

Human Trafficking: Modern Day Slavery

Cleveland Municipal Court

September 10, 2014

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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.

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Inside Bay Area

The Oakland Tribune

Dealers turning to sex business

Pimping provided many with inconspicuous way to make money in streets

By Barbara Grady, STAFF WRITER, Posted: 04/24/2008 02:42:15 AM PDT; Updated: 04/22/2009 06:47:53 AM PDT

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." ...

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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

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Trafficking Victims Protection Act

October, 2000

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.

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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.

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Sex Trafficking

Commercial sex act induced by force, fraud or coercion,

OR

Commercial sex act in which person performing the is under age 18.

US Department of Health and Human Services, ACF, Trafficking Campaign

Labor Trafficking:

Using force, fraud or coercion

to recruit, harbor, transport, obtain or employ a person

for labor or services in involuntary servitude, peonage, debt bondage or slavery

US Department of Health and Human Services, ACF, Trafficking Campaign

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Labor Trafficking

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. Bradley (1st Circuit 2004)
NH tree removal company - Jamaican workers

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

United States v. Farrell (8th Cir. 2009)
SDakota Comfort Inn- Jamaican housekeepers

United States v. Kaufman (10th Cir. 2008)
Unlicensed group home for mentally ill run by social worker and wife

More Labor Trafficking

- **Employment agencies (2009)** – 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 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!”
- **Youth Choir (1998)** - 11 year old Given Kachepa trafficked as member of youth choir from Zambia to Texas (prior to TVPA)
- **Italian Bakery (2008)** – guilty plea to unlawful hiring of undocumented immigrants; civil suit regarding allegations of HT by extended Ecuadoran family against “mom and pop” bakery in Connecticut

Crime of trafficking occurs with the exploitation of the victim. The physical movement of the victim is not a requisite.

How Are Victims Trafficked?

Force:

Rape,
beatings,
constraint,
confinement,
addiction to drugs

US Department of Health and Human
Services, ACF, Trafficking Campaign

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How Are Victims Trafficked?

Fraud:

False and deceptive offers
of employment
or better life.

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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.*

US Department of Health and Human
Services, ACF, Trafficking Campaign

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Human Trafficking: Who Are Victims?

*Approximately 800,000 to
900,000 victims annually
trafficked across
international borders.*

US Department of Health and Human
Services, ACF, Trafficking Campaign

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*Between 18,000 and 20,000 victims are trafficked
into the United States annually.*

The Columbus Dispatch

Prison term for human-trafficking

Woman from Dublin gets one year for role with hotel cleaners

Saturday, December 18, 2010

By Andrew Welsh-Huggins

ASSOCIATED PRESS

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...**

http://www.dispatch.com/live/content/local_news/stories/2010/12/18/prison-term-for-human-trafficking.html?sid=101

Many victims are also US citizens.

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Who is at-risk to be trafficked?

- Children
- Vulnerable women
- Homeless, runaways
 - Immigrants
 - The disabled
 - LGBTQ

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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

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Mindset / Responses of Victims

- Victims comply and don't seek help because of **FEAR**
- Many victims do not speak English
- Victims often coached to provide certain answers
- Trauma Bond
- Unaware what is being done to them is a crime
- Often blame self; shame; 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.

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In Plain Sight...

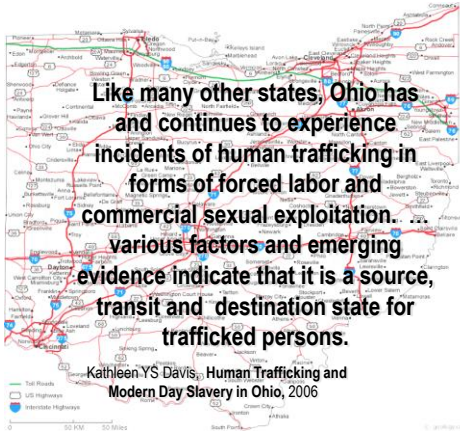
“Possible Trafficking Victims”
not “Illegals” or “Aliens”

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What is happening in Ohio?

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



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

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Ohio Headlines

Jury convicts Ashland couple of keeping mentally disabled woman as a domestic slave for two years

Cleveland.com March 7, 2014

http://www.cleveland.com/court-justice/index.ssf/2014/03/jury_convicts_ashland_couple_o.html

Jeremy Mack found guilty on 9 counts in human trafficking trial

Channel 5, February 18, 2014

<http://www.newsnet5.com/news/local-news/oh-lorain/jeremy-mack-found-guilty-on-9-counts-in-human-trafficking-trial>

FBI: Man Sold Girl for Sex at Downtown Starbucks

January 6, 2011, Fox 8 News

<http://www.fox8.com/news/wjw-news-sex-trafficking-eric-tutstone-arrest.0.7449812.story>



Ohio Headlines

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

Cleveland Plain Dealer, March 21, 2012, p. B2
http://blog.cleveland.com/metro/2012/03/human_trafficking_hiding_in_pl.htm

Ohio Man Sentenced to 30 Years in Prison for Sex Trafficking of Minor

Federal Bureau of Investigation, July 3, 2012
<http://www.fbi.gov/cleveland/press-releases/2012/ohio-man-sentenced-to-30-years-in-prison-for-sex-trafficking-of-a-minor>

National activist fighting sex trafficking says she was first exploited in Cleveland

Cleveland Plain Dealer, October 13, 2011
http://blog.cleveland.com/metro/2011/10/national_activist_against_sex.html

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Research and Analysis Subcommittee Ohio Trafficking in Persons Study Commission *Report on the Prevalence of Human Trafficking in Ohio* February 2010

Foreign Born Persons in Ohio

At risk for labor and/or sex trafficking 3,437
Trafficked into labor or sex trade in Ohio **783**

American Youth in Ohio (ages 12-17)

At risk for sex trafficking 2,879
Trafficked into sex trade **1,078**

Response to Issue - 2014

FEDERAL Plan: Coordination, Collaboration, Capacity 2013-17

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

LOCAL Efforts:

- ❖ Cleveland Municipal Court
- ❖ Collaborative to End Human Trafficking
- ❖ 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; Guidestone; Renee Jones Empowerment Ctr, Safely Home; Salvation Army; SANE Nurses...
- ❖ City of Cleveland Community Relations Board; City Council
- ❖ Greater Cleveland RTA...Ohio Public Transit Association

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Scope of Human Trafficking



Global, National, Local
Women and Men
Adults and Children
Forced Labor and Commercial Sex

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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

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We protect children from sex tourism.

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.

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**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

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Information
Educational Programs
Resources



Mission:

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

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