Peace Officer Basic Training

Human Trafficking Addendum to Missing Children Investigation

Unit 3 – Topic 6

Ohio Peace Officer Training Commission

Education & Policy Section

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Effective Date: July 1, 2012

Student Goal: The student will know aspects of human trafficking.

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REFERENCES

This lesson plan was based on the following sources. However, it is the responsibility of the instructor to use the most recent references.

Davis, K. (personal communication, 2009)

International Labour Organization (ILO). (2007). *Forced Labour Statistics Factsheet.* Retrieved from http://www.unglobalcompact.org/Issues/Labour/Tools_Guidance_Materials.html

LawWriter. (2012). *Ohio laws and rules: Ohio revised code* (R.C.). Retrieved from http://codes.ohio.gov

National Human Trafficking Resource Center (NHTRC). (2008). *Trafficking victims protection act of 2000 fact sheet.* Retrieved from www.acf.hhs.gov/trafficking/about/TVPA_2000.pdf

Ohio Association of Community Action Agencies (OACAA). (2010). *The state of poverty in Ohio: Building a foundation for prosperity.* Retrieved from http://www.oacaa.org/resources_20_2165961434.pdf

Ohio Attorney General (OAG). (2010). *Ohio trafficking in persons study commission.* Retrieved from http://www.ohioattorneygeneral.gov/TraffickingReport

Ohio Attorney General Trafficking in Persons Research Commission (2010): *Report on the prevalence of human trafficking in Ohio* http://www.ohioattorneygeneral.gov/TraffickingReport

Polaris Project. (2012). *Human trafficking.* Retrieved June 22, 2012 from http://www.polarisproject.org/human-trafficking/overview

Polaris Project. (2012). *International trafficking.* Retrieved June 22, 2012 from http://www.polarisproject.org/human-trafficking/international-trafficking

Polaris Project. (2009). *Law enforcement toolkit on trafficking in persons*. National Human Trafficking Resource Center: Washington DC.

Polaris Project. (2012). *Myths and misconceptions.* Retrieved June 22, 2012 from http://www.polarisproject.org/human-trafficking/overview/myths-and-misconceptions

Section 1324, Title 8 U.S. Code

Section 1589, Title 18 U.S. Code

Section 1591, Title 18 U.S. Code

ADDITIONAL RESOURCES

Central Ohio Rescue and Restore Coalition http://centralohiorescueandrestore.org/

Clawson, H.J. & Dutch, N. (2006). *Addressing the needs of victims of human trafficking: challenges, barriers and promising practices*. Washington, DC: Health and Human Services.

Clawson, H.J. & Grace, L.G. (2006). *Finding a path to recovery: Residential facilities for minor victims of domestic minor sex trafficking*. Washington, DC: Health and Human Services.

Grace Haven House www.gracehavenhouse.org

Health and Human Services: www.hhs.gov – Office of Refugee Resettlement (202) 401-9246

Polaris Project. (2007). *Human trafficking and modern day slavery in Ohio 2007.* www.PolarisProject.org

RAND Corporation (2007): *Human trafficking in Ohio: Markets, responses, and considerations* http://www.rand.org/pubs/monographs/2007/RAND_MG689.pdf

Shared Hope International www.sharedhope.org

COURSE MATERIALS

TEACHING AIDS

X Erasable Board/Markers

X Easel/Notepads

X AV Equipment

X Lectern/Table

X Practice Exercise

____ Other _____

X Student Handouts

Handout #1: Commercial Sex Networks Where Victims Can Be Found
Handout #2: Forced Labor Sites Where Victims Can Be Found
Handout #3: Resources

Worksheet #1: Small Group Discussion
Worksheet #2: Small Group Discussion

INSTRUCTIONAL TECHNIQUES

X Lecture

X Group Discussion

____ Demonstration

____ Scenario-based Training

____ Individual Exercise

____ Hands-on Techniques

____ Role Play

____ Problem Solving

____ Other _____

_____

NOTE TO INSTRUCTOR

Instructors are expected to:

- Bear in mind the legal, moral, professional and ethical implications of instructing in a commission-approved program.
- Follow student-to-instructor ratios (if applicable)
- Follow student-to-equipment ratios (if applicable)
- Use any and all opportunities which may arise during instruction of the required material to point out to the students the legal, moral, professional and ethical responsibilities they will bear to their employers and communities while serving in an official capacity.
- Understand that this information provided is the minimum standard. Instructors are encouraged to go above the minimum.
- Incorporate as many principles of adult learning as possible to include Problem Based Learning (PBL), Student Centered Learning (SCL), active group discussions, scenario activities and other responsible adult learning techniques. Emphasis should be placed on the benefits of ethical behavior and the consequences of unethical behavior throughout.

POWERPOINT PRESENTATIONS
Many lesson plans are accompanied by a very basic PowerPoint Presentation. These are most often a series of slides that include a title slide and the SPOs for the topic. This is intended to be a baseline presentation that instructors are encouraged to use as a starting point while preparing to teach the topic. Instructors may save the file locally and add slides in support of their teaching efforts. These may include instructor biographical information, expansion of the SPOs, information pertinent to the topic, illustrations, group exercises and other items that will enhance student learning.

On June 27, 2012, the Governor signed House Bill 262 and made it effective immediately. This legislation requires that the Attorney General provide training for peace officers in handling violations of human trafficking. As a temporary measure, this lesson plan addendum will be a part of the BAS-026 curriculum code and will need to be taught in any academy starting on or after July 1, 2012.

STUDENT PERFORMANCE OBJECTIVES

At the end of this topic, the student will be able to:

1. List the two forms of human trafficking.

2. List the approach method that was established by the Trafficking Victims Protection Act (TVPA).

I. HUMAN TRAFFICKING – BASIC OVERVIEW

A. Human trafficking is modern day slavery

1. The United States government recognizes the crime of human trafficking as modern-day slavery, and has made it a priority to address

2. Human trafficking is a crime that deprives people of their civil rights, freedoms, and human dignity

3. **Two forms of human trafficking**

   a. **Sex trafficking**

   b. **Labor trafficking** (i.e., forced labor)

Human Trafficking (2012)
SPO #1

B. The scope of human trafficking

1. Internationally

   a. 27 million currently enslaved

   b. 12.3 million adults and children are trafficked for commercial sex or forced labor

   c. 2 million children exploited by the global sex trade and 80% of transnational victims are women and girls

   d. 161 countries affected by human trafficking as either a source, transit, or destination country

International Trafficking (2012)

2. United States

   a. 14,500 to 17,500 people are transported into the United States each year for forced labor and/or compelled commercial sex

   b. Thousands of American children are victims of prostitution annually

3. Ohio

   a. 3,437 foreign born persons in Ohio who may be at-risk for both labor and/or sex trafficking

   b. 2,879 American born youth in Ohio are at-risk for sex trafficking

OAG (2010)

c. 1,078 youth have been trafficked into the sex trade over the course of a year

C. Profits of human trafficking

1. Globally – $32 billion per year

2. Nationally – $15 billion per year

D. Terminology – different terms are used by various governmental entities and organizations, but they refer to the same crime. Some of the terms used

1. Trafficking in persons

2. Human trafficking

3. Sex trafficking

4. Labor trafficking

5. Modern-day slavery

6. Contemporary slavery

E. Historical perspective

1. Prior to 2000, law enforcement and the judicial system had difficulty using the slavery and involuntary servitude criminal statutes because they required proof of bodily harm

2. Traffickers often used other forms of "serious harm" other than "bodily harm" to control their victims (e.g., traffickers may threaten victims with hurting family members to elicit forced labor or coerced prostitution)

3. Historical problems due to common myths

Myths (2012)

a. **Myth**

(1) Trafficking in persons victims can only be foreign nationals (i.e., a non-United States citizen, also called aliens or foreigners) or are only immigrants from other countries

(2) **Reality** – the federal definition of human trafficking includes both United States citizens and foreign nationals

b. **Myth**

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

(2) **Reality** – the legal definition of trafficking, as defined under the federal trafficking statutes, does not require transportation, although transportation may be involved in the crime. Human trafficking is more accurately characterized as “compelled service” where an individual’s will was overcome through force, fraud, or coercion

c. **Myth**

(1) If the trafficked persons consented to be in their initial situation or was informed about what type of labor or commercial sex would be involved, then it cannot be trafficking or against their will because they “knew better”

(2) **Reality** – a victim cannot consent to be in a situation of human trafficking. Initial consent to commercial sex or a labor setting prior to acts of force, fraud, or coercion (or if the victim is a minor in a sex trafficking situation) is not relevant to the crime, nor is payment

d. **Myth**

(1) There must be elements of physical restraint, physical force, or physical bondage when identifying a trafficking situation

(2) **Reality** – the legal definition of trafficking does not require physical restraint, bodily harm, or physical force. Psychological means of control, such as threats or abuse of the legal process, are sufficient elements of the crime. The federal crimes created by the Trafficking Victims Protection Act (TVPA) of 2000 were intended to address “subtler” forms of coercion and to broaden previous standards that only considered bodily harm

e. **Myth**

(1) It can be concluded that it is not trafficking without completing an interview

(2) **Reality** – victims are often trained to deny that they were forced or coerced. If required in victim identification, interviews should be sensitively conducted and incorporate competent interpreting if English is not the victim's primary language. In some instances, multiple interviews must occur to build trust of law enforcement

II. TRAFFICKING VICTIMS PROTECTION ACT (TVPA)

A. In 2000, the federal government enacted the TVPA to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude — ***NHTRC (2008)***

B. The TVPA is the first comprehensive law on human trafficking, recognizing that the crime — ***NHTRC (2008)***

   1. Occurs within and across borders

   2. Victimizes American citizens and/or foreign nationals

C. **The TVPA established a three-pronged approach** — ***NHTRC (2008)*** ***SPO #2***

   1. **Prevention – public awareness programs and a State Department led monitoring and sanction program**

   2. **Protection – immigration remedies and access to services for victims**

   3. **Prosecution – federal crimes**

D. The TVPA was re-authorized in 2003, 2005, and 2008 as the Trafficking Victims Protection Reauthorization Act (TVPRA). These new TVPRAs have

   1. Greater protections for United States citizen victims

   2. Enhanced existing crimes and enacted new human trafficking crimes

   3. Enhanced victim service provisions

   4. Strengthened the Trafficking in Persons Office within the State Department

E. TVPA and TVPRA created two new criminal provisions

   1. Forced Labor (i.e., labor trafficking) — ***18 U.S.C. 1589***

      a. Involves the use of **force** or **coercion** to subject another person(s) to provide labor or services against their will

      b. Fraud is not a means to prove victimization

      c. Abuse or threatened abuse of the law or legal process is a valid means of victimization

2. Sex Trafficking of Children or by Force, Fraud, Coercion Trafficking are included as offenses under the Racketeering Influenced and Corruption Organization statute (RICO)

18 U.S.C. 1591

   a. Sex trafficking is the use of **force, fraud, or coercion** to subject an adult to engage in commercial sex against their will

   b. Law enforcement does not need to prove force, fraud, or coercion for those under the age of 18

   c. No proof is needed that the defendant knew the age of the victim if he/she had "reasonable opportunity to observe" that the victim was a minor

   d. Prosecutors only need to prove that the defendant knew or recklessly disregarded the fact that the victim was caused to engage in a commercial sex act by means of force, fraud, or coercion

3. The new crimes were not solely reliant on the "bodily harm" standard, but to a broader category of ***"serious harm"*** (i.e., financial, reputation, psychological)

4. The new crimes also establish higher penalties – life in prison, high fines, and mandatory restitution

F. Force

1. Physical assault (e.g., beating, slapping, hitting, burning, assault with weapons)

2. Sexual assault (e.g., rape, gang rape, other unwanted sexual contact)

3. Physical confinement (e.g., imprisonment, isolation, starvation, sleep deprivation)

G. Fraud (e.g., false job offers, deceitful work conditions, withholding wages, forged/false contracts)

H. Coercion

1. Threats against life, safety, family, immigration status, reputation, other serious harm

2. Psychological manipulation, confiscating legal documents, debt bondage, extortion, blackmail

III. OHIO –OVERVIEW

A. Involuntary servitude – being compelled to perform labor or services for another against one's will — ***R.C. 2905.31(A)***

B. Trafficking in Persons — ***R.C. 2905.32***

1. Statutory Elements

   a. Knowingly…

   b. Recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to do so knowing that a person will be subjected to involuntary servitude **or**

   c. Be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented

2. Degree of offense – F1

3. Interpretation of elements

   a. The element of compelled involves force, fear, duress, or intimidation; physical force is not required

   b. This is a useful code to target individuals who are not directly compelling victims, but who are still involved in the human trafficking situation or scheme

   c. A taxi driver who knowingly obtains and transports victims between brothels on a regular basis in exchange for a fee

      (1) Violation?

      (2) Yes

C. Unlawful Conduct with Respect to Documents — ***R.C. 2905.33***

1. Statutory Elements

   a. 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…

b. In the course of violation of, with the intent to violate, or with the intent to facilitate a violation of the following sections	
(1) Kidnapping	***R.C. 2905.01***
(2) Abduction	***R.C. 2905.02***
(3) Trafficking in Persons	***R.C. 2905.32***
(4) Compelling Prostitution	***R.C. 2907.21***
(5) Promoting Prostitution	***R.C. 2907.22***
(6) Pandering Obscenity	***R.C. 2907.32***
(7) Pandering Obscenity Involving a Minor	***R.C. 2907.321***
(8) Pandering Sexually Oriented Matter Involving a Minor	***R.C. 2970.322***
(9) Illegal Use of Minor in Nudity-Oriented Material or Performance	***R.C. 2907.323***
2. Degree of Offense – F-3	
3. Interpretation of Elements	
a. Natasha's passport is confiscated by Peter who states that she will have to earn it back by working for his escort service in which she has to have sex with paying customers	
b. Violation?	
c. Yes	
D. Ohio as a transit, destination, source state	
1. Ohio has been identified as a transit, destination, and source state for human trafficking victims	
2. Both victims and perpetrators can be from Ohio	
E. Factors that allow trafficking in Ohio	
1. Proximity to Canadian border	***Polaris Project (2009)***
2. Extensive highway system (e.g., I-70, I-71, I-75)	***Polaris Project (2009)***
3. Growing migrant worker population (vulnerable group)	***Polaris Project (2009)***

4. Poverty among minorities, women, and children make them vulnerable to exploitation and trafficking. In 2008, over 471,000 minorities, 844,000 women, and 498,000 children lived in poverty in Ohio	***OACAA (2010)***
5. Growing diversity and immigrant communities, which create a blend factor	***Polaris Project (2009)***

IV. HUMAN TRAFFICKING VS. ALIEN SMUGGLING

Question to Class – What is the difference between human trafficking and alien smuggling?

A. Human trafficking is not the same as alien smuggling, but rather a separate and distinct federal crime

B. Bringing In and Harboring Certain Aliens (i.e., smuggling) – it is unlawful to bring in, transport, encourage entry, or to attempt, or conspire to commit these violations knowingly or in reckless disregard of the individual's unauthorized status

8 U.S.C. 1324

C. Alien smuggling is the illegal transportation and/or entry into another country. This can involve the use of fraudulent documents

1. Altered passports
2. Altered visas

Through clandestine border crossings

D. Human trafficking can involve various different actions

1. Harboring

2. Recruiting

3. Obtaining by means of force, fraud, or coercion to compel a person into forced labor or commercial sex

	Alien Smuggling	**Human Trafficking**
Crime	Crime against state	Crime against a person
Consent	Voluntarily	No consent due to force, fraud, coercion
Transportation	Transportation required	Transportation **not** required
Control	Control by the smuggler ends after the border crossing	Trafficker is in control due to force, fraud, coercion
Country Entry	Illegal entry	Illegal or legal entry into country with presence of force, fraud, or coercion. Legal documents may be seized.

E. Alien smuggling transforming into human trafficking

Polaris Project (2009)

1. Smuggling can quickly transform into trafficking when force, fraud, or coercion are used to compel a person into forced labor or commercial sex

2. For this reason, law enforcement must assess for human trafficking when responding to situations that involve undocumented aliens

Question to Class – If someone breaks the law entering our country, does that nullify anything that happens to them afterwards or as a result?

F. If an undocumented alien comes into the U.S. by illegal means and is perceived to be a human trafficking victim, that person will be treated as a **victim of a crime before** addressing any other violation, which may have been a result of force, fraud, or coercion

OAG (2010)

Worksheet #1

Small Group Discussion – Present Worksheet #1 to student groups and allow time for them to answer the questions. Then review their answers as a whole.

Anticipated Answers to Questions #1-2 – Luis was smuggled because he left willingly without force, fraud, or coercion and he knew he was entering the U.S. illegally and paid a smuggler to escort him.

Anticipated Answers to Questions #3-6 – Luis is now a human trafficking victim because he was threatened with deportation as a means to prevent his departure. He was placed in a situation of debt bondage, and he was under threat of violence to extract his labor.

Worksheet #2

Small Group Discussion – Present Worksheet #2 to student groups and allow time for them to answer the questions. Then review their answers as a whole.

Anticipated Answers to Questions #1-2: This is purely smuggling at this point. She left willingly without force, fraud, coercion, and entered the U.S. illegally.

Anticipated Answers to Questions #3-6: This is now human trafficking due to force, fraud, coercion. It is sex trafficking due to commercial sex acts to paying customers. Further, she is unable to leave due to threats, physical restraint, and her debt.

V. RECRUITING, ADVERTISING, & LOCATION INDICATORS

A. Recruitment

1. Trafficking victims are often lured into an exploitative situation from various locations

Polaris Project (2009)

2. Traffickers may use others to recruit – pimps may use other victims to lure and/or recruit new victims into prostitution

B. Locations where victims are approached and recruited

1. Newspaper classified ads
2. Schools
3. Bus stops or bus stations
4. Malls
5. Group homes
6. Homeless shelters
7. Churches

Question to Class – What other sites do you know of?

C. Social networking sites –sites used to recruit and advertise victims for commercial sex have included

Davis (2009)

1. Myspace
2. Facebook
3. Black Planet
4. Urban Chat

D. Advertisement – human trafficking victims are often advertised for commercial sex by various means

1. Newspapers
2. Online ads (e.g., Craigslist, Backpage, Spa Hunters, Eros, etc.)
3. Billboards

4. Business cards

5. Flyers

6. Word of mouth

7. CB radios

8. Text messages

E. Traffickers establish security measures to control their victims and to evade law enforcement

Polaris Project (2009)

1. Windows – blocked, blackened out, barred, or sealed

2. Doors – chained, locked, sealed

3. Guards and/or guard dogs

4. Surveillance cameras and buzzer systems for entry

5. Gates, barbed wire fencing, self-contained camps or compounds

6. Police (direct or indirect)

   a. Indirect police involvement often involves traffickers using police as a way to intimidate victims

   b. For example – knowing that police do a routine patrol in their area, a trafficker may show a victim the patrol car from a window and tell the victim that the cops are looking for her so they can arrest her

   c. For example – a trafficker may place a victim at a window, then walk out and greet the police officer. Since the victim can't hear what is being said, she can only see the handshake and jovial talking. This reinforces the victimization, and the cop doesn't know what is being done

Question to Class – Large Group Discussion – What might be some indicators of a brothel?

F. Brothel indicators

1. Large amounts of cash on site

2. Marbles, poker chips, or playing cards in a bucket or glass jar

a. Some brothels issue chips, cards, or marbles after the “John” has paid the establishment and prior to meeting the prostitute

b. The prostitute will take these items and collect them in a bucket or jar. This avoids the transactions of money within the room

3. Appointment and receipt book of customers (i.e., trick book)

4. Condoms and cleaning supplies

5. Sparse rooms with mattresses often separated by curtains

6. Mattresses stacked outside and men in and out frequently

VI. TRAFFICKER PROFILE

A. Motive – profit and benefits

B. Human trafficking exists because there is a constant demand for cheap labor, cheap services, and commercial sex

   1. Demand for commercial sex – the “Johns”

   2. The demand for labor or services

      a. Businesses want the cheapest source of labor to maximize their profits

      b. Business owners may directly exploit victims for labor or turn a blind eye to subcontractors who exploit for their benefit

C. Traffickers are motivated to engage in this crime because it is

   1. High profit

   2. Low risk

   3. Low start-up cost for them

D. The traffickers come from diverse backgrounds and can range from

   1. Individuals

   2. Organized crime syndicates

   3. Street gangs

   4. Diplomats

   5. Corrupt police

   6. Corrupt politicians

   7. Ordinary citizens

E. In sophisticated trafficking networks, there can be various roles

Davis (2009)

   1. Recruiter

   2. Transporter

   3. Groomer

4. Enforcer
5. Security
6. Handler
7. Document forger

F. Federal case examples of diverse traffickers

Polaris Project (2009)

Convicted Trafficker	Description	Human Trafficking Situation
Harrison Norris Jr.	U.S. Citizen, Pro-Wrestler, Notorious Pimp, TN	American victims: sex trafficking and forced labor
Varsha Sabhnini	Naturalized U.S. citizen, wealthy business owner, NY	Foreign national victims: forced labor (domestic servants)
Giant Labor Solutions *(indicted 5/09)*	Uzbekistan nationals and naturalized U.S. citizens, owners or operators of multiple and affiliated labor contracting businesses, 14 States	Foreign national victims: forced labor involving hundreds of victims
Timothy Bradley	U.S. citizen, small business owner, NY	Foreign national victims: forced labor
Len Wah Chong	Naturalized U.S. citizen, owner of several brothels fronting as Asian massage parlors, NY	Foreign national victims: sex trafficking
Mabelle Dann	U.S. citizen, middle-class, single mother, real estate agent, CA	Foreign national victim: forced labor
Todd Barkau *Mother unidentified to protect child's identity*	U.S. citizens, boyfriend of mother and the mother, MO	American victim: sex trafficking *(daughter of female defendant)*
Brent Stephens	U.S. citizen, nurse, TX	Foreign national victims: sex trafficking of minors

VII. VICTIM PROFILE

A. Anyone can be a victim of human trafficking regardless of their nationality, ethnicity, race, gender, age, social class, education level, and various other demographic features

B. Vulnerability – the common denominator that allows perpetrators to prey on people in order to compel them into forced labor or commercial sex by means of force, fraud, or coercion

C. Ohio children are vulnerable

Trafficking in Persons Research Commission (2010)

1. 60,000 children experienced homelessness annually
2. 35% of runaways gone for a week or longer were at-risk for commercial sexual exploitation
3. More than 1,000 children in Ohio between the ages of 12 and 17 have been trafficked into the sex trade over the course of a year
4. The FBI has identified Toledo as 4th in the United States in the number of investigations, arrests, and rescues of children who were compelled into the commercial sex trade nationwide

D. The United Nations and International Labor Organization estimate

ILO (2007)

1. 43% of victims are compelled into commercial sex –98% are women and girls
2. 32% of victims compelled into forced labor – 56% are women and girls

E. Individual vulnerabilities are exacerbated by push and/or pull factors that make individuals susceptible to

1. False promises and opportunities
2. Intimidation
3. Direct violence
4. Push and pull factors often include circumstances that influence individuals to seek out better opportunities elsewhere and/or escape oppression
5. Perpetrators have exploited push and pull factors by luring and/or compelling individuals into situations of human trafficking

PUSH FACTORS	PULL FACTORS
Poverty	Better Opportunities
Corruption & Violence	Escape Oppression
Lack of Rights	Demand for Commercial Sex
Economic Instability & Lack of Employment	Demand for Labor/Services
Civil Conflicts/Natural Disasters	Safety, Security, Stability

F. Various methods have been used to entrap victims into situations of human trafficking, including

Davis (2009)

METHOD	FORCE	FRAUD	COERCION
Job Recruitment		✓	
Socialization by Friends or Acquaintances		✓	
Debt Bondage	✓	✓	✓
Abduction or Kidnapping	✓	✓	✓
Started as Smuggling but turned into Trafficking	✓	✓	✓

Note: this is not a complete list of methods used to trap victims

Handouts #1 & #2

Question to Class – Where might human trafficking victims be found in your jurisdiction?

G. Where victims are exploited – poorly regulated industries

1. Illegal underground industries

2. Legitimate businesses

Demand (Customer)	+	Supplier (Trafficker)	=	Exploitation (Victim)

3. Victims can be working side-by-side with legal workers, but not be recognized or easily distinguished from them

H. Victim mindset – Why victims do not leave their situations

1. Victims often live a life where they are repeatedly threatened, beaten, raped, starved, locked up, isolated, and psychologically tortured and manipulated

2. Because of the force, fraud, or coercion, many victims find it difficult to leave their situations – even those who are not physically locked up

3. Reasons why they don't leave include

   a. Captivity or confinement

   b. Violence and/or threats of violence

   c. Fear of retaliation

   d. Fear and distrust of law enforcement

   e. Shame, self-blame, hopelessness

   f. Debt bondage or sense of obligation

   g. Isolation

   h. Language or cultural barriers

   i. Lack of personal documents/ID

   j. Dependence and obedience

   k. Loyalty and traumatic bonding (i.e., Stockholm Syndrome)

   l. Lack of knowledge of available resources (e.g., shelters)

Retaliation against them or their loved ones

VIII. VICTIM INDICATORS AND IDENTIFICATION

Question to Class –What are some red flags that an individual may be a victim of human trafficking?

A. Common red flags that law enforcement can use to gauge whether an individual is a potential human trafficking victim are listed in the table below

B. Individual indicators don't necessarily guarantee a human trafficking situation nor do all victims exhibit all indicators

C. Recognizing a combination of these indicators may reveal a human trafficking situation, which in turn warrants further investigation by law enforcement

Polaris Project (2009)

	Red Flags and Indicators
Minor in Commercial Sex	• Is under 18 and involved in commercial sex • Is in the commercial sex industry and has a pimp or manager
Identification	• No personal identification (e.g., passport, driver's license, social security card) or not in control of own documents • Few or no personal possessions (e.g., clothing, family pictures, financial records)
Working Conditions	• Is unpaid, paid very little, or paid only through tips • Works excessively long and/or unusual hours • Lives and/or sleeps in working environment • Employer or particular individual(s) provide daily transportation to and from work
Poor Mental State & Health	• Demeanor appears to be fearful, submissive, anxious, tense, nervous, restless, depressed, paranoid, irritable, aggressive • Exhibits unusually fearful or anxious behavior after bringing up "law enforcement" • Signs of emotional abuse
Poor Physical Health	• Signs of physical abuse, sexual abuse, neglect, torture (e.g., cigarette burns, scars, bruises, broken bones)

	• Signs of poor health and hygiene (e.g., underweight, malnourished, lice, excessive bed bug bites, bad teeth)
Lack of Control	• Signs of physical restraint, confinement, and/or control • No control over money, bank account, records • No control over identification • Cannot speak for themselves, or a third party must be present and/or translating • Appears anxious around “family member” or interpreter, or relies on one person to speak for a whole group • Not free to come and go as he/she pleases, or constantly has an escort at all times when out in public • Is unable to attend religious activities or gatherings or is required to be escorted • Signs of branding to show ownership by trafficker (e.g., tattoos or hot branding iron marks) • Unable to make decisions on own without fear or approval
Other	• Claims of “just visiting” and unable to clarify where staying or the address • Lack of knowledge of what city or state they are in • Avoids eye contact • Loss of the sense of time • Numerous inconsistencies in story

IX. VICTIM PHYSICAL AND MENTAL STATES

A. Trafficking victims are often confronted with varying degrees of physical and psychological violence from their perpetrators

B. The goal of the violence and degradation is to create a climate of fear, break down the victim's will, and make them feel worthless and hopeless – giving the perpetrator control to manipulate them for profit

C. Many victims develop various physical and psychological disorders from the continued use of violence and manipulation

D. Physical violence

1. Physical assault – hitting, kicking, burning, striking with objects, cutting with knives, etc.

2. Sexual assault – rape, gang rape, gross sexual imposition, inappropriate touching, etc.

3. Food and/or sleep deprivation

4. Isolation and/or solitary confinement

5. Other means of torture – electric shock, etc.

E. Psychological violence

1. Threats of violence to self, family, or others

2. Emotional abuse and battery

3. Traumatic bonding

F. Physical health risks and disorders

1. STDs and/or HIV/AIDS

2. Lame limbs, amputations

3. Chronic headaches or other pain

4. Immune system problems, respiratory problems

5. Chronic fatigue

6. Lice, scabies, bed bugs, dermatological problems (e.g., rashes)

7. Gynecological and reproductive problems
8. Broken bones, contusions, head trauma, malnutrition
9. Dental problems
10. Abortion complications
11. Substance abuse problems

G. Psychological/mental health risks and disorders

1. Depression, Post Traumatic Stress Disorder, anxiety/nervousness
2. Bipolar disorder, suicidal behavior, chronic stress, phobias
3. Substance abuse
4. Memory loss, paranoia, loss of concentration
5. Nightmares, dissociation
6. Eating disorders, panic attacks, self-destructive behaviors
7. Irritability, traumatic bonding

X. COMPREHENSIVE VICTIM NEEDS AND SERVICES

A. A psychologically safe victim is a healthy witness for law enforcement and prosecution

B. Comprehensive services need to be provided to victims in order to foster more cooperation

C. Victims are often leaving a psychologically or physically controlling environment where they lived in survival mode and distrusted everyone, even those trying to help them

D. By giving victims access to these services, it allows them to become reacquainted with society, develop self-confidence and independence, and move their lives forward

E. Comprehensive victim services range from immediate care for newly identified victims to more long-term care for those who have been in slavery for a longer time

Question to Class – What do you think some immediate needs would be for a rescued victim?

F. Immediate needs

1. Safety
2. Emergency housing
3. Basic needs (e.g., food, clothing, money)
4. Legal counsel
5. Crisis intervention
6. Medical and mental treatment
7. Interpretation services
8. Legal guardianship for minors

G. Long term needs

1. Housing
2. Substance abuse treatment
3. Counseling assistance

4. Transportation

5. Job training, education, life skills training

6. Financial assistance and child-related assistance

7. Documentation assistance, for adult and children

8. Legal assistance, immigration services, deportation services

9. Securing government benefits assistance – victim access to benefits on the federal level

    a. foreign nationals identified as human trafficking victims have access to certain federal benefits to assist in their recovery

    b. Continued Presence (CP) – allows victims without legal status temporary immigration relief in order to assist in the investigation or prosecution. Only a federal agency can petition for a CP. Local law enforcement cannot petition, but can ask Immigration Customs Enforcement (ICE) to do so

    c. T-Visa – allows victims who face extreme hardship if returned to their home countries to remain temporarily in the U.S. to assist in the investigation and/or prosecution of the trafficker. After three years, the victim is eligible to become a permanent resident. Only a federal agency can petition for a T-Visa

    d. U-Visa – similar to the above two, but specific to certain crimes, such as rape, torture, murder, manslaughter, human trafficking, domestic violence, peonage, etc. Same criteria must assist in the investigation/prosecution. Local law enforcement can petition for a U-Visa

    e. United States citizen victims and/or legal permanent residents do not need a CP as they already have access to services and benefits

XI. VICTIM INTERACTION AND COMMUNICATION

A. Have a preparation plan for interactions with human trafficking victims

1. Have a general protocol to help minimize stress and fear

a. Interview location

(1) What is the visible level of security at the interview site?

(2) Is the interview site at a public or private setting?

(3) Is the interview site at a location where a perpetrator can easily intimidate the victim?

(4) Will the interview site allow the victim to encounter others of the same ethnic/cultural group?

(5) Will the interview site be at the police station or at another location such as a nonprofit, social service, or shelter?

(6) Is the interview site comfortable during extended hours of interviewing and interaction?

b. Who will conduct interview/interview considerations

(1) It is important to minimize fear and build trust with victims while also being honest about the circumstances being investigated

(2) The process of building trust can be more successful when law enforcement makes an effort to be victim centered

(3) Recommendations for law enforcement

(a) Wear civilian clothing and conceal weapons

(b) Minimize the number of individuals at the interview site when doing the interview

(c) Make the interview more of a conversation

(d) Interview victims individually and in a private setting

(e) Provide access to an interpreter even if the victim speaks conversational English

(f) Allow access to food, water, breaks

(g) Watch for signs of discomfort and/or exhaustion

(h) Avoid using terms or language the victim does not use

(i) Avoid using intimidation tactics on the victim

(j) Avoid referring to victims as prostitutes, illegals, slaves, etc.

(k) Avoid physical contact with the victim

2. Identify other resource agencies in your area and communicate with them, preferably before you interact with a victim

   a. Human trafficking coalitions

   b. Human trafficking task forces

   c. Social service providers

   d. Nonprofit organizations

   e. Federal law enforcement agencies

   f. Other local law enforcement

B. Initial expectations of law enforcement

1. When identifying and recovering potential victims, it's important to consider realistic expectations

2. Most victims do not self-identify as victims and will often deny that they are in a situation of exploitation or abuse to protect their perpetrators as they are more fearful of retaliation

3. Other victims may have developed a traumatic bond with their perpetrator and will defend them at all costs, even their own freedom

4. Victims may remain silent and fearful or may project anger and aggression toward law enforcement as a defense mechanism

5. It may take multiple interactions and interviews with victims to begin piecing together their story. Patience is crucial, especially when the victim is a child or foreign national who may not know the norms of the justice system

6. Many victims have been brainwashed, and have been coached in their stories by their perpetrators. They will resort to using those until trust is established

7. It's important to remember that re-telling their stories may be traumatic and/or seen as shameful, making them reluctant to give the story upfront

C. A rapid assessment is intended to allow law enforcement to quickly gauge whether human trafficking is a possibility and whether a more thorough assessment is needed

1. These questions are to guide law enforcement in observing environmental indicators or control, especially if the victim is unwilling or unable to speak freely to the police

2. It's important to note that affirmative responses to questions do not necessarily qualify all situations as human trafficking

3. Questions to consider include

a. Was the person recruited and were they promised anything?

b. How did the person find out about the job?

c. What are the working conditions?

d. How many hours does the person work each day?

e. Is the person being paid?

f. Is the person free to leave?

g. Is the person in control of their own identification documents?

h. What are the person's living conditions?

i. Is the person being held against their will?

j. Is the person being watched or followed?

k. Has the person been threatened? What are the threats?

l. Is the person afraid to discuss their situation in the presence of others?

m. Is there any evidence of physical or sexual assault?

D. Victim interview questions

1. Questions about individual or specific incidents of violence, deception, or threats are more effective when interviewing a potential victim

2. Be sensitive about how you ask a question – “are you a victim of trafficking in persons?” isn’t likely to elicit an affirmative response. Many victims don’t self-identify with that, or even understand what it is

3. Sample interview questions categorized by force, fraud, or coercion

   a. General background

      (1) Can you tell us about your current situation?

      (2) How did you get your current job?

      (3) What was a typical work day like?

      (4) How did the person who recruited you convince you to take the job?

   b. Fraud

      (1) What were you told about the job before you took it?

      (2) Were the job conditions what they told you they would be?

      (3) Were you ever lied to about your work conditions or anything else?

      (4) Did anyone ever take and/or keep your legal papers from you, such as your passport or visa?

   c. Coercion

      (1) Did anyone ever make any threats to you, your family, or any of the workers?

      (2) Did they ever intimidate or scare you or others?

      (3) Did they threaten to call the police or immigration control?

(4) Did anyone ever say things to try and keep you or the workers from leaving? What were you afraid would happen if you tried to leave? Why did you believe this?

(5) Do you currently owe or did you owe any debts?

(6) Did they do anything to increase your debt?

(7) Did anyone make you work or do anything else undesirable because of the debt?

(8) Did they take money that you made and put it toward the debt?

d. Force

(1) Were you or anyone else ever physically abused?

(2) Were you or anyone else ever hit or threatened for doing bad work or working too slowly?

e. Commercial sex specific – be aware that talking about sex can be intensely shameful and should be done with sensitivity to the cultural backgrounds of the individuals and to the trauma involved. Victims may blame themselves despite having been forced or coerced or being minors

(1) Were you told you had to perform sexual acts for money or something of value? By whom?

(2) Were you ever pressured to have sex or perform sex acts?

(3) Were you ever threatened that something bad would happen to you if you didn't have sex?

(4) Were you ever forced to have sex?

(5) Was there anyone under the age of 18 involved in commercial sex?

E. Active listening

1. During interviews, it is not expected of law enforcement to know every culture, tradition, or taboo

2. Attention needs to be focused on listening to and picking up on cues sent by victims as they try to re-tell their stories

3. No matter how unfamiliar or strange the information is, victims will see it as important in explaining their abuse/exploitation

4. Do not criticize the information – try to understand how it was used to control the victim through force, fraud, or coercion

5. Use terminology the victim will be able to understand and is comfortable using

6. When interviewing a foreign national, an interpreter is important, even if the victim speaks conversational English, to catch nuances and technical words

Bad Tactic	Good Tactic
Interviewer: How many men did you have sex with every day? ***Victim:*** I had to *be with* 10 men every day ***Interviewer:*** So you had sex with 10 men every day? ***Victim:*** No. *(victim clams up)* ***Note: Interviewer does not take the cue from the victim that she is not comfortable using "sex." In some cultures, it is taboo to talk about sex.***	***Interviewer:*** How many men did you have *sex* with every day? ***Victim:*** I had to *be with* 10 men every day ***Interviewer:*** So you had to *be with* 10 men every day? ***Victim:*** Yes ***Note: Interviewer adapts language that victim is comfortable using.***

XII. UNDERSTANDING VICTIM FEAR OF LAW ENFORCEMENT & DEPORTATION

A. Fear of law enforcement

1. It is critical for law enforcement to understand this deep mistrust and fear of law enforcement when preparing to interact with a victim. It will require empathy and building trust to move an investigation forward

2. In many parts of the world, law enforcement is corrupt and the worst abuser of civil rights. This fear does not dissipate once foreign nationals, especially victims, enter the United States

3. Fear of law enforcement is intensified when a victim is told by their exploiter that American law enforcement hates immigrants and that they are notorious for raping, beating, and torturing people

4. When fear of law enforcement is coupled with language and cultural barriers, and possible traumatic bonding with exploiters, victims will likely remain silent and fearful, hampering investigations

B. Fear of deportation

1. For most Americans, deportation refers simply as returning someone to their original home country and back to their families

2. For these victims, home is no longer welcoming or safe. As a result, they are submissive to the demands of their exploiters to avoid deportation

3. For those facing deportation, they can encounter a multitude of negative consequences

C. Resources

Handout #3

CONCLUSION

A. Summarize material

B. Practice

1. Distribute practice exercise to students
2. Have students complete the exercise
3. Review exercise with students
4. Be available for questions if necessary

C. Test

HANDOUT #1 – COMMERCIAL SEX NETWORKS WHERE VICTIMS CAN BE FOUND

TABLE OF THREE COMMERCIAL SEX NETWORKS

	Asian Massage Parlors	Latino Brothels	Domestic Pimp Control
Clientele	White, middle/upper-class, military personnel	First generation Latino migrants only	Anyone willing to pay
Location/ Setting	Urban, suburban, rural: strip malls, truck stops, apartments, downtown business districts, restaurants, nail salons, alternative health centers	Urban, suburban, rural: apartments, trailer parks, restaurants	Urban, suburban, rural: streets, gang or pimp prostitution houses, motels, truck stops, private homes, and where there is a demand
Advertising	Newspapers (sports section), online, billboards, telephone books, word of mouth	Word of mouth, business cards	Online (Craigslist, USA Sex Guide), street walking, telephone books, flyer distribution, and word of mouth
Management	Most are Korean owned and operated through a brothel keeper (often older Korean woman)	Very little is known, men collect money from customers and provide security for brothel	A single pimp or group of pimps manage the women/girls through force and intimidation
Pricing Structure	$60 house fee for entry; $100 full sexual service	$30 for 15 minutes	Pimps set nightly quotas for their women/girls, usually $500-$1000 a night; during major sporting events the quota is doubled
Security	Buzzer system and security cameras at entrance	Two-way radios to communicate, armed guards, client transportation to and from brothel	Pimps watch the women/girls closely by foot or car and often have other pimps keep an eye out, women self-police for the pimp, younger girls are physically locked up when not on the streets
Victim Profile	Young women from Korea, China, Thailand, and even Latina women	Majority are from Latin America with the average age being between 15-30	Average age of victims is 12-14 and they often come from dysfunctional and/or abusive families

Polaris Project (2009)

HANDOUT #2 – FORCED LABOR SITES WHERE VICTIMS CAN BE FOUND

Forced Labor Trafficking Sites – victims can be found in both legitimate businesses and in underground criminal enterprises, with small scale or large scale operations, using one victim, or hundreds.

Type	Description	Case
Domestic Servitude	Individual(s) are economically and physically exploited, often through force and coercion. Victims are required to work long hours, receive little to no pay, confined to and rarely allowed to leave the owner's home. Victims often work as nannies, housekeepers, maids, or cooks. These cases are the most difficult to identify due to victims minimal interaction with the outside world. **Victims**: Foreign nationals (documented and undocumented), U.S. citizens, and often women and girls	*U.S. v. Ibrahim & Motelib* 12 year old Egyptian girl forced into servitude *U.S. v. Calimlim* Filipina woman held for 19 years as a servant
Peddling or Begging Rings	Individuals are required to beg or peddle items in which all money collected is turned over to the exploiter. Typical items peddled or sold include flowers, trinkets, magazines, pencils, and candy. Victims face violence and psychological manipulation and are often moved from location to location. Unlike other labor networks, this network has not been addressed as much within the anti-trafficking and labor rights field. **Victims:** Foreign nationals (documented and undocumented), U.S. citizens, men, women, children, and individuals with physical and/or mental disabilities	*U.S. v. Paoletti* Deaf Mexican adults and children forced to sell trinkets on the streets *U.S. v. Baicu* Disabled Romanians coerced and forced to beg on the streets
Forced Labor among Migrant Workers	Individuals are controlled through force or coercion by a crew leader that oversees their labor. Victims often work among non-victims and can be found at farms, factories, restaurants, construction sites, etc. **Victims:** Foreign nationals (documented and undocumented), men, women, or children	*U.S. v. Phu* Mexicans coerced and forced to work in several Chinese restaurants *U.S. v. Garcia* Mexicans forced and coerced to work on farms

HANDOUT #3 – RESOURCES

National Human Trafficking Resource Center (NHTRC):1-888-3737-888

The NHTRC runs a national, toll-free hotline available to answer calls from anywhere in the country, 24 hours a day, 7 days a week, every day of the year. Contact the NHTRC to report a tip; to connect with anti-trafficking resources in your area; or to request training and technical assistance, general information or specific anti-trafficking resources. The NHTRC is operated by Polaris Project and funded by the Department of Health and Human Services and other supporters.

Website: www.traffickingresourcecenter.org

Department of Justice's Trafficking in Persons & Worker Exploitation Hotline: Number: 1-888-428-7581
Operators have access to interpreters and can talk with callers in their own language. The service is offered on weekdays from 9 AM to 5 PM EST. After these hours, information is available on tape in English, Spanish, Russian, and Mandarin.

Website: http://www.fbi.gov/about-us/investigate/civilrights/human_trafficking/human_trafficking

ICE's Immigration & Customs Violation Hotline: 1-866-347-2423

ICE is committed to preventing the smuggling and trafficking of persons through initiatives, tools and resources that effectively impact organizations engaged in these practices. Report suspicious activity to the hotline.

Website: http://www.ice.gov/human-trafficking/

Ohio Attorney General's Office http://www.ohioattorneygeneral.gov/HumanTrafficking

Ohio Coalitions and Organizations

End Slavery Cincinnati Rescue and Restore Coalition **Email**: esc@ywcacin.org
Location: Cincinnati

Central Ohio Rescue and Restore Coalition **Hotline**: 1-888-881-5465
Email: trisha.smouse@use.salvationarmy.org **Web**: www.centralohiorescueandrestore.org
Location: Columbus

Second Chance of Toledo **Tel**: 419-244-6050 **Crisis Line:** 1-888-897-3232
Web: www.secondchancetoledo.org
Location: Toledo

Gracehaven (Shelter for minors) **Email:** info@gracehavenhouse.org
Web: www.gracehaven.info
Location: Dublin-Columbus Area

HANDOUT #3 – RESOURCES (cont.)

Collaborative Initiative to End Human Trafficking **Email**: Collaborative_initiative@yahoo.com
Location: Cleveland

Cleveland Rape Crisis Center **Tel:** (216) 619-6194 **Hotline:** (216) 619-6192
Web: www.clevelandrapecrisis.org

Prostitution Intervention Collaborative **Email**: NormaR@sunrisecenter.org
Location: Dayton

National Human Trafficking Resource Center **Tel:** 1-888-3737-888

WORKSHEET #1 – SMALL GROUP DISCUSSION

Luis Garcia and the Orange Grove

Luis Garcia is a mechanic from Guatemala. After hearing a job recruiter speak at his local church about job opportunities in Florida, Luis decides to use his life savings of $1,500 to pay a smuggler to transport him to the United States for a better life. He hopes to secure a well-paying job to put his children through school. The smuggling fee is $5,000 and Luis has agreed to pay the smuggler the additional $3,500 plus interest of $3,000. After a dangerous month long journey from Guatemala, Luis and several other clients finally make it to Florida.

1. At face value, is this human trafficking or alien smuggling?

2. Is force, fraud, or coercion present?

After arriving in Florida, Luis Garcia finds out that the smuggler had worked out a deal with a migrant labor manager who would purchase Luis Garcia and the other men for $4,000 each to work at the Sunshine Orange Grove. Luis Garcia also learns about his new debt of $10,000 to the labor manager. In order to pay the debt, he must work 15 hour days 7 days a week under constant threats of violence. He is forced to share an old trailer with 10 other workers and is charged $500 a month for rent and $200 for food and basic necessities (e.g., soap, clothing). Because Luis Garcia only earns $400 a month from his labor, he is in constant debt and is unable to send money home. When Luis attempts to leave, the migrant labor manager threatens to call immigration to have him deported.

3. Is this still just a smuggling situation? Or, has the situation transformed into human trafficking?

4. Is force, fraud, or coercion present? Explain.

5. Does it matter that Luis Garcia was paid a wage?

6. Does it matter that Luis Garcia previously consented to coming into the U.S. illegally?

WORKSHEET #2 – SMALL GROUP DISCUSSION

Mekong and the Korean Massage Parlor

Mekong is a waitress from South Korea. Because of her $40,000 credit card debt, Mekong has begun prostituting herself to make money to repay the loan. While at a bar, she is approached by Mr. Lee who offers to get Mekong to the United States. In exchange, Mekong would be a high-end call girl in New York City where she would pick her hours and number of clients. She would be required to repay Mr. Lee $10,000 in travel expenses. Mr. Lee reassures Mekong this fee would be easily paid in two months work as many of the women make $5,000 a month. In desperation to repay her credit card and not to shame her family for her debt, Mekong agrees and is transported to the U.S. via Canada.

1. At face value, is this alien smuggling or human trafficking?

2. Did Mekong consent to coming knowing she would be engaging in commercial sex acts?

Mekong enters Canada legally, but is unaware that Mr. Lee had secured illegal means to enter the U.S. from Canada. Once in the U.S., Mekong is told she would not be going to New York City as originally agreed upon with Mr. Lee. Instead of working as a high end call girl, Mekong is placed in an Ohio Korean massage parlor that is a known brothel catering to truckers. She is required to work 15 hour shifts and is not allowed to refuse any clients wanting sexual services. If she refuses and tries to leave, Mekong is physically assaulted by the brothel keeper, locked in a room, and starved. She is told that her family back in Korea would be told of her work in prostitution. In fear, Mekong complies and engages in prostitution, fulfilling a daily quota of 10-15 clients per day. Every two weeks, she is rotated to another brothel as a way to provide fresh faces to the clients. The brothel rotation adds to her debt, in which she is required to repay travel expenses, housing, food, and various other expenses tacked on by the brothels.

3. Is this human trafficking?

4. Is conspiracy an element in Mr. Lee's overall plan?

5. Does it matter that Mekong previously consented to coming to the U.S., knowing she would be engaging in commercial sex?

6. Is force, fraud, or coercion present? Explain.

PRACTICE EXERCISE

1. List the two forms of Human Trafficking.

   _____

   _____

2. List the approach method that was established by the Trafficking Victims Protection Act (TVPA).

   _____

   _____

   _____