The Laws and Challenges of Human Trafficking and Combat Plan

(*Legal Education focus*)

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Why is Human Trafficking a Priority for Public Safety?

- It is a violation of human rights
- It is a violation of International U.S. law and CA Law- A priority for the US and CA Departments of Justice
- It is a form of modern-day slavery where perpetrators profit from the sexual exploitation or forced labor of men, women and children
- It is one of the most profitable criminal enterprises and most difficult to detect

Common Misconceptions (bias) with Negative Consequences

- It doesn't happen in the US
- Victims are all undocumented immigrants
- If victims agree to trafficking conditions-there is no crime ("consent" to prostitution)
- If victims are paid a certain amount, there is no crime
- If victims are not physically restrained there is no crime

Scope of Problem

- **United States:**

Tier 1 country for HT

Cases have been investigated in ALL **50** states

- California :

In the top 4 destination states for HT

- San Diego:

Top 13 cities for high intensity Prostitution



High Intensity Child Prostitution Areas (HICPA)



Chicago
Dallas
Detroit
Las Vegas
Los Angeles
Miami
Minneapolis
New York
San Diego
San Francisco Bay Area
St. Louis
Tampa
Washington, D.C.

What are we doing about it in the United States?

- 2000 Congress passed Trafficking Victims Protection Act

- Victim centered law that defined severe forms of human trafficking and provided effective punishment and rights for victims

What are we doing about it in California?

(States have passed their own version of federal laws)

- 2005 California enacted a Human Trafficking law that was also victim centered

- Proposition 35 (2012) made CA State laws more similar to the Federal Laws

Summary of Human Trafficking Laws

As defined under U.S. and CA law, victims of human trafficking can be divided into three populations:

- Children under age 18 induced into commercial sex (prostitution, pornography)
- Adults aged 18 or over induced into commercial sex through force, fraud, or coercion.
- Children and adults induced to perform labor or services through force, fraud, or coercion.(Hospitality,Construction.)

Mandated Reporting of Commercially Sexually Exploited Children

- **Mandated Reporting of CSEC effective January 1, 2016:**
- Senate Bill 794 (new Penal Code section 11165.1(c)(1-3) adds a definition of “Commercial Sexual Exploitation” to the Child Abuse and Neglect Reporting Act (CANRA)
- **call the County of San Diego Child Abuse Hotline at: 858-560-2191 or at 1-800-344-6000 to file your report**.

New Laws Effective 2017

- Prostitution Statute separates buyers
- Minors and Prostitution
- Path to vacating convictions of non-violent offenses

Out of the Shadows:
A Tool for the Identification of Victims of Human Trafficking

Vera Institute

One of the biggest obstacles to providing human trafficking victims with the services and support they need is the lack of an effective tool to identify them.

You Can't Effectively Combat what you Can't Measure

- You can't accurately measure human trafficking because victims don't report
- You have to invest in intelligence driven data

Recent Research

- 2014 Study of 8 Cities on Sexual Exploitation: Prostitution, massage parlors
- 2012 SDSU Study : Labor Trafficking: construction, restaurants, janitorial, agriculture / domestic servitude
- 2014 Study: Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States
- 2015 UCSD study on Prostitution and HIV

Current Research in the U.S. on Labor Trafficking

- Research by Urban Institute Oct. 2014:"Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States"
- *All were immigrants working in the U.S. 71% entering on a temporary Visa (H-2A, H-2B);
- By the time escaped 69% unauthorized

Groundbreaking NIJ 2015 Study:
"Measuring the Nature and Extent of Gang Involvement in Sex Trafficking in San Diego"

- Dr. Ami Carpenter, University of San Diego and Dr. Jamie Gates, Point Loma Nazarene University
- National Institute of Justice Grant
- *The Next slides are adapted with some modifications from Power Point from Researchers Carpenter & Gates 2015*

Study: How Big is San Diego's Underground Sex Economy?

$810 Million

$536.000 per facilitator (Trafficker)

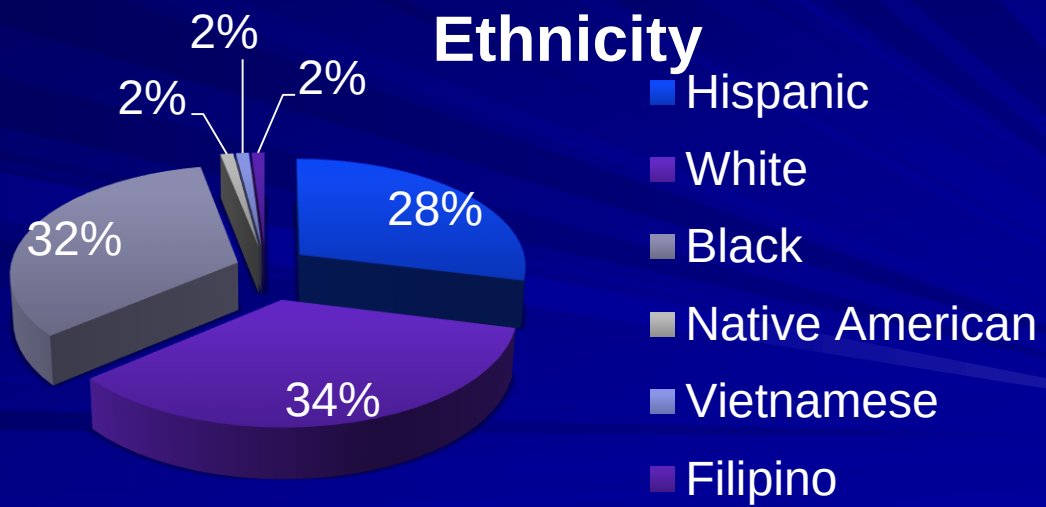
- San Diego Padres: **$800 million**



Study: Gang Members Involvement



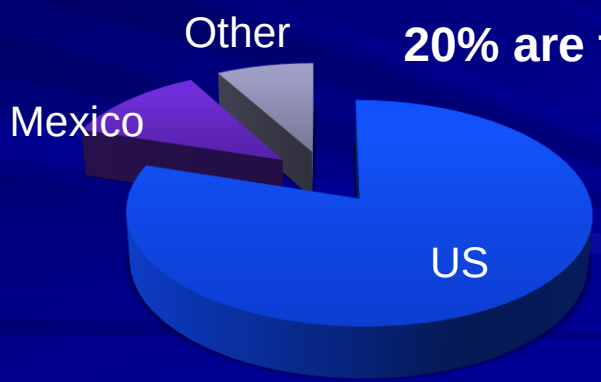
Study: Gang Ethnicity



Study: Victim Ethnicity and Nationality

Country Of Origin	Percentage
United States:	80%
Mexico:	12%
Other:	8%

Including:
Taiwan, Russia, China, Korea Philippines, Honduras, Germany, Puerto Rico, Colombia, Cameroon

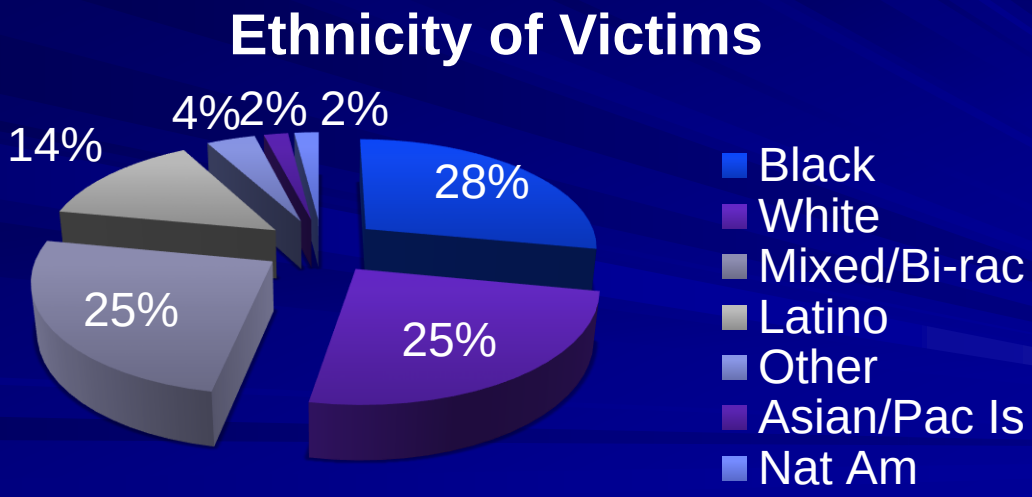


80% of sex-trafficking victim/survivors are **domestically trafficked**

20% are foreign born

Study: Ethnicity of Victims

The majority are Black, White and mixed ethnicity



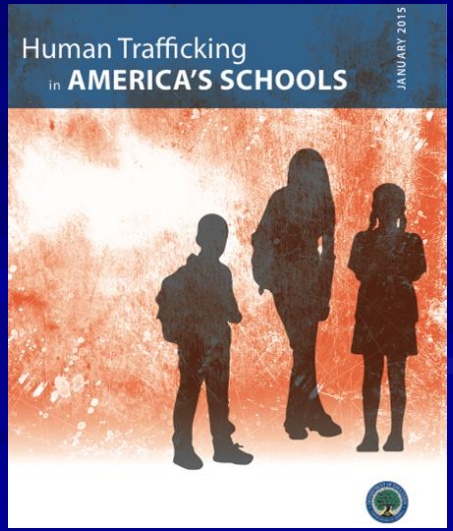
Study: Average Age of Entry into Sex Trafficking: 16

- Victims in our schools
- Average entry into sex trafficking High School Age 15-16 average entry so some younger and some older

Study: Human Trafficking in San Diego's Schools

County-wide recruitment in middle schools and high schools

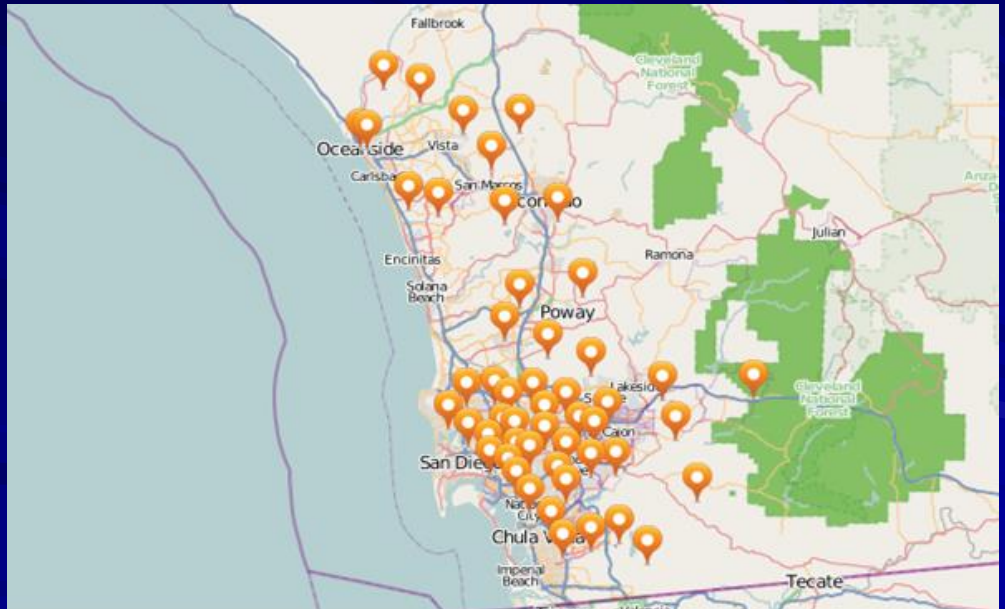
- Focus groups from all **20 schools** identified suspected victims; **90% confirmed CSEC cases**
- **30% of facilitators** witnessed or participated in sex trafficking recruitment related to schools



Study: 20 schools visited represent sites from the entire San Diego County region



Study: County-Wide Problem
Residence of Victims/Survivors

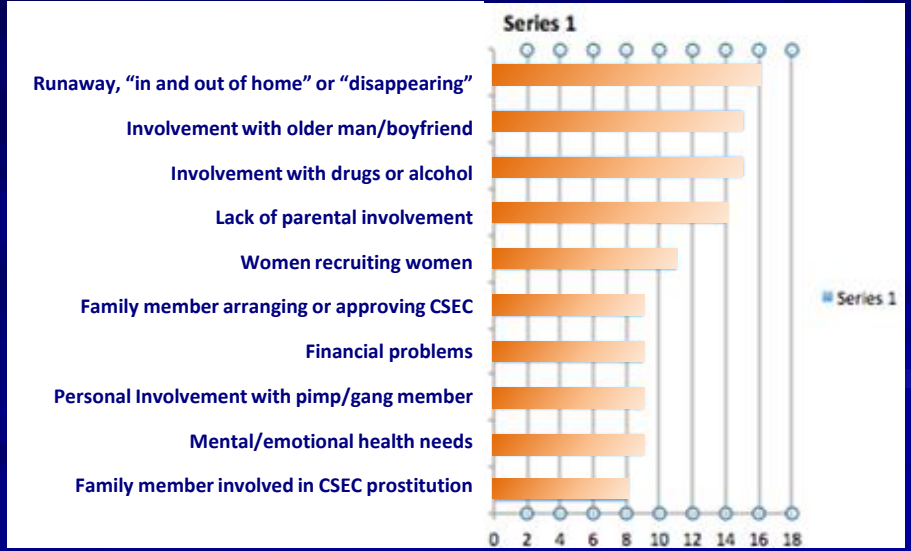


Study:Annual Number of Victim/Survivors

3417-8108 victims annually

- Available long term shelter is a huge gap: 33 total beds available specific for human trafficking survivors especially minors

Study:Top 10 Recruitment Risk Factors



Study: How Children are Recruited

- **“Boyfriend” asks his girl “just this one time”…**
- **Social Media**
- **Girl recruiters**
- **Material enticements**
- Involvement with **drugs,** payment for drugs
- Fraudulent **job offers**
- **Parents offering their kids** to friends/associates for money
- **Family members (generational or cultural ties)**
- Some gang-organized **massage parlors**

Study: Recruitment Hotspots

- Trolley and bus stops
- House parties
- Neighborhood parks near schools
- Alternative high schools
- Social media
- Tattoo parlors
- Malls



Particularly vulnerable populations

- 55% had experienced **homelessness**
- 28% had been in the **Foster Care system**

Violence and risk is elevated with Commercial Sexual Exploitation of Children= Sex Trafficking

- Violence is very common among CSEC victims

- twelve times more likely to have pelvic inflammatory disease, three times more likely to become pregnant, and twice as likely to abuse drugs, have an STD or have uncontrolled asthma.

Factors Promoting Exploitation

- History of child abuse and domestic violence
- **Involvement in foster care** or group homes
- Being a **runaway** teen
- Truancy from school, **learning disabilities**, mental health issues and substance abuse
- Social media means No family is immune


2 132 773 2


I
AM THE PROPERTY OF
Suga Shafts
ALL THOSE WHO COME
IN CONTACT WITH
ME ARE IN DEBT
TO HIM


YOU
PAY ME!

The Internet Hides the Crime in Plain Sight

- Hotels are the top location where the crime of sexually based human trafficking occurs
- The DEMAND: Buyers that drives sex trafficking: 98 Unique criminal purchasers “Johns” responded to 4 ads on Backpage in a 24 hour period
- Approximately 70% of the transactions utilize social media

Validated Questions to identify Victims of Sex and Labor Trafficking (Vera Institute):

- Did you ever have sex for things of value (for example money, housing, food, gifts, or favors)?

- Have you ever worked in a place where the work was different from what you were promised or told it would be?

Legal Professionals- Guidance with Special Victims

Key Concept: Trauma-informed Care

The guiding principles of trauma-informed care are:

Safety

Trustworthiness

Choice

Collaboration

Empowerment

Warning Signs

- ✓ Are there bruises, tattoos or other signs
- ✓ Are there new items that are not accounted for: purse, clothes, jewelry
- ✓ Are there signs of psychological abuse? Isolation, lack of interest
- ✓ Is the person being controlled? Appears hypervigilant and secretive?
- ✓ weight loss or signs of poor health?
- ✓ Is the person a minor engaged in commercial sex?
- ✓ Does a minor appear to be in a relationship with an older person?

COMBAT PLAN

Prevention

Protection

Prosecution

Partnerships

Combat Strategies

- **SD County Human Trafficking and Commercial Child Sexual Exploitation Advisory Council**

(Multi disciplinary: Child Welfare, Prosecution, Law Enforcement, Education, Victim Services, Survivor-Leader, Research and Data, Community + Medical pending)

- ✓ *Strategic blueprint presented to Board of Supervisors and adopted 2014*
- ✓ *Update Outcomes Report presented and adopted by Board of Supervisors 2016*

Combat Strategies

- Vertical Prosecution- **SD Sex Crimes and Human Trafficking Division**

- **San Diego Human Trafficking Task Force** (State, Federal and Local Law Enforcement): Dismantle organized human trafficking with a victim centered approach

Operation Reclaim and Rebuild



Combat Strategies :

- Child Welfare Steering Committee
- CEASE Network: Demand Abolition
- Prevention and Protection Awareness Campaigns and innovative partnerships

DA's Office Sex Crimes and Human Trafficking Unit

- *aka: (SVU Law and Order Special Victims Unit)*

- Established in 2003 by DA Bonnie Dumanis with specialized DA team
- Sex Crimes including sexually based homicides and late report child molestation
- Sex Offender Registration - SAFE
- Sexually Violent Predators (SVP)
- Human Trafficking and related crimes of Pimping and Pandering

Partnerships with Hotels-Motels to Combat Sex Trafficking

Training on warning signs:

- A young looking girl (mostly) with an older male
- Appears to lack knowledge of current/past whereabouts or orientation to time
- Does not have the usual suitcase/travel belongings
- Dressed inappropriately for weather and conditions

Continued Warning Signs

- Does not have access to proper ID, money, or cell
- Does not make eye contact or freely engage in conversation
- Belongings carried in plastic bags
- Person in charge rents more than one room
- Individuals in hallway or appear to be monitoring a certain room

Education Prevention-Intervention Strategies

- Training of professional school staff: High School focus currently
- Training of students
- Training of parents
- Training of medical staff
- Law enforcement training
- Legal, Judicial and Community training

Role of Civil Attorneys

- Lawyers Club
- Pro Bono Attorneys (Family, Immigration Visas U and T, expunge records related to HT.)
- Civil remedy for Human trafficking

Commercial Sexual Exploitation of Children (CSEC) Protocol

Created 09/10/15

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information, please contact Danna Basson at dbasson@westcoastcc.org
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Similar considerations as studies outline but in a simple tool with a scoring system that includes 10 categories including, Stability in living situation, health, trauma, exploitation, relationships, technology in Residential Status & Life Functioning



VICTIMS OF SLAVERY AND HUMAN TRAFFICKING

CALL - 1- 888 - 373 -7888
TEXT - BeFree or 233733

If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex (prostitution), housework, farm work, construction, factory, retail, or restaurant work, or any other activity - CALL to access help and services the

National Human Trafficking Resource Center at 1-888-373-7888 or TEXT: Be Free or 233733

or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2FRE(EDOM) or 1-888-539-2373

The hotlines are:

- available 24 hours a day, 7 days a week
- toll-free
- operated by non-profit, non-governmental organizations
- anonymous and confidential
- accessible in more than 160 languages
- able to provide help, referral to services, training, and general infomation

Victims of slavery and human trafficking are protected under United States and California law

Si usted o alguien que usted conoce está siendo forzado a participar en una actividad y no lo dejan ir – ya sea sexo comercial (prostitución), trabajo doméstico, trabajo agrícola, trabajo de construcción, fábrica, venta al por menor, o en restaurantes, o cualquier otra actividad - LLAME para obtener ayuda y servicios al

Centro Nacional de Recursos para la Trata de Personas al 1-888-373-7888 o Envíe el TEXTO: Be Free o 233733

O llame a la Coalición de California Para Abolir la Esclavitud y Trata de Personas (CAST) al 1-888-KEY-2FRE(EDOM) o 1-888-539-2373

Las líneas telefónicas:

- Están disponibles las 24 horas del día, 7 días a la semana
- Son gratis
- Son manejadas por organizaciones sin fines de lucro, no gubernamentales
- Son anónimas y confidenciales
- Ofrecen servicio en más de 160 idiomas
- Pueden brindarle ayuda, remisión a servicios, capacitación e información

Las víctimas de esclavitud y trata de personas están protegidas bajo las leyes de Estados Unidos y California.

Kung ikaw o may kakilala na napipilitang sumali sa anumang gawain at hindi pinapayagang umalis – ito man ay komersyal na sex (prostitusyon), gawaing-bahay, pagsasaka, konstruksyon, pabrika, pagtitinda o trabaho sa restawran, o anumang iba pang gawain - TUMAWAG para humingi ng tulong at serbisyo sa

National Human Trafficking Resource Center sa 1-888-373-7888 o TEXT: Be Free or 233733

O sa California Coalition to Abolish Slavery and Trafficking (CAST) sa 1-888-KEY-2-FRE(EDOM) o 1-888-593-2373

Ang hotlines ay:

- Pwedeng tumawag anumang oras, buong lingo.
- Libreng Tawag
- Non-profit at organisasyon di-pampamahalaan ang nagpapatakbo
- Anonymous at kompidensyal
- Magagamit sa higit sa 160 wika
- Makapagbibigay ng tulong, referral sa mga serbisyo, pagsasanay, a pangkalahatang impormasyon

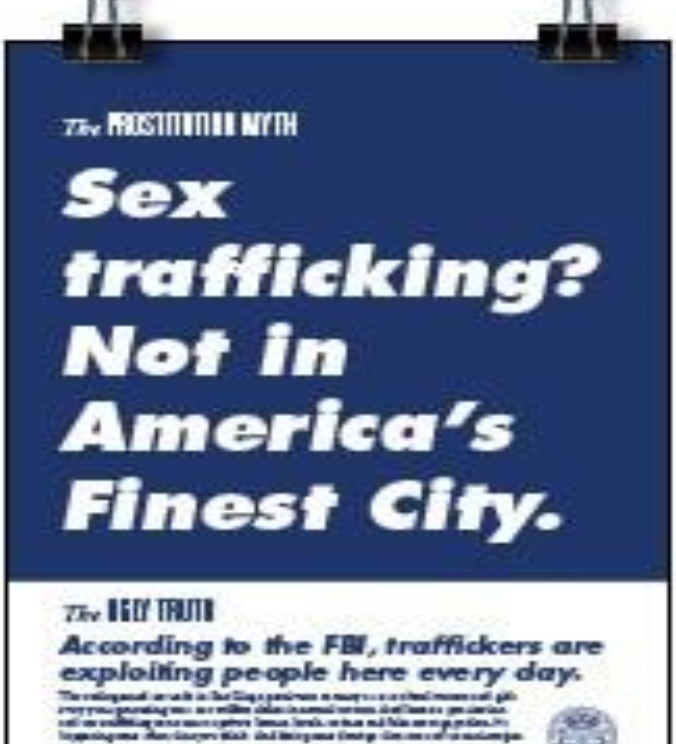
Biktima ng pang-aalipin at trafficking ng tao ay protektado sa ilalim ng batas ng Estados Unidos at California

www.FightHumanTraffickingSD.com


CLEAR CHANNEL
TEENS SOLD FOR SEX
AREN'T PROSTITUTES. THEY'RE
RAPE VICTIMS
come to a child's rescue ProtectSanDiegoKids.org
001106

The Ugly Truth

- Award winning Survivor based messages
- Radio, health clubs, bus-trolley, mobile, movie theatres
- Millions of impressions
- TheUglyTruthSD.org


The PROSTITUTION MYTH
Sex trafficking? Not in America's Finest City.
The UGLY TRUTH
According to the FBI, traffickers are exploiting people here every day.


Sex trafficking.
It's not just global.
It's local.
Get the facts at theUglyTruthUSD.org


FAQs
Hotli
San Diego County District Attorney
Home
The DA's Office
Prosecuting Criminals
Preventing Crime
Helping Victims
BEING A PROSTITUTED TEEN ISN'T A CHOICE.
IT'S SLAVERY.
set a child free
ProtectSanDiegoKids.org
FAQs
Prevention
National Resource Center (NHTRC)
Who to Contact
Community Resources & Initiatives

Helpful Links

San Diego District Attorney Web:
www.sdcda.org
www.FightHumanTraffickingSD.com
http://www.sdcda.org/office/girlsonlytoolkit/index.html
www.polarisproject.org/human-trafficking/overview
www.sdbscc.org (Bilateral Safety Corridor Coalition)
www.abolishhumantrafficking.com (Find research articles, documentaries & community events)

http://www.safeactionproject.org/training/stop-sex-trafficking-toolkit/

http://theuglytruthsd.org/

Helpful Links

Publications:

U.S. Dept of Education- Human Trafficking in America's Schools

Knowledge is Power





"The only thing necessary for the triumph of evil is for good [people] to do nothing."

Edmund Burke, English Philosopher

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