IN TRAVEL AND TOURISM

Six criteria:

1. To establish an ethical policy regarding commercial sexual exploitation of children.
2. To train the personnel in the country of origin and travel destinations.
3. To introduce a clause in contracts with suppliers, stating a common repudiation of commercial sexual exploitation of children.
4. To provide information to travelers by means of catalogues, brochures, in-flight films, ticket-slips, home pages, etc.
5. To provide information to local “key persons” at the destinations.
6. To report annually.
California Transparency in Supply Chains Act of 2010
Effective January 1, 2012

Goal: “ensur[ing] large retailers and manufacturers provide consumers with information regarding their efforts to eradicate slavery and human trafficking from their supply chains.”

Applies to every retailer and manufacturer doing business in California w/global gross receipts exceeding $100 million must disclose on website
To amend the Securities Exchange Act of 1934 to require certain companies to disclose information describing any measures the company has taken to identify and address conditions of forced labor, slavery, human trafficking, and the worst forms of child labor within the company's supply chains.
Know The Chain is a resource for businesses and investors who need to understand and address forced labor abuses within their supply chains.

www.knowthechain.org
Federal Contracts

Executive Order
Strengthening Protections Against Trafficking in Persons in Federal Contracts
September 25, 2012
Human Trafficking…What does it have to do with my daily life?
How many slaves work for you?
Getting Victims of Human Trafficking the Help They Need

1.888.3737.888
or text BeFree (233733)

This hotline will help you:
• Determine if you have encountered victims of human trafficking
• Identify local community resources to help victims
• Coordinate with local social service organizations to help protect and serve victims so they begin process of restoring their lives

Local FBI Office (Cleveland) 216-522-1400

Call local police if victim is at risk of imminent harm

www.acf.hhs.gov/trafficking
Mission:

To educate and advocate for the prevention and abolition of human trafficking while connecting services on behalf of trafficked persons.