

HUMAN TRAFFICKING: WHY SHOULD I CARE? THE NEED FOR A COORDINATED RESPONSE

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ABSTRACT

It has been stated that we see what we want to see. When you think of human trafficking do you think of foreign nationals paying a third party to gain entrance into the United States illegally, or perhaps young women who are forced into the sex trade? Human trafficking is an international dilemma that receives significant attention in some circles and is virtually ignored in others. It appears in many forms and can be difficult to recognize. Whether you recognize it in your community or business circle may depend on whether you are aware of what to look for. Once recognized, are you prepared for victim behavior that may not conform to what you may consider normal? This paper will embark on a brief review of current thought and law enforcement training in human trafficking, including a review of current practices and initiatives of the U. S. Attorney for the Eastern District of California and the Attorney General of the State of California. The research will provide an example of viable regional law enforcement and NGO responses that can be utilized cooperatively or replicated elsewhere. Questions to be addressed include: How prevalent is this problem? Is this a local, county, state, or federal jurisdiction problem? If victims do not wish to help themselves are they really victims, or willing participants in criminal conduct? What are possible behavioral indications that someone you interact with is a victim of human trafficking?

Human trafficking exists in most parts of the world. When we think of it, we often want to look across the globe rather than across the street for victims of this life altering crime. It is one of the “oldest professions” in human existence as noted by Luis CdeBaca, U.S. Ambassador-at-Large to Monitor and Combat Trafficking in Persons (Trafficking in Persons (TIP), p 2). Recorded as far back as the sale of Joseph (labor trafficking) into Egypt by his annoyed and jealous brothers in a scenario which is paralleled in many modern trafficking cases-sold into slavery by uncaring members of his own family who fabricated a story about his circumstances, leaving no hope for the caring members of his family-father Jacob and others-of ever being reunited with the lost member of their family. In the end Joseph was successfully reunited with his family, those who committed the crime admitted it and offered themselves for punishment. Today it is estimated that there are almost 21 million victims of human trafficking worldwide (TIP, p 47).

Modern trafficking can begin with the desire for a better life for an individual or their family, promises of success or a loving spouse waiting for you in a far away city or country, or unfortunately when your own parents or relatives view you as a commodity rather than as a unique human being. In the outer villages of Nepal, traffickers exploit villagers with these promises to the young women and their parents (Samaritan’s, p1). Often the result is forced labor for the young men and forced prostitution in Nepal or India for the young women, never to be seen again by family or follow villagers. Suren Rasaily, an Operation Christmas Child coordinator for NGO Samaritan’s Purse stated, “Human trafficking is a curse that brings shame upon the people.” Mr. Rasaily strongly believes that this figurative curse on those affected can be

broken through the truth that his faith believes in and the actions of people willing to see the truth of what is before them as presented in the example below.

As Americans we often think that we have all of the answers however local awareness-no matter where you are- will bring the activity that will “end this curse” (Samaritan’s, p 1). Take Shivaram, who runs a rustic travelers’ inn. It’s an out of the way affair where it would be easy to turn a blind eye to wrongdoing: On a cold winter night, a young couple knocked on Shivaram’s door. Claiming to be newly married, the man said that they were on their way to Kathmandu, but something triggered Shivaram’s suspicion and he believed he was not being told the truth. After the local police were contacted, the traveling man was confronted and the young woman confirmed that they were not married. Further investigation led to the arrest of the man who was trying to traffic the young woman to a larger city. This intervention by an unassuming business owner led to a happy ending for this trafficking victim who was returned to her home (Samaritan’s, p 1). Shivaram was thankful that he was able to save a young girl from a lifetime of misery and would not hesitate to intercede again. “I don’t fear the traffickers,” he said.” If it happens again, he stated that he felt it was his duty to intervene (Samaritan’s, p 1).

Here, the United States remains a land of freedom and a nation that welcomes immigration. Is it possible that as citizens and residents enjoying significant freedoms we are lulled into a false sense of freedom for all because we “see what we want to see”? Human trafficking is not an institutional problem that is the sole responsibility of government or law enforcement to subdue. Abraham Lincoln stated, “Slavery is founded in the selfishness of man’s nature- opposition to it, is his love of justice” (State, p 15). “Personalizing” the cause of human trafficking requires us to take a bottom up view-to take responsible action at our level of ability- rather than a top down view-where we assign responsibility to a nameless, faceless government or private agency to respond to this blight. Realizing that responsibility for human trafficking begins with the individual should motivate us to learn the basics: identifying the different types of trafficking, learning what we can do to prevent crimes similar to what is discussed above and create outcomes where the victims are not only removed from their slavery but also equipped to avoid again falling into the human trafficking trap.

Frankly the seriousness of the human trafficking problem is apparent but the depth of the problem can be difficult to determine due to the very nature of the crime. “Numbers are an efficient and effective way to describe a social problem. Knowledge of the scale and scope of social problems is critical to commanding attention and action, especially in environments where resources are limited and other problems present similar urgencies (Vera, p 46).” Development of nationally available validated standardized/modular screening tools is necessary for successful identification of victims (Vera, p xiii) and long-term statistical analysis of the depth of human trafficking nationwide. Ideally this tool would be adaptable to use by service providers from law enforcement, social service providers, behavioral health providers, faith based service providers and educators. Additionally, awareness level information and training that is based on this assessment tool will need to be made available to the business community to assist them. Statistics released by the U. S. Department of Justice, Bureau of Justice Statistics show that in the U.S. between January 2008 and June 2010 there were 2,515 human trafficking incidents opened for investigation (keep in mind that a single incident can have multiple victims). Of these, 2,065 involved sex trafficking, 350 labor trafficking, 65 involving other type of trafficking and 172 involving and unknown type at time of statistical analysis. As you will note from the numbers, some cases involved more than one type of trafficking (Bulletin, p 6). As disturbing as those numbers are, it is far more disturbing that of these cases, 1,016 were cases opened for prostitution or other type of sexual exploitation of a child. In the following two years (from July 1, 2010 to June 30, 2012) statistics from California alone revealed 2,552 investigations and 1,277 identified

victims of human trafficking and resulted in the arrest of 1,798 suspects (State, p 50). These cases can and do occur anywhere. Certainly a large multicultural environment such as Los Angeles, San Francisco or San Jose will have greater total frequency of incidents than a small environment. However as recent as spring 2012 the Chowchilla CA Police Department, which serves a middle class agriculture based population of 11,000, successfully prosecuted a human trafficking case at the state level involving sex trafficking of a minor.

Traffickers do not have a specific profile. They can be anything from a pimp or gang member to a family member or business owner (Polaris Traffickers, p 1); however recent data reveals that there is an increasing connection between gang activity and human trafficking, particularly in the forced sex trade. Motivation for human trafficking is dominated and driven by the current high profit margin/low risk dynamic for traffickers. Increasingly street gangs and transnational gangs are engaging in human trafficking in addition to, or as a substitute for other profit related activities such as human or drug sales and/or smuggling (State, p 18). Subjects in the bondage of trafficking are a “product” that the criminal can sell over and over again, whether it’s for forced sexual exploitation, labor or domestic servitude. Human trafficking carries less risk than the previous activities as well. A gang member who sells or distributes narcotics will have to be resupplied somehow on a regular basis in order to continue to make a profit and to meet the demands of his “up line”. Once the criminal has established control over the trafficked individual there is very little risk involved in continuing their operation. According to Polaris Project research, “Victims of human trafficking often do not immediately seek help or self-identify as victims of a crime due to a variety of factors, including lack of trust, self-blame, or specific instructions by the traffickers regarding how to behave when talking to law enforcement or social services (Polaris Myths, p 1)”

In a move that makes a mockery of corporate branding and is sadly reminiscent of the days of American slavery, pimps and gang pimps have begun tattooing them to further establish the victims as property under the control of another (State, p 19). Apparently this mimicking of the ugly past and mockery of the current free enterprise system extends to rival gangs peaceably exchanging victims, creating a financial “win-win” for groups that would have previously shot each other on sight if violating a perceived turf boundary (State, p 19). Additionally, traffickers will outfit those they exploit with cell phone, Internet and social media technology (State, p 25) so that they can attempt to keep minute-by-minute control over the sexual exploitation victim.

Internationally, human trafficking is defined in a number of sources including the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) (TIP, p 7). Thanks to the Trafficking Victims Protection Act of 2000, it is a federal crime in the United States. Many states have adopted their own statutory remedies for trafficking. California defines human trafficking as "all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage (What, p 1)" and included this language in Penal Code section 236.1. Often the term “trafficking” distracts us. Contrary to its implied definition, there is no requirement that travel or transportation across borders must occur to have a case of human trafficking- this would actually be human smuggling (State, p 17). In fact 72% of the victims surveyed by California’s Human Trafficking Task Forces revealed that they are American citizens (State, p 4). Generally speaking, human trafficking is broken into 3 broad categories: Sex Trafficking, Labor Trafficking and Domestic Servitude (State, p 16).

Of the three, Sex Trafficking is often the most visible and includes forced prostitution through venues such as massage parlors, strip clubs, online and off line escort services and street prostitution. The victims are most often female or children. Labor Trafficking can occur in almost any industry that is lower skill and labor intensive. Common areas where it can occur is in landscaping services, hotel housekeeping, restaurants, factories, farm labor, nail salons, traveling sales crews and construction. Domestic Servitude is the least public of the three but could literally be occurring next door to you. Those held in this type of servitude are usually women. They may appear as normal, hardworking employees when in fact they have no choice as they may be in the country illegally and have had their personal documents seized by their “employer”, limiting their ability to flee (State, p 16).

A successful strategy to curtail or end human trafficking should be victim-centered and as universally consistent as possible. The Palermo Protocol’s “3P” paradigms of prevention, prosecution (TIP, p 9) were adopted with this United Nations protocol. Most United States based practitioners note and recognize a 4th “P”, which is partnership. Partnership is what makes a coherent whole of the first 3 “P”s. Partnerships can be horizontal such as government entity to government entity, or vertical, such as citizens to government, or cooperative, such as in the multidisciplinary, multijurisdictional task forces fighting trafficking.

Prevention is all members of all partnerships working together to stop the victimization of individuals through educating the public, educating potential victims and utilizing legislation in an appropriate manner to supply legal recourse for victims. As noted above, the traffickers utilize technology in various media and methods to recruit and control victims. Fortunately, anti-trafficking forces have also identified that their presence and accessibility in these same media realms is a key element in an effective prevention and protection strategy (State, p 54, 82).

Prosecution is easily understood but it has an educational component as well. From July 2010 to July 2012 25,000 first responders, prosecutors and victim service providers in California received training on human trafficking (State, p 36). Vertical prosecution is also utilized as an effective measure to rightfully place responsibility and culpability for the crime on the trafficker and not the trafficked individual (State, p 5). Although involved at all levels, those public and private agencies that provide victim services are particularly involved in the Protection phase. These agencies assist the victims in all aspects of recovery from their exploitation (TIP, p 9). In a multiplying effect, a strong protection and recovery provider network assists the prosecution phase as law enforcement is able to offer a legitimate option-a way out- to the exploited individual.

So how do you get involved in the “4P” paradigm? A bottom up response to breaking the human trafficking cycle will begin with reviewing what can be done at the individual level to assist those agencies whose mission includes direct action in combating human trafficking.

Three actions are vital to the success of the general public in stopping human trafficking. These actions generally fall in the prevention, partnership and prosecution portion of the “4P”s. The first action is relationship building. With each new version of smart phones, computers and tablets society becomes more plugged in and less connected to those we physically interact with. Every individual has a unique set of personal and professional circles that they move through daily. Each day they will come in contact with a series of individuals in unique circumstances. Individuals must take the time to disconnect from self and see what they need to see around them. Then valuable opportunities to build relationships will not be missed. Relationships can be the bridge that allows a trafficking victim to feel secure enough to seek help in a daily existence where they feel or believe they are fully in the control of someone else.

Learning to define what you observe is part of personal education, the second vital action. Personal education does not have to be exhaustive. It can be as simple as participating in an awareness level course such as accessing the Polaris Project or the Human Trafficking Awareness Training offered on the U.S. Department of Homeland Security Human Trafficking webpage to recognize the signs of human trafficking (Polaris Signs, p1) (DHS Awareness, p 1). A brief investment in training of this type will create an awareness level that can be used daily. It will open your eyes to what your circumstances and personal contacts may be alerting you to; indicators such as noting that someone you know works, but does not have access to their money or a friend from a foreign country has identification and status paperwork that they are not allowed access to.

Finally, the individual needs to know what resources are available in their immediate community or in the communities their area to assist with human trafficking. Victim behavior often doesn't seem logical to the uneducated or casual observer. The level of control exerted over the victim by the trafficker is very difficult to understand for those of us born in a free society. Although education and relationships can bring you to the point of recognizing the circumstances and hearing the truth from the victim, you are now at the point where you may need professional assistance to safely assist the victim in leaving their trafficked existence. Resources can include federal, state, county, municipal and regional government agencies and agency task forces (see Appendix A). Additional resources can be found in non-government organizations (NGO), faith based organizations and private organizations and foundations.

In California, Law Enforcement (including all phases of prevention, intervention, enforcement and prosecution, and immigration), Social Service agencies (including adult and child welfare and protective services, adult and juvenile behavioral health services and other providers), NGOs (such as Humanity United, Coalition to Abolish Slavery and Trafficking (CAST) the United Way agencies and other private organizations), and faith based organizations (such as International Justice Mission, the Salvation Army, Courage House, local churches and other para-church organizations) are examples of groups that either through statute or selected mission are directly involved in cooperative efforts to combat human trafficking. Effective task force models display the three action areas as well. Ongoing relationship building, continuing internal education and continual resource updating are essential to successful taskforce operations.

The Fresno Human Trafficking Taskforce in partnership with the Central Valley Against Human Trafficking Project (CVAHT) is an example of both a task force and partnership relationship battling human trafficking (State, p 104) (Executive, p1). The agencies complement each other by understanding the role that each plays in the "4P" process. In this partnership, the Fresno Police Department (FPD) and The Fresno Economic Opportunity Center (EOC) Sanctuary and Youth Services have been collaborative partners since 1992. The primary mission then was working with runaway and homeless youth by offering transportation, referral and shelter services. In 2008, FPD expanded its collaboration with EOC Sanctuary Youth Shelter to respond to domestic minor sex trafficking victims accessing shelter. In 2009, EOC Sanctuary and Youth Services developed CVAHT, which in turn spearheaded the Central Valley Freedom Coalition (CVFC), in which FPD has been a valued and consistent partner of CVFC's Steering Committee since its inception in 2010 (C. Chastain, personal communication, December 3, 2012). CVAHT's and FPD's consistent partnership and leadership in CVFC supports a full multi-disciplinary response to combat human trafficking in the form of: proactive investigations, comprehensive victim services, audience-specific training programs for law enforcement, service providers, prosecutors, judges, community and faith based organizations, and through raising regional public awareness. CVAHT is charged with assisting victims of human trafficking in making the best-informed decision for themselves in regards to cooperating with law enforcement and the services

they feel they need. CVAHT has a responsibility to assist the victim in maintaining safety and well-being. CVAHT believes in and adheres to a victims' right to self-determination and supports the decisions of victims in the process of escape and obtaining individualized goals (R. Bright & C. Chastain, personal communication, December 3, 2012).

Utilizing funding from the U.S. Department of Health and Human Services' Rescue and Restore Victims of Human Trafficking Regional Program, the Fresno EOC Sanctuary and Youth Services serves as the planner, fiscal agent, monitor, and technical assistance provider oversees several projects involving labor trafficking, sexual exploitation, domestic servitude of minors, and a regional media campaign for the CVAHT Project. CVAHT is also a sub-awardee under the Fresno Police Department's Human Trafficking Taskforce (HTTF) grant to provide direct services to identified victims of trafficking (Executive, p 1).

An example of this partnership is the case of a juvenile recruited from a foster home for sex trafficking. The victim was rescued and the suspects charged, the victim received services and was relocated to another city for her safety allowing her to feel safe enough to testify (Curt Chastain, personal communication, December 3, 2012).

CVAHT and Fresno HTTF partners utilize a protocol of identifying victims of human trafficking that was created by the Steering Committee of the Central Valley Freedom Coalition (CVFC); The CVAHT model of Comprehensive Victim Service incorporates these elements of service delivery for victims or potential victims identified by FPD and CVAGT that will ensure an efficient coordinated approach. CVAHT's intent is to assist FPD and Fresno HTTF partners by offering a clear victim-centered protocol for the provision of services to victims (Chastain, p 1). The membership in CVFC is extensive- Fresno EOC Sanctuary and Youth Services, Fresno Police Department, Fresno County Sheriff's Department, Fresno County District Attorney's office, FBI, ICE, EEOC, U.S. Attorney's office, Crime Victim Assistance Center, Mennonite Central Committee, Central CA Legal Services, Marjaree Mason Center, Westside Family Preservation Services Network, Centro la Familia, California Rural Legal Assistance, Family Services of Tulare County, Fresno Council on Child Abuse Prevention, and Central Valley Justice Coalition. Although this list is not exhaustive, it reflects how partnership and shared protocol creates coordinated response across vast organizational, geographic and discipline areas (Executive, p1).

Now is your opportunity to determine where you need to join in the response to human trafficking in your area. Certainly reviewing and acting on the individual actions suggested would be an excellent starting point for anyone. For those involved in the different disciplines involved in informal or formal partnerships and task forces now may be the time to join such an effort in your area. Some have even utilized social entrepreneurship to fulfill a role in the "4P" paradigm. Listed below is just one example.

Jenny Williamson is the founder and CEO of Courage Worldwide (Biographies, p18). Ms. Williamson's first awareness of the worldwide problem of human trafficking came through her church. Since that time, she has utilized her passion and leadership to educate others about the specter of human trafficking. Courage Worldwide has taken concrete steps to helping with the effort to rescue and restore child victims of human trafficking by opening homes in California, Hawaii and Tanzania to assist these victims. Ms. Williamson stated that it is an "empowering and life changing experience" when the girls are able to testify in court as it assists them in fully identifying as victims, which is an important part of the healing process (Panel Discussion).

Both Attorney General Kamala Harris and U.S. Attorney for the Eastern District of California are

outstanding proponents of the task force concept. Both recognize the need for coordinated data collection, dissemination and training to and for the law enforcement agencies in their jurisdictions. As such, both strongly support the utilization of the state fusion centers that operate under the State Threat Assessment System (STAS) to collect and disseminate information on situational awareness, current trends utilized by traffickers and strategic intelligence about ongoing trafficking cases (State, p 59).

Further recommendations from Attorney General Harris' 2012 report titled *The State of Human Trafficking in California 2012* that were not fully discussed here include: Continued, increasing cross training and cross coordination of units handling human trafficking cases (State, p 72), combat trafficker tech savvy by increased training in, and use of technology to track how traffickers operate (State, p 65), continued international cooperation on combating transnational gangs (State, p 64), improved victim awareness and access to online assistance and resources (State, p 84), and greater access for victims-especially juveniles- to long term shelter opportunities (State, p 79).

The public is concerned about the existence and punishment of those involved in perpetuating human trafficking as evidenced by the huge margin Proposition 35 (a ballot proposition that increased criminal penalties for trafficking convictions) passed by in the recent November elections in California. Unfortunately if you queried some of these same supporters, they would be hard pressed to name any of the identifying behaviors and activities associated with trafficking. Involving yourself in the "4P"s at the individual or practitioner level will greatly increase your ability and the ability of your community to be utilized to curtail human trafficking. Arming yourself with current information, resources and partnerships could make you the "Shivaram" for a human trafficking victim you come in contact with.

APPENDIX A

Sample Resource List, Resources listed alphabetically

California Attorney General's Human Trafficking website: <http://oag.ca.gov/human-trafficking>

Coalition to Abolish Slavery and Trafficking website: <http://www.castla.org/homepage>

Courage Worldwide website: <http://courageworldwide.org/>

Federal Bureau of Investigation (FBI)

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

Fresno Economic Opportunities Commission, website: <http://fresnoeoc.org/>

Ronna Bright, MSW 1900 Mariposa Mall, Suite 301

Project Manager Fresno, CA 93721

EOC Sanctuary and Youth Services (559) 263-1379

Central Valley Against Human Trafficking

ronna.bright@fresnoeoc.org

Human Trafficking of Minors Training Course for Law Enforcement and First Responders

Website: <http://actnowca.com/> Contact: (714) 548-3745

International Justice Mission website: www.ijm.org

Polaris Project (National Human Trafficking Resource Center Hotline): 1-888-3737-888 and website: <http://www.polarisproject.org/>

U.S. Attorney's Office – Eastern District

Coordinates with the Sacramento and Fresno Anti-Trafficking Task Forces, also created the North and Central California Anti-Trafficking Team (NCCATT)

Contact: (916) 554-2700

Website: http://www.justice.gov/usao/cae/us_attorney/index.html

Eastern District Victim Witness Program

Contact: (916) 554-2776

Fresno: (559) 497-4055

Website: http://www.justice.gov/usao/cae/victim_witness/index.html

U.S. Department of Health & Human Services, Administration of Children and Families Office of Refugee Resettlement Rescue and Restore Campaign

Website: <http://www.acf.hhs.gov/trafficking>

U. S. Department of Homeland Security Human Trafficking and Blue Campaign website: <http://www.dhs.gov/blue-campaign>

U.S. Department of Justice, Civil Rights Division, Human Trafficking Prosecution Unit

Website: <http://www.justice.gov/crt/about/crm/htpu.php>

U.S. Department of State Office to Monitor and Combat Trafficking in Persons

Website: <http://www.state.gov/j/tip/rls/tiprpt/index.htm>

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