

U.S. Commission on Civil Rights Eastern Regional Office

Multi-State Webinar on:

Human Trafficking: The 13th Amendment in the 21st Century

Monday, November 14, 2011

Agenda

10:30 a.m. - 12:30 p.m. (EST)

Moderator:

- Thomas M. Mackall, Chair
Maryland Advisory Committee

Presenters:

- John Cotton Richmond, Special Litigation Counsel
Department of Justice Human Trafficking Prosecution Unit
- Thomas Stack, Detective
Montgomery County, Maryland
- Tina Frundt, Founder
Courtney's House

Question and Answer Session:

- Remote viewers: email questions to ero@usccr.gov

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John Cotton Richmond

Special Litigation Counsel, DOJ's Human Trafficking Prosecution Unit

Mr. Richmond serves as the Special Litigation Counsel with the U.S. Department of Justice's Human Trafficking Prosecution Unit. He has investigated and prosecuted numerous victim centered labor and sex trafficking cases throughout the United States. Mr. Richmond has also prosecuted criminal civil rights crimes, including, cross burnings, police misconduct cases, and neo-Nazi hate crimes. Some of his notable trials include United States v. Rivera, in which 48 identified victims were rescued and the defendants were convicted in a complex labor and sex trafficking case; United States v. Teel, in which 10 officers were convicted of color of law violations for the routine and systematic beating of inmates at a Mississippi jail that resulted the death of one inmate; United States v. White, in which the leader of one of the largest Neo-Nazi organizations in the country was convicted of targeting individuals with "true threats" of harm.

Mr. Richmond is a frequent speaker on human trafficking, civil rights, and rule of law. He has trained prosecutors, federal agents, law enforcement officers, non-governmental organizations, and international delegations on human trafficking investigative and prosecutorial strategies. He has also served as an expert on human trafficking for the United Nation's Working Group on Trafficking in Persons and at the European Union's multilateral meetings on human trafficking. Prior to joining the Department of Justice, Mr. Richmond worked on human trafficking crimes as the Director of the International Justice Mission's slavery work in India.

Thomas Stack

Detective, Montgomery County Police Department's Vice Unit

Detective Thomas Stack is currently a Detective with Montgomery County Police Department's Vice Unit and has more than 23 years of law enforcement experience including 11 years in Vice. He has investigated and assisted in more than 300 prostitution cases to include Asian Massage parlors, Latino Brothels, Juvenile Prostitution and Internet prostitution cases. He has conducted numerous undercover prostitution stings. Detective Stack is a Task Force Officer with the FBI, Maryland Child Exploitation Task Force, also serves as a representative on Maryland Human Trafficking Task force. He has guest lectured at several Universities, and numerous citizen groups. Detective Stack has trained Law Enforcement locally (Prostitution investigations at the Montgomery County Police Academy), nationally (Eastern States Vice Investigators annual conference, FBI Academy in Quantico VA, Mid-Atlantic Region Gang Investigators Network training conference) and internationally (Russian Federation to teach on Juvenile Prostitution). Detective Stack has testified in front of the Maryland House of Delegates, Judiciary Committee and the Maryland Senate, Judicial Proceedings Committee on prostitution and Human Trafficking. Detective Stack has been recognized as an expert in prostitution investigations by the District Court of Maryland.

Tina Frundt

Executive Director/Founder of Courtney's House

Ms. Frundt has been actively raising awareness of the commercial sexual exploitation of children (CSEC) since 2000. A high profile national advocate on the issue of domestic sex trafficking and a survivor of CSEC, Ms. Frundt is deeply committed helping other children and women who are living through experiences similar to her own. She has been featured on numerous national shows and publications, including Lisa Ling's Show Our America that featured a undercover look into sex trafficking "3Am Girls" on the OWN network, CNN's freedom project, and trains law enforcement and services providers around the country, she has recently won the "Frederick Douglas" award through the "Freedom Awards" that recognizes survivors of sex trafficking she is the first U.S. Citizen to win the award. She has testified before U.S. Congress about her own experiences and the need for greater protection and services for trafficked persons. She has recently started her own non-Profit, "Courtney's House" in 2008. "Courtney's House" provides services for domestic sex trafficked youth and will open first group home for sex trafficked children ages 12yrs - 18yrs in the Washington D.C. metro area.

Human Trafficking

United States Commission on Civil Rights

November 2011



John Cotton Richmond

Special Litigation Counsel

Human Trafficking Prosecution Unit

United States Department of Justice

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Today's Goals

- Deconstruct 6 Myths about Human Trafficking
- Understand Federal Human Trafficking Statutes
- Review the Investigation & Prosecution Model
- Define Human Trafficking Indicators

What is Human Trafficking?

Working Definition

“Human Trafficking” is compelling someone to work **or** to engage in a commercial sex act.

The Big Picture



Protect specific victims through rescue, services, and a victim centered approach to the rule of law.

Prevent human trafficking offenses by dismantling trafficking networks, building awareness, and creating deterrence.

Prosecute the perpetrators for their criminal conduct to the full extent of the law.

Victim-Centered Approach

What Does “Victim-Centered” Mean?

- Non-Prosecution of Victims
- Vindicates victim’s individual rights
- Empowers victim as an active participant
- Aids transition from traumatized victim to empowered survivor

Transform Law Enforcement Culture

- Abandonment of pre-conceptions
- Evolution of trauma-informed approaches



Myths About Human Trafficking

Human Trafficking Myths

1. Slavery is a historical blight that no longer exists.

- 12.3 Million victims of human trafficking

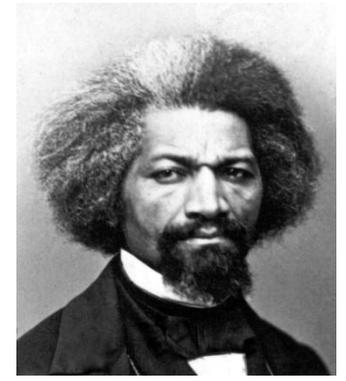
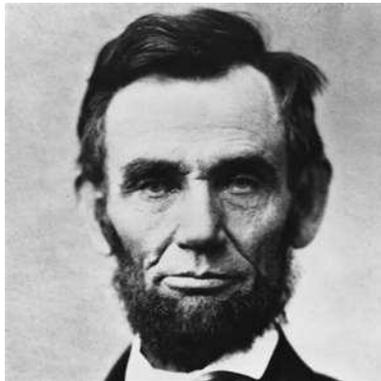
U.S. Department of State, Trafficking in Persons Report 2010

- 27 million people held in slavery worldwide

Free The Slaves 2011

- 100,000 children in U.S. are in sex trade

Polaris Project 2011



Human Trafficking Myths

2. There are no foreigners in the case



The law does not require foreign victims or defendants.

United States v. Evans, 476 F.3d 1176 (11th Cir. 2007) (both the Defendant and the human trafficking victim were United States citizens).

Human Trafficking Myths

3. Trafficking Involves Movement and Borders



- No Borders Needed
- No Legal Requirement
- *Trafficking* is Misleading
- Coercion not Movement
- Traffickers Don't See Borders

Human Trafficking Myths

3. Trafficking Involves Movement and Borders

Trafficking

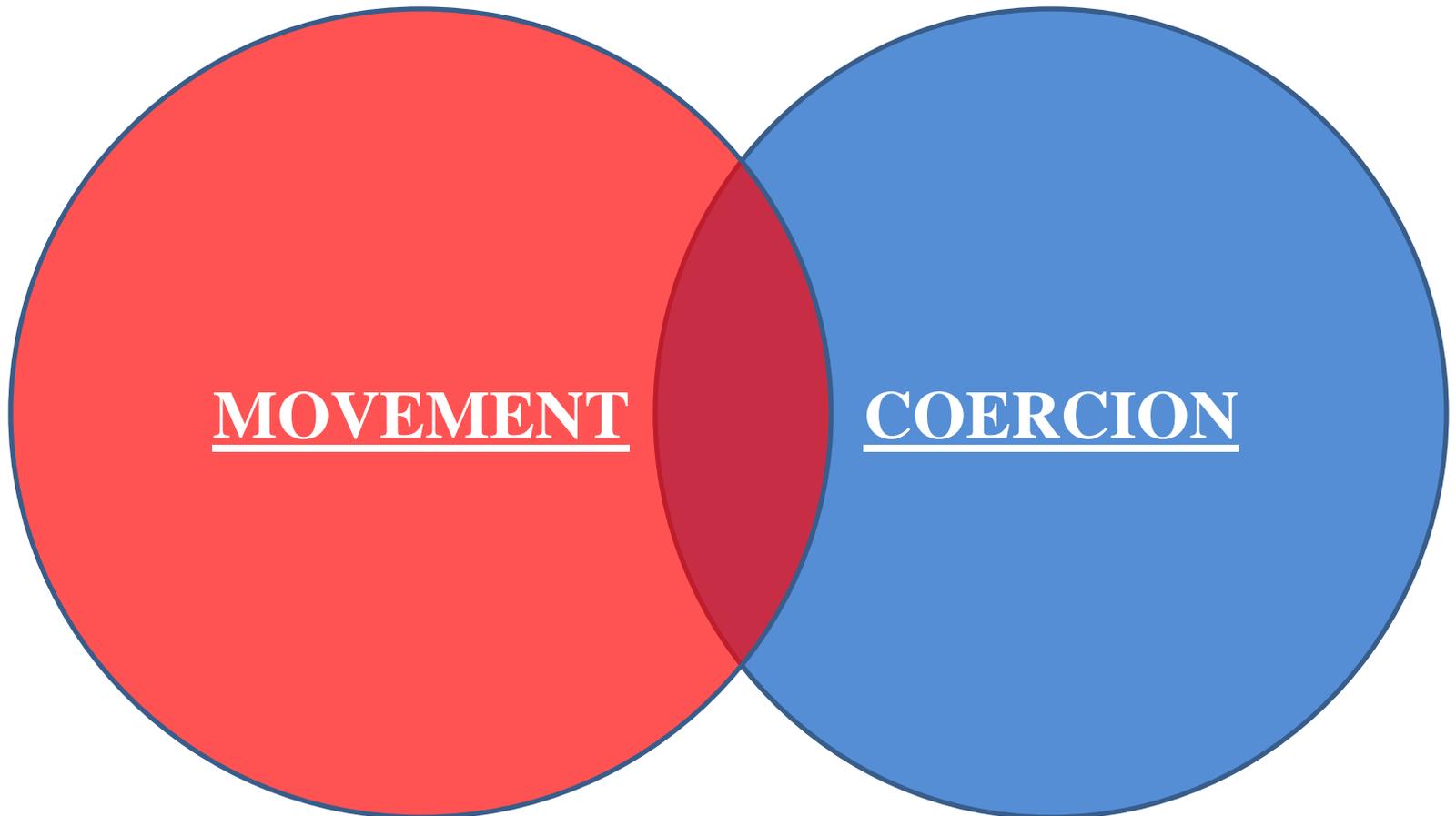
COERCION

Human Trafficking Myths

3. Trafficking Involves Movement and Borders

Smuggling

Trafficking



Human Trafficking Myths

3. Trafficking Involves Movement and Borders

Smuggling

Trafficking

MOVEMENT

Undocumented
Voluntary
Crime against borders
Transportation

COERCION

Citizen or Undocumented
Coerced / Involuntary
Crime against Person
Exploitation

Human Trafficking Myths

3. Trafficking Involves Movement and Borders



**You Cannot Take a
Picture of Coercion**

Human Trafficking Myths

4. This case does not involve prostitution or sex.

- “Recent studies show the majority of human trafficking in the world takes the form of forced labor.” Dept. of State’s 2010 Trafficking in Persons Report.

Restaurant Workers

Domestic Servants

Farmers

Hotel Employees

Factory Workers

Restaurant Workers

- The Law Has No Occupation Limitation

Don’t Forget About the Labor Cases

Human Trafficking Myths

5. The “victims” have to think they are “victims.”

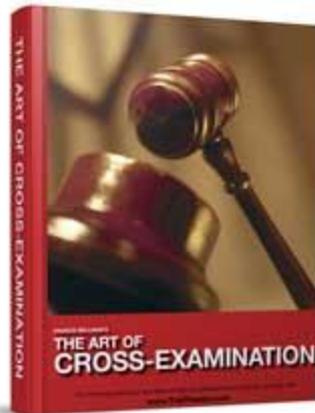
Often human trafficking victims do not self identify as victims.

- Shame
- Lack understanding about their rights
- Distrust of law enforcement
- Still believing the coercive lies of the perpetrator
- Not ready to admit the truth to themselves yet

Human Trafficking Myths

6. There Will Not be Prior Inconsistent Statements

- Embrace prior inconsistent statements.
- Most trafficking victims will not tell the complete truth during the first few interviews.
- Evolving statements can be evidence of the coercive scheme



What Human Trafficking Is Not!

- Illegal Child Adoption
- Trade in Human Organs
- Child Pornography
- Prostitution (Not a Federal Vice Squad)
- Labor Violations
- Poor Working or Living Conditions

There are other statutes that deal with these offenses.

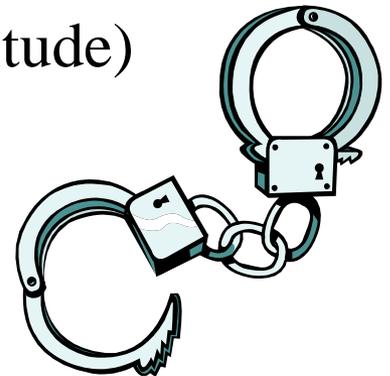
Federal Laws

Involuntary Servitude and Slavery Crimes

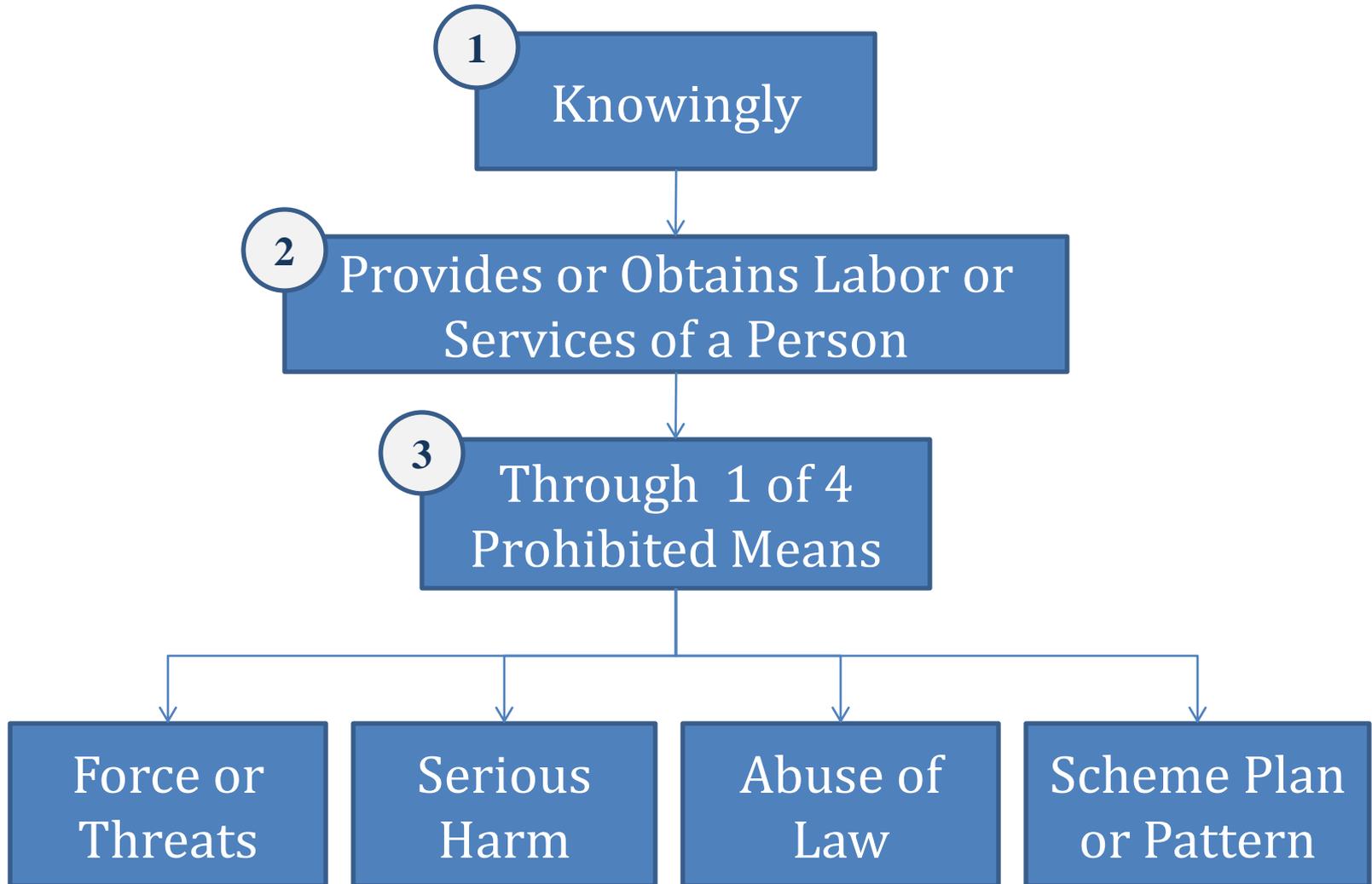
- 18 U.S.C. § 1581 (Peonage)
 - 18 U.S.C. § 1583 (Enticement Into Slavery)
 - 18 U.S.C. § 1584 (Involuntary Servitude)
-

Trafficking Victims Protection Act

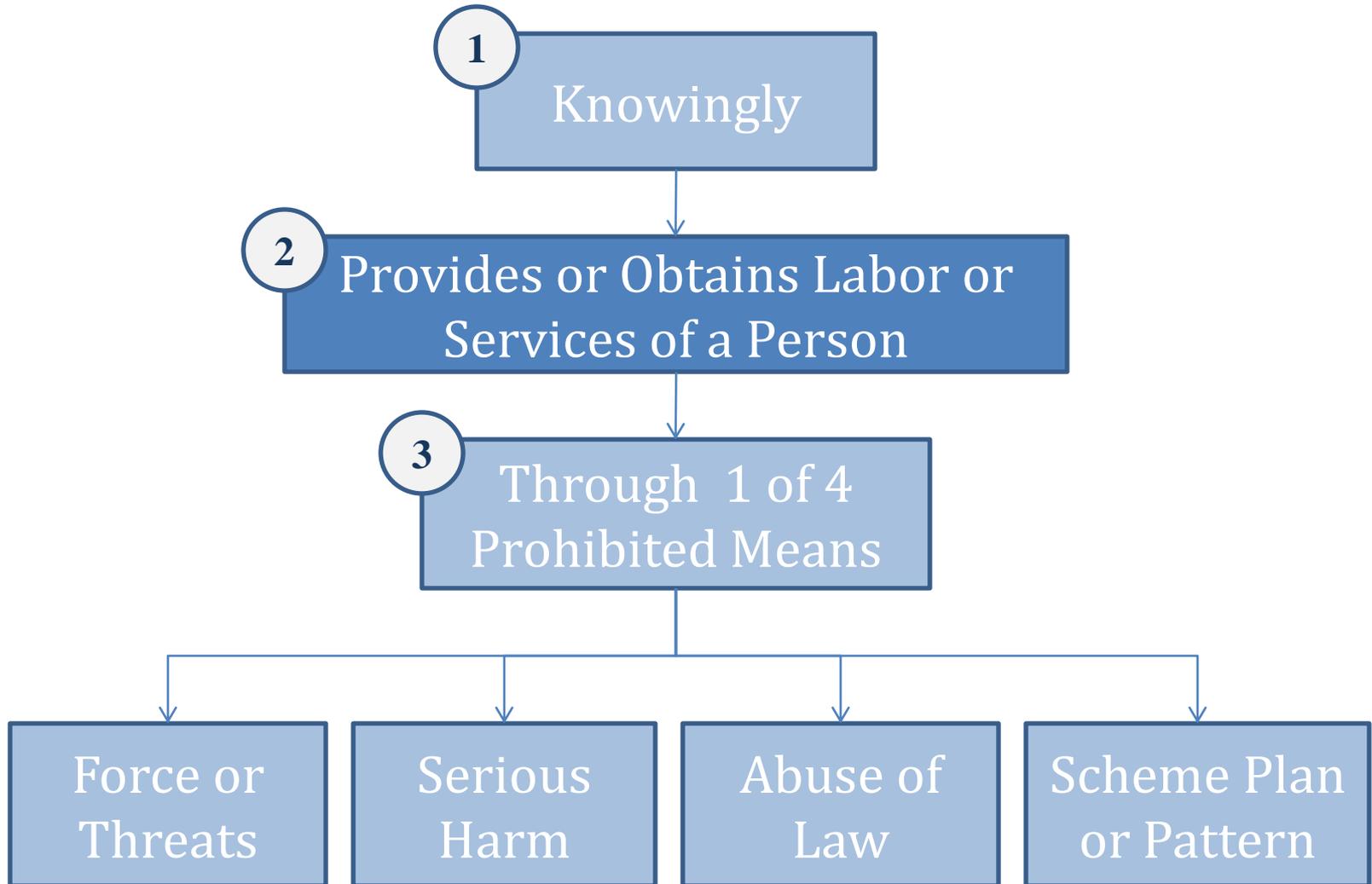
- 18 U.S.C. § 1589 (Forced Labor)
- 18 U.S.C. § 1590 (Trafficking Into Servitude)
- 18 U.S.C. § 1591 (Sex Trafficking)
- 18 U.S.C. § 1592 (Document Servitude)



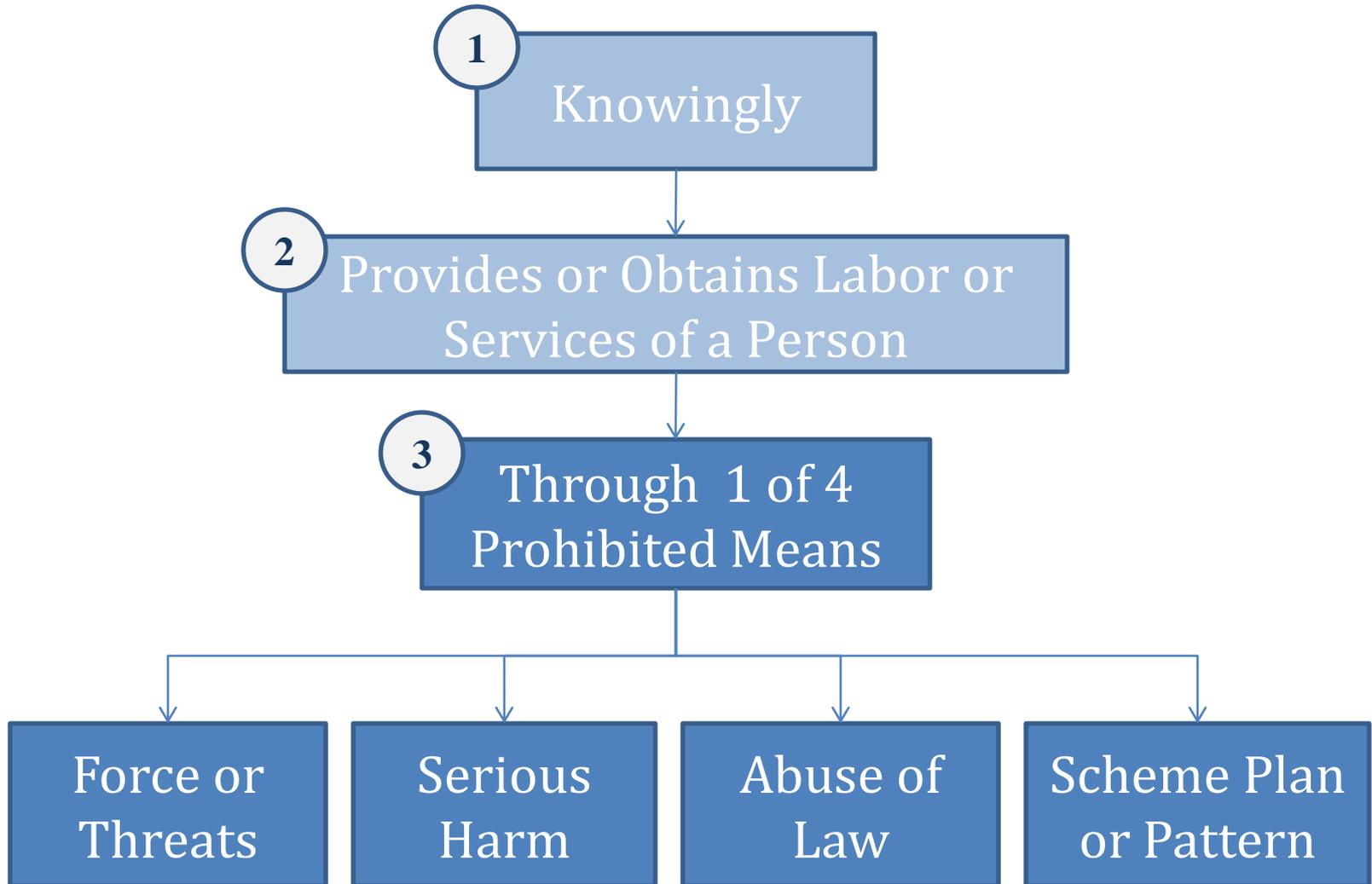
Forced Labor | 18 U.S.C § 1589



Forced Labor | 18 U.S.C § 1589



Forced Labor | 18 U.S.C § 1589



Forced Labor | § 1589

Element 3: Four Prohibited Means

1. Force, or Threats of Force or Physical Restraint
2. Serious Harm or Threats of Serious Harm
3. Abuse or threatened abuse of law or legal process
4. Scheme, plan, or pattern intended to instill fear of serious harm or physical restraint to any person

Only Need 1 Prohibited Means.

Forced Labor | § 1589

Prohibited Means: Serious Harm:

Physical Harm

- * Threats
- * Beatings
- * Sexual Violence

Nonphysical Harm

- * Psychological Harm
- * Financial Harm
- * Reputational harm

“that is **sufficiently serious**, under all the surrounding circumstances, to compel **a reasonable person** of the **same** background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.”

Forced Labor | § 1589

Prohibited Means: Abuse of Legal Process

- Threat of deportation, arrest, detention, institutionalization
- “Warnings” unlawful where used to coerce.

United States v. Farrell, 563 F.3d 364, 373 (8th Cir. 2009).

United States v. Calimlim, 538 F.3d 706, 716 (7th Cir. 2008).

United States v. Veerapol, 312 F.3d 1128, 1131-32 (9th Cir. 2002).

United States v. Paris, 2007 WL 3124724 (D. Conn. 2007) (unpublished).



Forced Labor | § 1589

Prohibited Means: Abuse of Legal Process

The term “abuse or threatened abuse of law or legal process” means the use or threatened use of law or legal process, whether administrative, civil, criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

18 U.S.C. § 1589(c)(1)

Forced Labor | § 1589

Prohibited Means: Scheme, Plan, Pattern

Totality of Circumstances from the Victim's Perspective

- Manipulation of debts
- Verbal abuse and intimidation
- Demeaning and demoralizing conduct
- Psychological manipulation and control
- Confiscation of identification documents
- Inhumane living and working conditions
- Ominous comments
- Monitoring and surveillance
- Sexual Abuse

Forced Labor | § 1589

Penalties

- **Imprisonment up to Life**
 - If death results; OR
 - If acts include kidnapping (or attempt), aggravated sexual abuse (or attempt), or an attempt to kill
- **Imprisonment up to 20 years**
 - No aggravating factors

Sex Trafficking | § 1591



Two Crimes in One

Sex Trafficking | § 1591

Crime 1: By Force, Fraud, or Coercion

- 1) Knowingly recruited, enticed, harbored, transported, provided, obtained, or maintained a person; **or** knowingly benefitted, financially or by receiving something of value from participating in a venture that did so;
- 2) Knew, or in reckless disregard of the fact that, **force, fraud, or coercion** would be used to cause the person to engage in **commercial sex acts**;
- 3) Acts were in or affecting interstate commerce

Sex Trafficking | § 1591

Crime 1: By Force, Fraud, or Coercion



Sex Trafficking | § 1591

Crime 1: By Force, Fraud, or Coercion

Two Intent Requirements



Sex Trafficking | § 1591

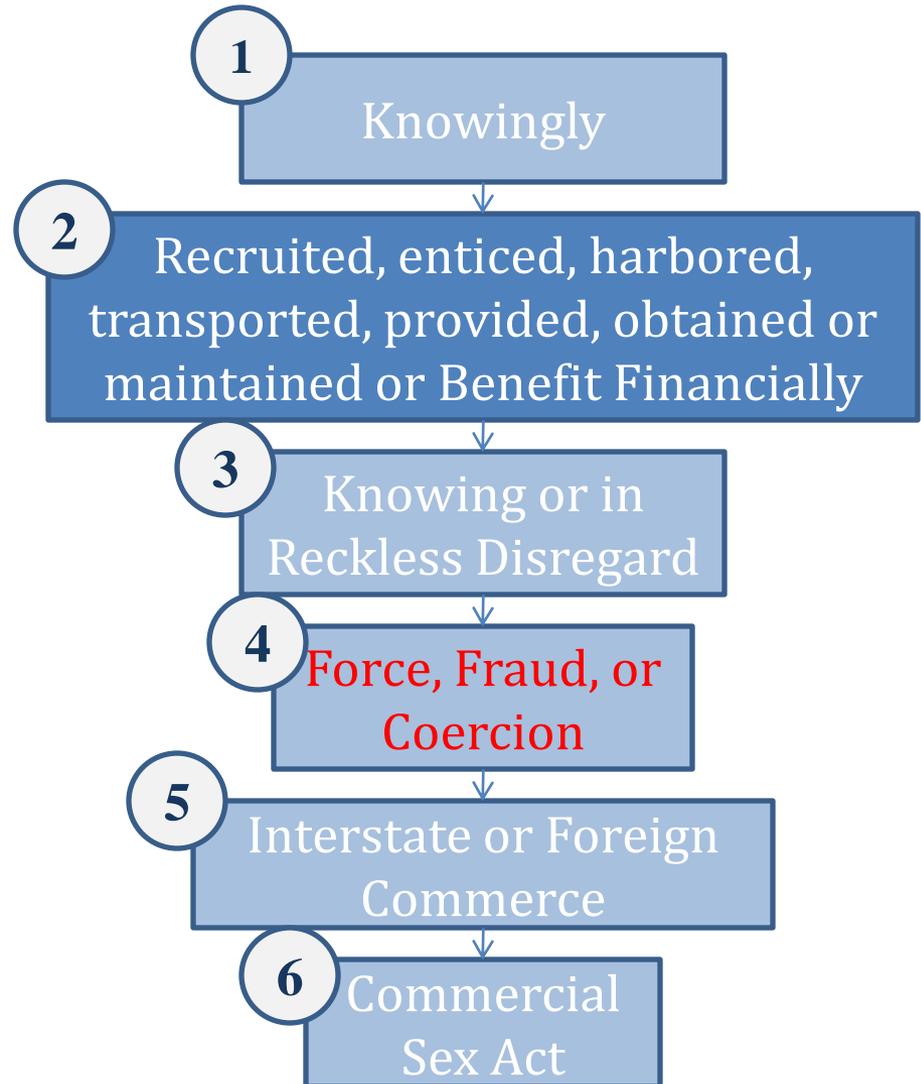
2 Knowledge Requirements

- **“Knowingly”** recruits, entices, harbors, transports, provides, obtains, or maintains a person for a commercial sex act or benefits financially.
- **“Knowing, or reckless disregard”** of the fact that force, fraud or coercion would be used or that victim was under 18
 - Knowledge of age is required to prove crime but not for victim status
 - Reasonable Opportunity to Observe

Sex Trafficking | § 1591

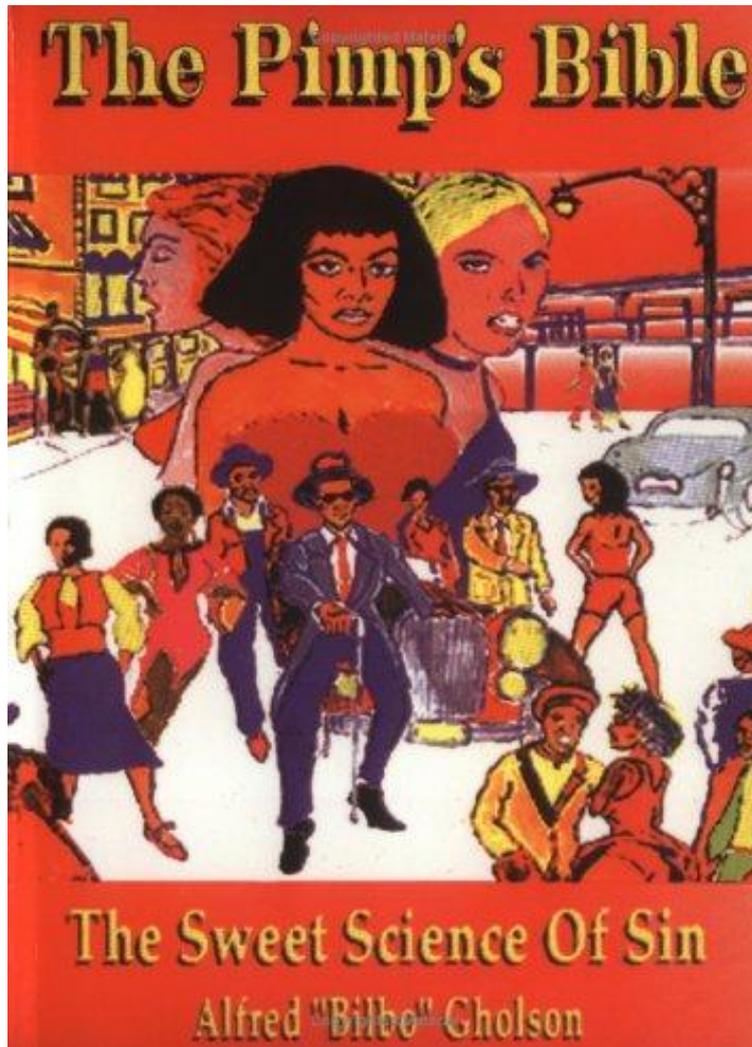
Crime 1: By Force, Fraud, or Coercion

Two Processes



Sex Trafficking | § 1591

Crime 1: By Force, Fraud, or Coercion



Sex Trafficking | § 1591

Crime 1: By Force, Fraud, or Coercion

What is Coercion?

18 U.S.C. § 1591(e)(2) defines “coercion” as

- threats of **serious harm** to or physical restraint against any person
- 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
- abuse or threatened **abuse of the legal process**

****Basically the same as the prohibited means in § 1589****

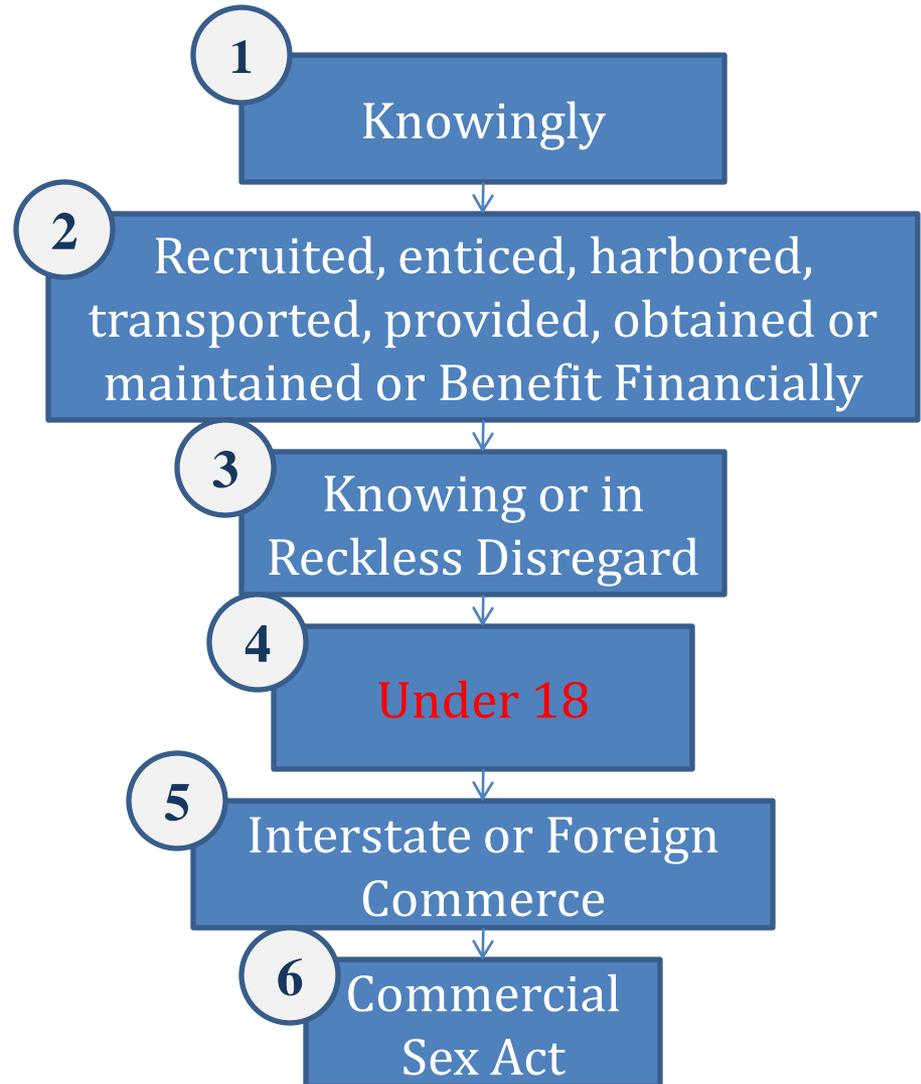
Sex Trafficking | § 1591

Crime 2: By Age

- 1) Knowingly recruited, enticed, harbored, transported, provided, obtained, or maintained a person; or knowingly **benefitted**, financially or by receiving something of value, from participating in a venture that did so;
- 2) **Knew, or in reckless disregard** of the fact that the person was **under 18** (or the Subject had a **reasonable opportunity to observe** the minor) and will be caused to engage in a **commercial sex act**. 18 U.S.C. § 1591(c).
- 3) Acts were in or affecting interstate commerce

Sex Trafficking | § 1591

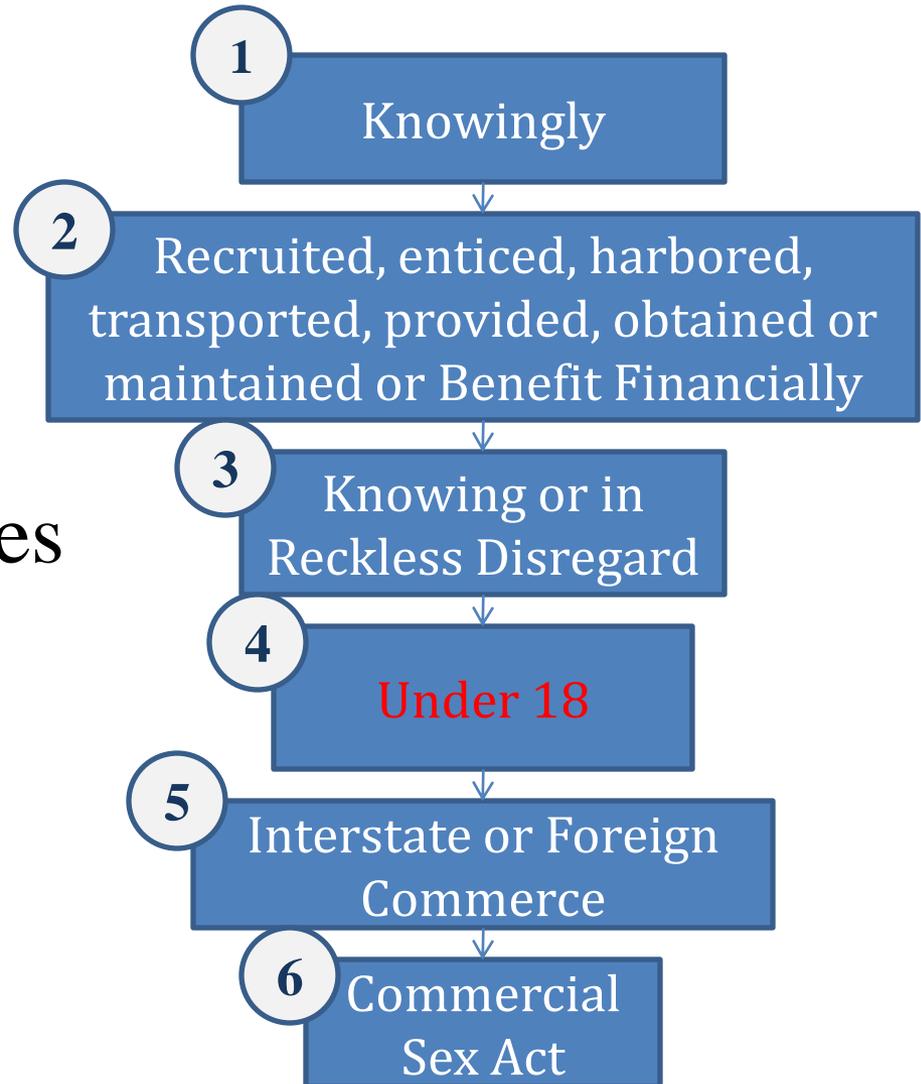
Crime 2: By Age



Sex Trafficking | § 1591

Crime 2: By Age

- Same Two Intent Requirements
- Same Two Processes
- Don't Need Force, Fraud, or Coercion, but



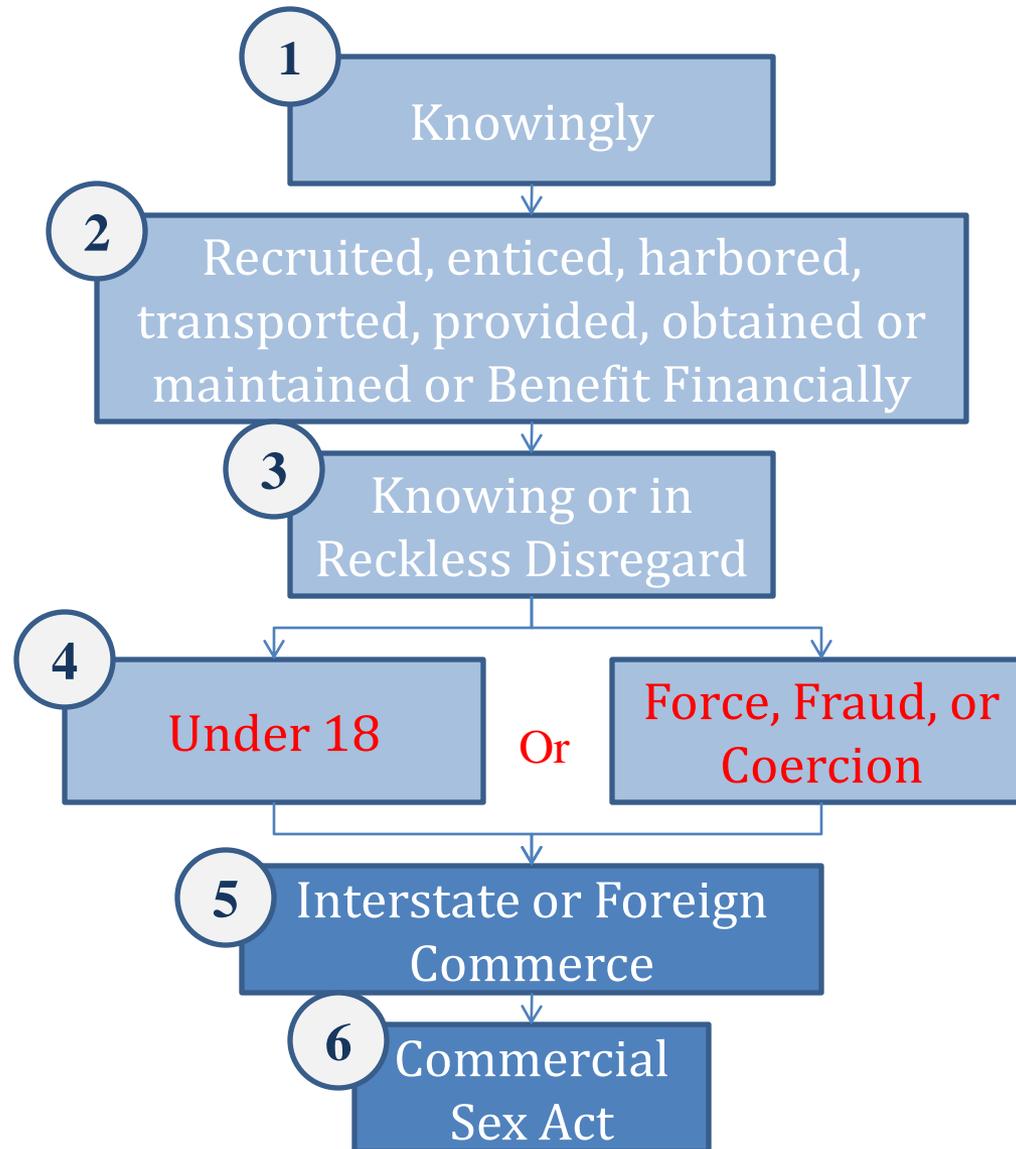
Sex Trafficking | § 1591

Crime 2: By Age

Sex Trafficking of a Minor

- Under 18 (“not attained the age of 18”)
- Knowing or in Reckless Disregard
- Reasonable Opportunity to Observe
18 U.S.C. § 1591(c)

Sex Trafficking | § 1591



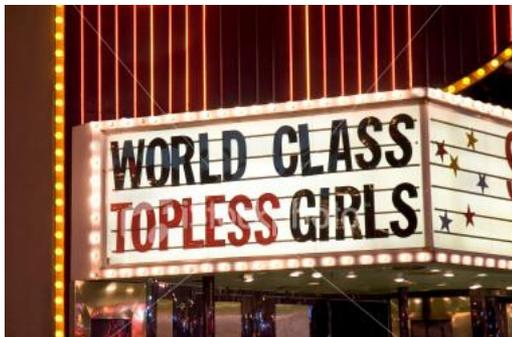
Sex Trafficking | § 1591

What is a “Commercial Sex Act”?

- “any sex act, on account of which anything of value is given to or received by any person.” § 1591(e)(3).
- No requirement that the Defendant had sex with the victim.

United States v. Williams, 2011 WL 1958148 (3d Cir. 2011) (unpublished).

- Compare 18 U.S.C. § 2246 (2) “sexual act” and 18 U.S.C. § 2246 (3) “sexual contact”
- For “exotic” dancing or massage consider § 1589 Forced Labor



Sex Trafficking | § 1591

In or Affecting Interstate or Foreign Commerce

- Crossing state lines
- Interstate communications, facilities, or supplies,
- Aggregate affect on intrastate commercial or economic activity

No One Has to Travel Across State Lines!



Sex Trafficking | § 1591

In or Affecting Interstate or Foreign Commerce

- United States v. Chappell, 2010 WL 1131474 (D.Minn. 2010) (noting that various **internet sites** were used to promote the minor's prostitution services).
- United States v. Anderson, 560 F.3d 275, 280 (5th Cir. 2009)(**hotel bills, cell phone bills**, and clothing purchases sufficient for the interstate commerce element).
- United States v. Flint, 2010 WL 3521922 (6th Cir. 2010) (unpublished) (finding that purchasing **drugs, clothing, hair extensions, fake nails**, and renting a was sufficient to satisfy the interstate commerce element.).



Sex Trafficking | § 1591

Imprisonment of 15 years to Life

- Force, fraud, or coercion used; OR
- Defendant enticed, harbored, transported, provided, or obtained minor under 14 years old.
- Mandatory Minimum of 15 Years.
- United States v. Wallace, 605 F.3d 477, 479 (8th Cir. 2010) (the court applied the fifteen year mandatory minimum sentence and upheld the trial court's upward departure to twenty years imprisonment was affirmed).

Imprisonment of 10 Years to Life

- Defendant enticed, harbored, transported, provided, or obtained a minor who was at least 14 years old but under 18 years old.
- Mandatory Minimum of 10 Years.

Sex Trafficking | § 1591

Mandatory Life Imprisonment for Repeated Sex Offenses against Children § 3559(e)

Mandatory life imprisonment if the defendant in a 1591 sex trafficking of a minor prosecution has a prior state or federal conviction for a sexual offense against a minor who has not attained the age of 17.



Detention Issues

Detention

- 18 U.S.C. § 3142(e) expands the Government's authority to detain defendants charged with trafficking offenses.
- Offenses with a maximum term of imprisonment of 20 years or more raise a rebuttable presumption of pre-trial detention.

Peonage (§ 1581)

Forced Labor (§ 1589)

Enticement into Slavery (§ 1583)

Trafficking into Slavery (§ 1590)

Involuntary Servitude (§ 1584)

Sex Trafficking (§ 1591)

Other Statutes to Consider

- Mann Act, 18 U.S.C. §§ 2421-23
- Immigration Laws, 8 U.S.C. §§ 1324, 1328
- Labor Laws, 29 U.S.C. §§ 1801, 1851
- Money Laundering, 18 U.S.C. § 1956
- Extortion, 18 U.S.C. § 894
- Kidnapping, 18 U.S.C. § 1201
- Hostage-Taking, 18 U.S.C. § 1203
- Document Fraud, 18 U.S.C. § 1546
- False Documents, 18 U.S.C. § 1028

Investigation & Prosecution Model



How to Prove the Case

Investigation & Prosecution Model

- **Why is the model different that most other crimes?**
 - Multiple Law Enforcement agencies
 - AUSAs and Main Justice Prosecutors
 - Social Service providing NGOs
 - Legal Service providing NGOs or Pro Bono Victim Lawyers
 - Federally funded task forces
 - Multiple victims
 - Victim / Witness coordinators

All parties play an important part . . . but there are a lot of cooks in the kitchen

- **Victim Centered Approach**

Investigation & Prosecution Model

Four Aspects of the Investigation

1. The Objective Facts
2. The Victim's Story
3. Corroborating the Victim
4. Anticipating Defenses



Investigation & Prosecution Model

The Objective Facts: Initial Areas of Focus

- Determine the Business Model
- Type of Labor or Services
- Age of Victims
- Receipts, invoices
- Ledgers and journals
- Computers and cell phones
- Vehicles
- Houses, Apartments, and Store Fronts

Victims



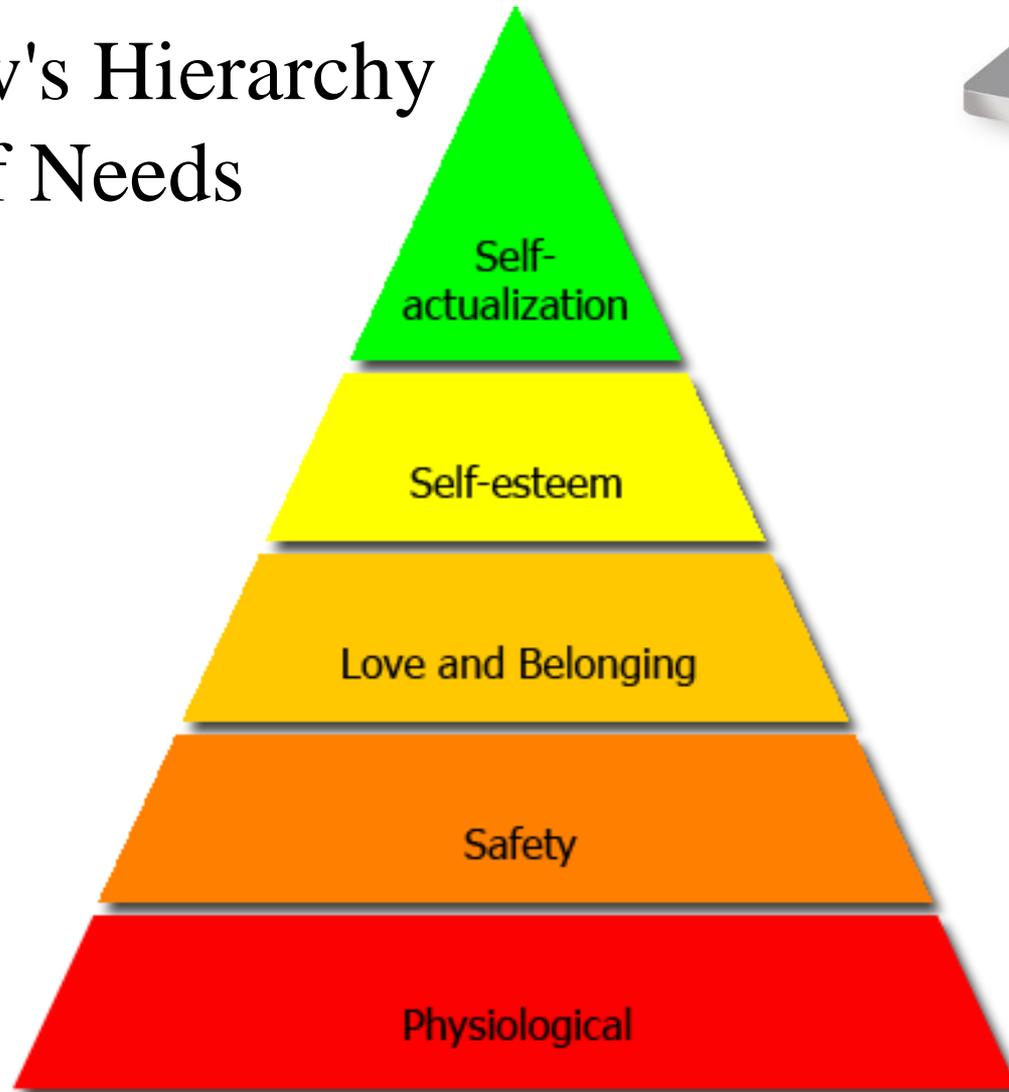
Victims



- Victim Testimony is Essential
- Only Victims Can Answer: “Why?”
- Crime requires showing of “labor obtained by coercion” - subjective component
- Only the Victim can explain the Climate of Fear
- We Lose Cases without Victims

Victims

Maslow's Hierarchy of Needs



Victims



Stabilize the Victim

- Access pre-certification services
- Expedite eligibility letter for minors or certification for adults
- Victim provisions broader than criminal statutes; qualification is independent of whether the case can be prosecuted
- Victim may be qualified based on credible extrinsic evidence

Victims



Continued Presence

- Temporary immigration status
- Initiated by Law Enforcement for the Benefit of Law Enforcement
- Any person compelled to provide labor or engage in a commercial sex act qualifies
- Based on credible evidence, extrinsic or intrinsic
- Prosecutability of the case is irrelevant
- Corroboration of the victim is not required
- Victim does not have to self identify as a victim
- Last for 1 year (can be renewed)
- Comes with an Employment Authorization Card
- 22 U.S.C. § 7105(b) and 28 C.F.R. § 1100.35

Victims



T – Non-Immigrant Visa

- Temporary immigration status
- Initiated by Victims for the Benefit of Victims
- With or without cooperating with law enforcement (I-914B)
- Comes with an Employment Authorization Card
- Lasts for 5 years
- Provides for close family members to enter the USA on “derivative T visas.”
- Statements in support of the T visa are discoverable
- Victims can apply for their T visas while on Continued Presence
- 8 U.S.C. § 1101 (a)(15)(T); 8 C.F.R. § 214.11

The Victim's Story



- Earn Trust
- Empower victim with choices – even small ones
- Victim trauma, shame, fear, loyalty, and distrust
- Combination of violent crime, sex crime, organized crime, financial crime, alien smuggling, and labor exploitation
- Avoid Direct Questions
 - “What is your highest level of education completed?”
 - “When did you illegally enter the United States?”
 - “How long have you been a prostitute?”
- Do not use cop-lingo
- Assume prostitution, illegal status
- Be prepared for bad judgment.
- Expect evolving statements



Coercion: Climate of Fear

- Isolation and Poor Working Conditions
 - United States v. Farrell, 563 F.3d 364, 373 (8th Cir. 2009)
- General atmosphere of violence
 - United States v. Harris, 701 F.2d 1095, 1100 (4th Cir. 1983)
- Conduct toward other victims
 - United States v. Bibbs, 564 F.2d 1165, 1168 (5th Cir. 1977)
- Violence among co-defendants
 - United States v. Alzanki, 54 F.3d 994, 999 (1st Cir. 1995)
- Sexual abuse by a co-conspirator
 - United States v. Udeozor, 515 F.3d 260 (4th Cir. 2008)

Coercion: Climate of Fear

Totality of Conduct and Conditions

- Forced to work as a domestic servant for approximately 15 hours per day / 7 days each week without compensation.
- Struck [victim] with hands, closed fists, and other objects in order to compel her to work.
- Continually warned and threatened [victim] that she would be jailed or deported if she informed law enforcement, other authorities, or other people about her working and living conditions.
- Isolated [victim] by forbidding her to talk on the phone, make new acquaintances, or leave the defendants' houses by herself, and by requiring her to remain in the garage when guests would visit.

Coercion: Dual Use of Debt

Victim owes Owner

- Smuggling Debts
- Room and Board Debts
- Tools of Trade Debts

Owner owes Victim

- Back Wages
- Tanda / Pyramid Schemes
- Deposits



Distinguish Third Party Debt Not Related to Labor

Coercion: Trafficking Indicators

Isolation

Monitoring and surveillance

Restricted or monitored communication

‘Spokesperson’ for group

Locks and fences

Debts and Wages

Loans

Deposits

Owed Back Pay

Low or No Pay

Working and Living Conditions

Poor living or working conditions

Transportation patterns

Location of personal items

Not promised work or location

Harsh penalties and work rules

Statements

Inconsistent or rehearsed stories

Distrust of Law Enforcement

Control of Documents

Control over identification documents

**Indicators Alone Do Not Equal Trafficking
Must Tie to Coercion**

Corroborate the Victim

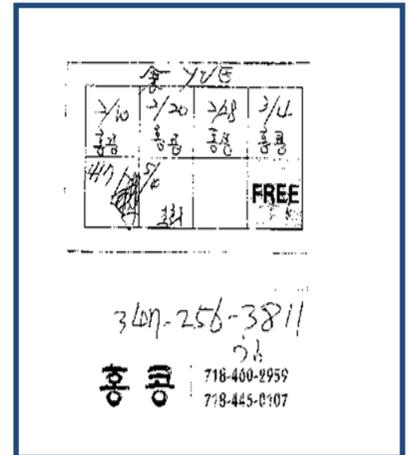
Witnesses

- Background, vulnerability, recruitment
- Isolation witnesses & ‘negative’ witnesses
 - Never saw victim out alone
 - Never heard victim speak English
- Previous victims
- Outcry witnesses
- Witnesses to any interactions
 - Visitors
 - Customers

Corroborate the Victim

Physical Evidence

- Wire transfers, ledgers, bank records, receipts, computers
- Physical surroundings causing isolation and fear
- Visas, immigration and travel records
- Phone records
- Letters to victim's family
- Photos, videotapes
- Medical records
- Leases, registrations linking subjects
- Prostitution paraphernalia: condoms, lubricant, lingerie, medications, tickets, business cards



Corroborate the Victim

Financial Investigation

- Corroborate exploitation by proving economic disparity
- Identify additional defendants
- Charge and prove related financial crimes
- Calculate mandatory restitution under § 1593
- Identify assets for mandatory forfeiture under § 1594(b)



DATE	4/21/05	No.	644687
FROM		AMOUNT	\$7,200
TO	Nine Hundred Dollars	CURRENCY	DOLLARS
CHARACTER	Pay to the order of	DATE	4/21/05
ACCT		BY	[Signature]
PREP			
CLASS			

DATE	4/21/05	No.	644691
FROM		AMOUNT	\$1,200
TO	One Thousand Two Hundred Dollars	CURRENCY	DOLLARS
CHARACTER	Pay to the order of	DATE	4/21/05
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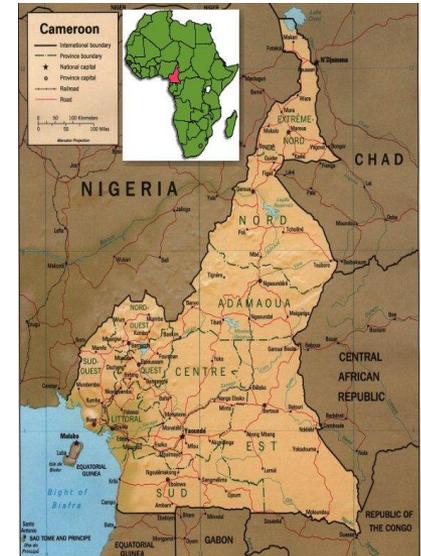
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TO	Seven Thousand Two Hundred Dollars	CURRENCY	DOLLARS
CHARACTER	Pay to the order of	DATE	5/8/05
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Corroborate the Victim

International Investigation

- Circumstances of recruitment
- Victim's background and vulnerabilities
- Visa applications
- Money remittances
- Outcry witnesses
- Isolation witnesses
- Prior or subsequent victims
- Threats to victim's family
- Birth certificates and identity documents
- Complaints to authorities
- Overseas co-conspirators' acts and statements
- Extradition of fugitive defendants





Think of Indicators Like Balloons.

Poor Work Conditions

Employment Discrimination

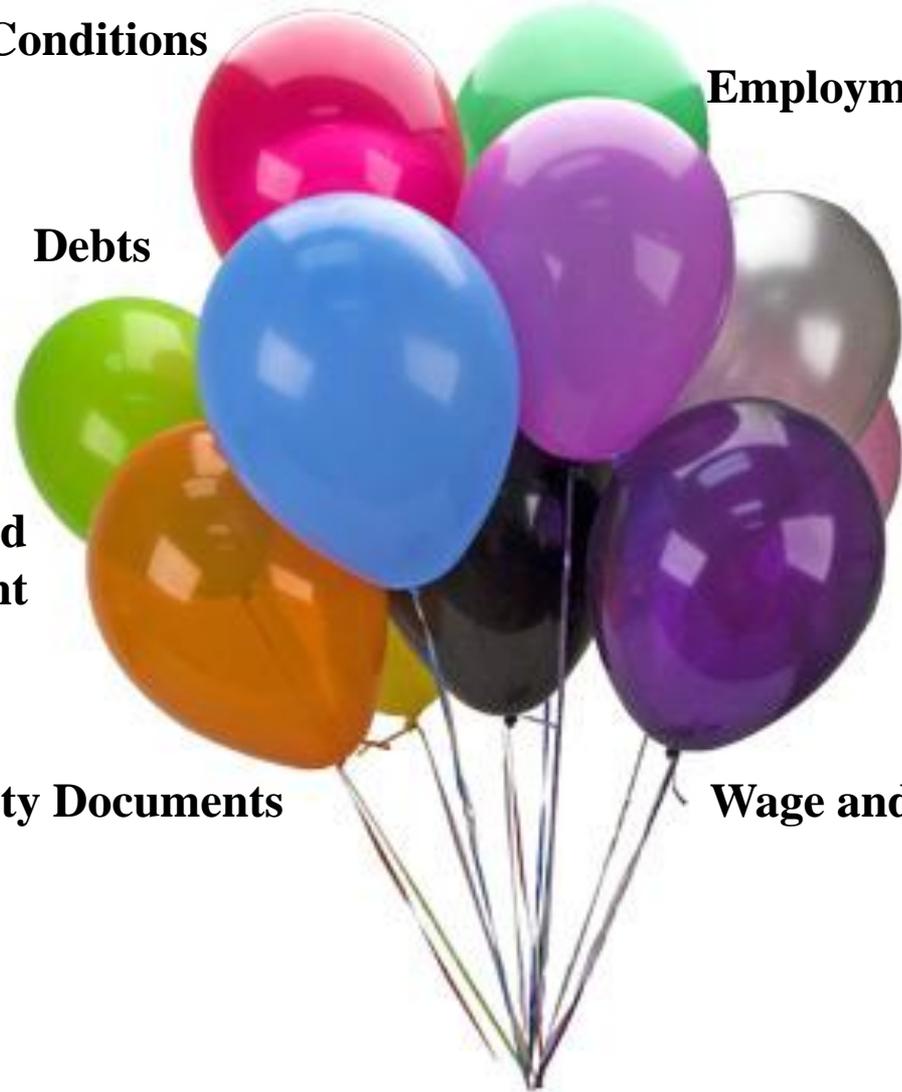
Debts

Workplace Assault

**Monitored
Movement**

Location of Identity Documents

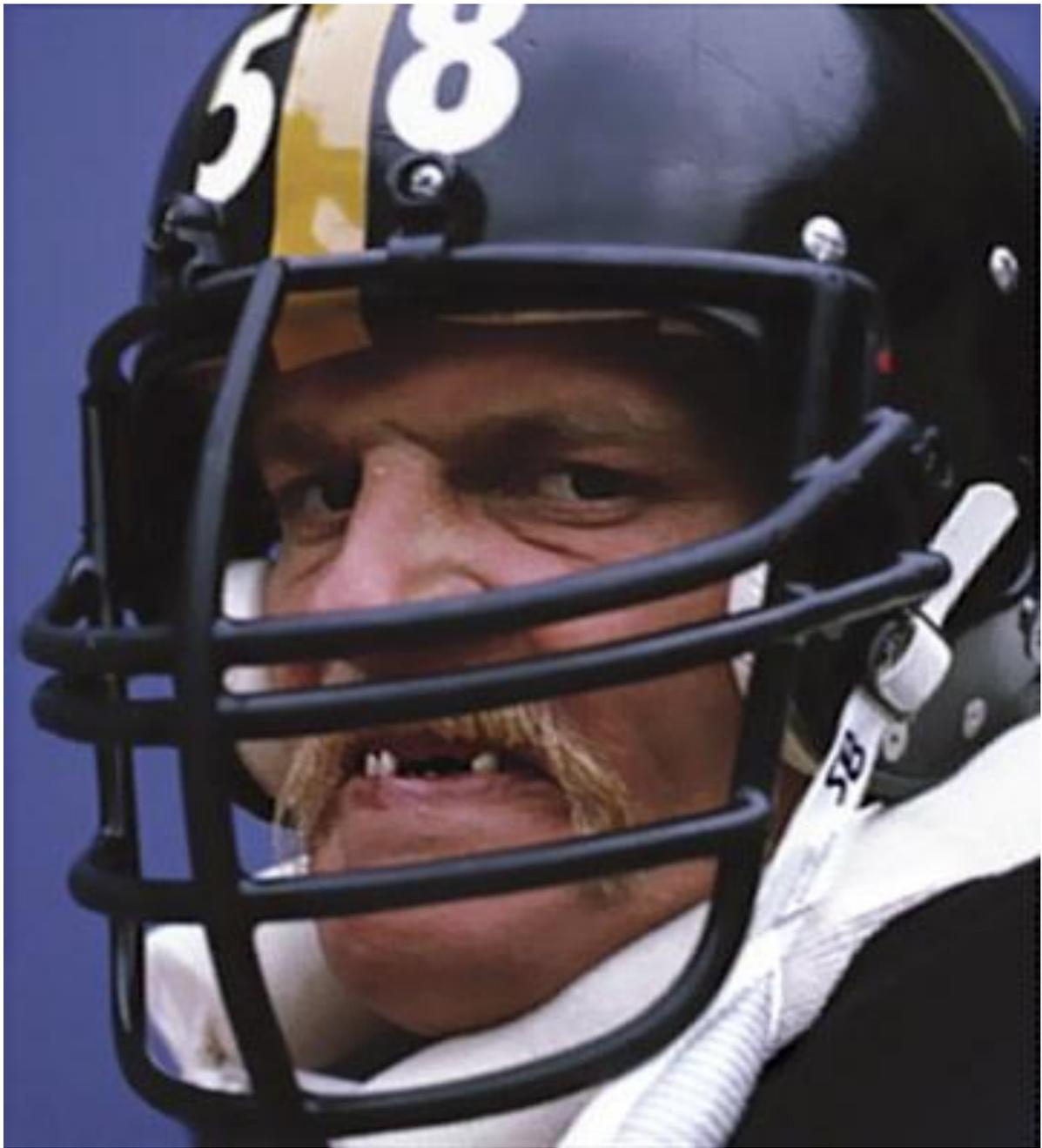
Wage and Hour Violations



Focus on how these things are tethered to the coercive scheme.



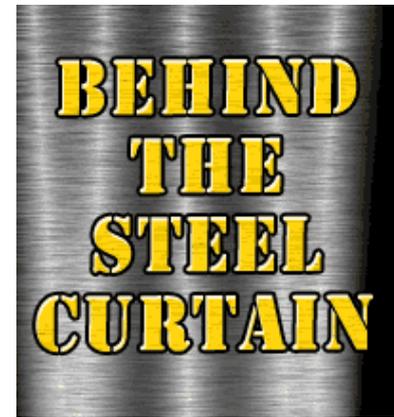
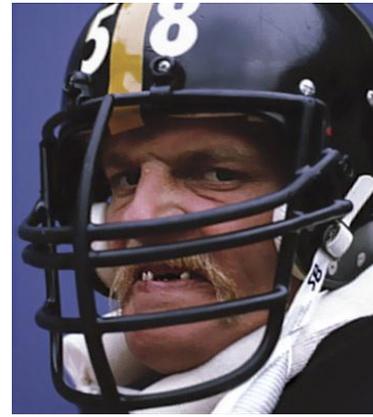
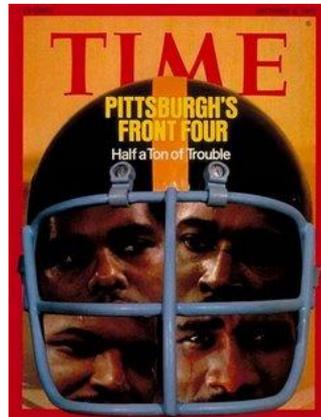
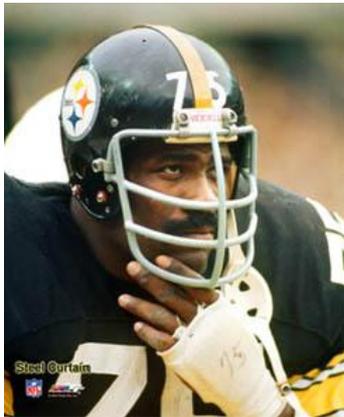
Defenses



Defense

Best NFL Defense of All Time: 1976 Steelers

- Allowed only 14 total touchdowns during the regular season
- Allowed only 138 points during regular season
- Shut out their opponents 5 times
- During the last 9 games of the season, they held their opponents to an average of 2.7 points per game.
- The best defense still lost and did not make the Super Bowl.



Defenses: Benefits Bias

Immigration Lottery Winner!

- Legal Status to stay in the United States
- Work authorization

“She exaggerated her case, and it suited everyone’s purpose to just go along with it.”

-- Attorney for Def. Evelyn Theodore

New York Times (May 18, 2008)

- Front Issues in Voir Dire
- Outweighed by corroboration
- Compare Benefits to Coercion

Department of Homeland Security
U.S. Citizenship and Immigration Services

DHS No. I-914-0006, Rev. 03/31/08
I-914, Application for T Nonimmigrant Status

Filing Instructions for Application for T Nonimmigrant Status (Form I-914); Application for Immediate Family Member of T-1 Recipient (Form I-914, Supplement A); and Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B).

Index	Page No.
Part 1. Purpose of This Form	1
2. General Filing Instructions	1
3. Required Documentation for Application	2
4. Completing Each Application	3
5. Fee Information	6
6. Where to File	6
7. Federal Law Enforcement Declaration Instructions	6
8. Other Information	6

Part 1. Purpose of This Form.

Form I-914, Application for T Nonimmigrant.

The purpose of the Form I-914 is to provide temporary immigration benefits to aliens who are victims of severe forms of trafficking in persons (TIPs), and to their immediate family members (derivatives), in emergency. Form I-914 shall be filed with the U.S. Citizenship and Immigration Services (CIS), initially by the victim themselves. The victim may also include eligible family members on their application at that time. The form may also be filed at a later date to petition for eligible family members whom the victim did not include in the original application, but for whom the victim subsequently wishes to file.

NOTE: USCIS is comprised of the former Immigration and Naturalization Service (INS).

Form I-914, Supplement A, Application for Immediate Family Member of T-1 Recipient.

The purpose of the Form I-914, Supplement A, is to allow principal T nonimmigrant status holders and applicants to apply for derivative benefits for their immediate family members. The principal applicant shall complete and file one Form I-914, Supplement A, for each family member for whom the principal applicant is now seeking derivative status.

An alien granted T-2, T-3, or T-4 nonimmigrant status may apply for employment authorization by filing an Application for Employment Authorization (Form I-765), with the appropriate fee on an application for fee waiver.

The Form I-765 may be filed concurrently with the filing of the application for T-2, T-3, or T-4 status, or at any time thereafter.

Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victims of Trafficking in Persons.

The Form I-914, Supplement B, is used by Federal Law Enforcement Officers to certify that the applicant is a victim of a severe form of trafficking in persons.

Part 2. General Filing Instructions.

Safe Mailing Address.

As a result of mistakes leading to your filing of this application, you may not feel secure receiving correspondence regarding this application at the address where you live. The **Safe Mailing Address** may, but need not be, the mailing address for the place where you live. It may be a post office box, the address of a friend, a community based organization that is helping you, your attorney, or any other address at which you can receive correspondence safely and punctually.

How to File.

Form I-914.

In addition to the Form I-914 application and the requisite evidence in support of the applicant's claim, as described in Part 3 below, a complete application package shall include the filing fee and three passport-size color photographs in color of the applicant.

The photographs must have been taken within six months of filing the application, and be unretouched and unobscured. The photographs shall show a full frontal facial position of the applicant. The photographs shall be 2 x 2 inches in size and have a white background. The photos should be glossy and not retouched or obscured. The destination of the facial image should be about 1 inch to 1 3/8 inches from the chin to the top of the hair. The applicant's name and Alien Registration Number (A#), if known, shall be lightly printed on the back of each photograph with a pencil.

Form I-914 Instructions (01-18-07)



Defenses: Could Have Escaped



WHY DO I DESERVE TO COMEBACK?

The reason I came here is to work and look for greener pasture and that is because I love my family and I am willing to sacrifice for my children's education and future. So, I pray and asked God to grant my request to come here in the US and work, and He answered it with a bonus of coming my husband with me. And of course! God uses Mr. and Mrs. Robert and Angelita Farrell as an instrument of blessing of God from us. And I believe God saw our desires and intentions of coming here is purely to work and to earn. And everybody knows how hardworking I am, I put my dedication in every work that I do. I admit sometimes I fail and made a mistake, but I am open for correction, coz nobody's perfect.

Today, our hope is still depends on God. If He allows us to comeback and work here we can comeback because I know nobody can be against Him. Coz I know being a cousin of my employer is not a guarantee for us to comeback because it is still the decision of both party. I'll just put my trust in the Lord, because I know with God nothing is impossible and by faith we can comeback because faith can move mountain.

And to my beloved employer I wanna thank you for everything, I said this before and I'll say it again, **YOU'RE THE MOST WONDERFUL PEOPLE I'VE EVER MET IN MY ENTIRE LIFE...AND YOU (the experiences) ARE THE BEST THING THAT EVER HAPPENED TO US SINCE WORKING WITH YOU AND YOUR HOTEL.**

So why do I deserve to comeback? Because, we have a family to feed and send school...we have no business in the phils. Anymore, no more savings etc.. and I believe our future is really in here in the US South Dakota. And I still believe we are a hardworking person and all we wanna do is **WORK, EARN, AND PAY** my EMPLOYER. And if given a chance again to comeback we still wanna stay in Burger King and being a housekeeper in comfort inn and I also want to be in the front desk.



Defenses: Initial Consent

“If a person willingly begins work, but later desires to withdraw and is then forced to remain... by the use or threatened use of coercion, that person’s service becomes involuntary.”

Pattern Crim. Jury Instr. 11th Cir. § 59.

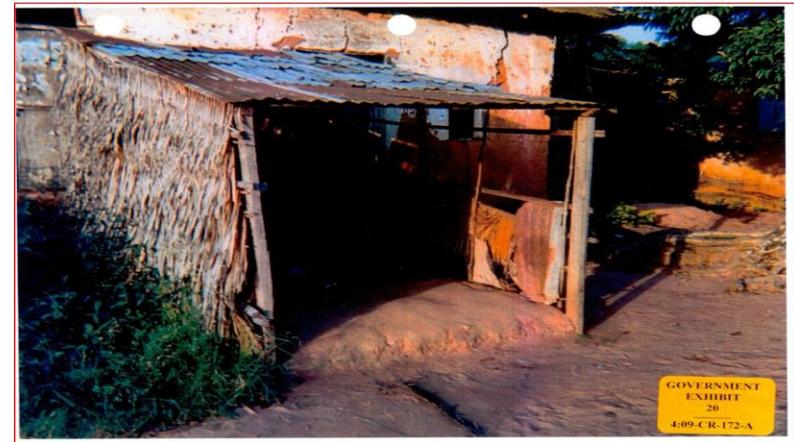
Defenses: Payment of Wages

“Whether a person is paid a salary or wage is not determinative of whether that person has been held in involuntary servitude....[I]f a person is forced to labor against that person’s will by the use or threatened use of coercion, such service is involuntary even though the person is paid...”

Pattern Crim. Jury Instr. 11th Cir. § 59.

Defenses: Better Off

United States v. Nnaji, No. 4:09-CR-172-A (NDTX 2010)



United States v. Djoumessi, 538 F.3d 547, 553 (6th Cir. 2008) (Even if victim had “independent reasons for staying in this country,” jury could conclude that it was coercion, “not [victim’s] innocent hopes and dreams, that reasonably made her feel compelled to serve....[Defendant] cannot escape [the law] by contending that he subjected the servant to slightly less wretched conditions than she would have experienced elsewhere.”).

Practical Matters

- **Victims Evolving Statements**

- Avoid knee jerk reaction
- Victim Trauma, Shame, Fear, Loyalty, and Distrust
- Protracted relationship with Trafficker
- These cases take time
- Prepare for Cross Examination on Prior Inconsistent Statement -
Make them evidence of the exploitation

- **Victim Turned Enforcer**

- United States v. Moss, 2010 WL 1986243 (9th Cir. 2010) (unpublished) (upholding the Section 1591(a)(2) conviction where Brooks joined Moss to make money for something she wanted to do, recruit and managed prostitutes, and handed the organization's finances when Moss was absent even though Brooks was in other respects a victim.).

Human Trafficking

United States Commission on Civil Rights

November 2011



John Cotton Richmond

Special Litigation Counsel

Human Trafficking Prosecution Unit

United States Department of Justice

john.richmond@usdoj.gov

(202) 305-4044



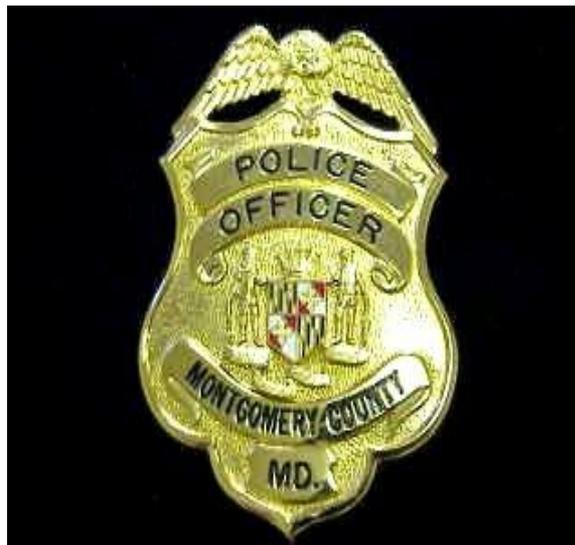
Next Presenter

Detective Thomas Stack

• Domestic Minor Sex Trafficking

Detective Thomas Stack

Montgomery County Police
Vice Section



U.S. Commission
on Civil Rights

November 2011

PROSTITUTION IS A TERRIBLE LIFE. ESPECIALLY WHEN YOU'RE 13 YEARS OLD.



A year ago, this 13 year old victim of prostitution was a 12 year old child. Unaware of the dangers around her and of the possibility that she could be at risk. Now, having first been seduced by a pimp, she is forced to sell her body daily for his benefit. Sadly, hers is not the only tragedy. Statistics show that hundreds of thousands of children have been lured into prostitution all over the country. These children are forced to have sex with an endless stream of abusers. If they attempt to resist, they are beaten so viciously by their pimps that they live in constant fear of their lives. The suffering that these children endure is unconscionable. That's why we need your help. So to report child sexual exploitation, call the police. Then contact us at 1-800-843-5678 or at www.cybertipline.com. We will dedicate all our resources to help. Because to us, a child lost to prostitution is still a missing child.



NATIONAL
CENTER FOR **FN**
**MISSING &
EXPLOITED**
CHILDREN

1-800-THE-LOST
www.cybertipline.com

WE'RE HERE BECAUSE THEY'RE OUT THERE.

Victimless Crime?

Average age of entry by a child into illegal prostitution is 13. Most of these girls are recruited or coerced into illegal prostitution.

¹

85% of prostitutes reported history of sexual abuse in childhood; 70% reported incest ²

Life expectancy after becoming a prostitute: 7 years

¹ FBI

² Melissa Farley PhD Prostitution Research & Education Box 16254, San Francisco CA 94116 USA

Victimless Crime?

About 80% of women in illegal prostitution have been the victim of a rape ¹

Prostitutes are raped, on the average, eight to ten times per year ¹

85% of prostitutes are raped by pimps ²

¹ Susan Kay Hunter and K.C. Reed

² Council on Prostitution Alternatives, Portland, 1994

Victimless Crime?

83% of prostitutes are victims of assault with a weapon ¹

92% stated that they wanted to escape prostitution immediately ²

A Canadian Report on Prostitution and Pornography concluded that girls and women in prostitution have a mortality rate 40 times higher than the national average. ³

¹ National Coalition Against Sexual Assault

² Melissa Farley "Prostitution in Five Countries: Violence and Posttraumatic Stress Disorder"

³ Special Committee on Pornography and Prostitution

Who are these children?



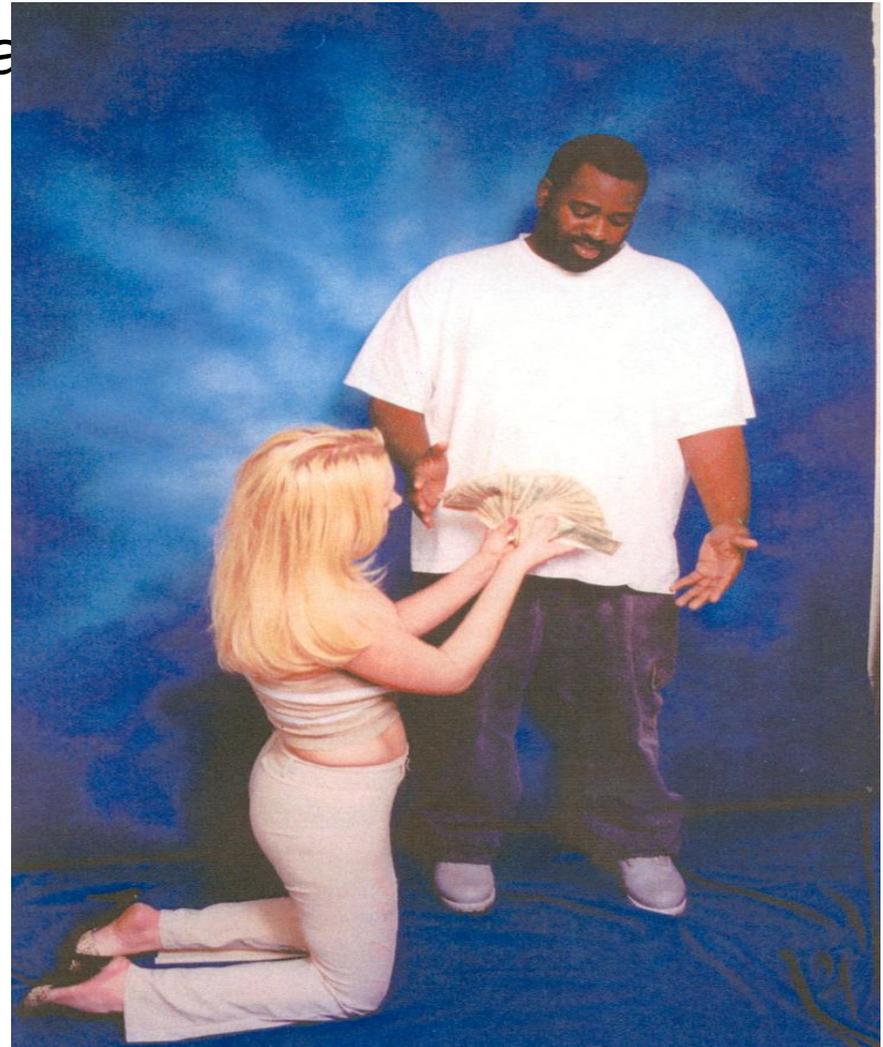
Child Victims

Demographics of Victims

- Black, White, Native American, Hispanic, Asian
- Victims are easily recruited
 - Children with low self esteem
 - Runaway children
 - Thrown away children
 - Sexually exploited children
 - Physically abused children
 - Rebellious

Pimp Recruiting

80% to 95% of all illegal prostitution is pimp-controlled ¹

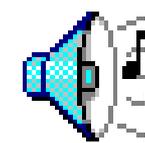


¹ Kathleen Barry, *The Prostitution of Sexuality*, 1995, New York, New York

Pimp Recruiting

- Pimp Recruiting Grounds
 - Bus Stations/Train Stations
 - Metro Stations
 - Shelters
 - Concerts
 - Shopping Malls
 - Juvenile Court
 - Internet Social Networking Sites (MySpace, Facebook)

Deangelo Bynum



Selling The Dream

Pimps are master manipulators

- Pimps prey on the emotionally weak
- Pimps treat their victims like they are special and shower them with affection
- Pimps initially give their victims what they are missing in their lives (love, affection, shelter, food, etc.)
- Pimps make false and empty promises to their victims (new car, Nice apartment, fancy jewelry, expensive clothes)

Pimp Recruiting

- Juvenile victims commonly fall on love with their pimps
- Pimps exercise psychological and physical dominance over their victims
- Pimps are primarily motivated by their pursuit of money.



Pimp Recruiting

Learned Helplessness

- Victims learn to rely on their pimps
 - Food
 - Shelter
 - Affection
 - **A sense of want**

Feathers
Day

1000

Sunday, June 17, 2007

Let's see, I've run away numerous times, and always come back. I should just give up and accept my life as his no I just want my own freedom. I do love him, but I really believe he uses my emotions and weakness to manipulate me, but I also believe he cares.

if only a little or
for whatever reason.
We've been on this
road trip for exactly
two weeks now. I
know I've been getting
a 'g' a day, not
to mention the other
day, the 15th I made
like 2300 !! He has
to be satisfied with
me. Even though I
keep running away
I've been trying hard
to get good money

and not let anything
stop me from gettin
that Doc. To prove
him wrong, and make
him proud. I really
just need to give
up on having a life.
He promise's me a new
car, then an apartment.
We'll see. I'm so confused.
I just don't want
to waste my time.
I pray to GOD that
this works, but shit
like this never does.

Getting Them Help

Law Enforcement can't do it alone

Use all of the recourses available

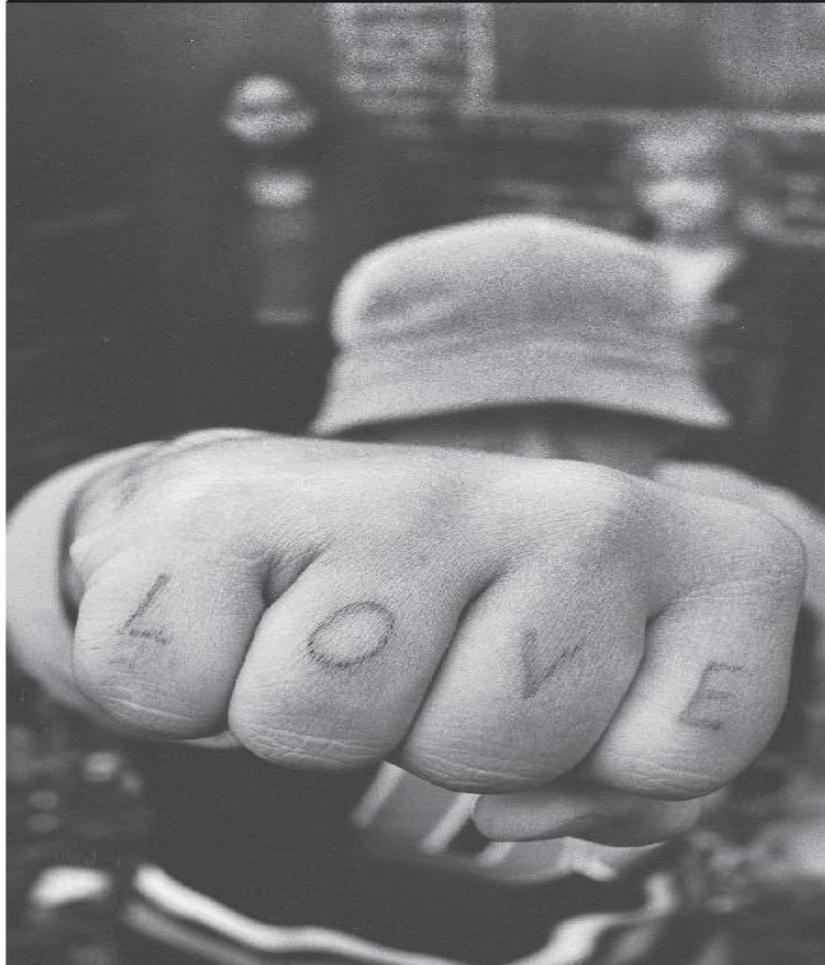
- NGO's
 - Polaris Project
 - YANA
 - Courtney's House
- Victims Witness Coordinator
- Crisis Center
- National Human Trafficking Hotline
 - 1-888-373-7888
- Let them know that they are victims

Getting Them Help

There are only three ways out of the “Game:

- Death
- Exit Fee
- Cooperation with the Police

THIS YEAR, HIS CHARM WILL LURE TEN KIDS INTO PROSTITUTION. AND HIS FISTS WILL KEEP THEM THERE.



A pimp's seduction of a child starts with promises of love, excitement and money, and ends with the reality of prostitution. Unfortunately, the average pimp uses these tactics to systematically target and coerce numerous children into lives of misery every year – some of whom are as young as ten years old. These children are forced to have sex with a constant stream of abusers. If they attempt to resist, they are beaten so viciously by their pimps that they live in fear of their lives. The pain, humiliation and degradation that these children endure is unconscionable. That's why we really need your help. So to report child sexual exploitation, call the police. Then contact us at 1-800-843-5678 or at www.cybertipline.com. Together we can help children stop looking for love in all the wrong places.



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WE'RE HERE BECAUSE THEY'RE OUT THERE.

Detective Thomas Stack

Thomas.stack@montgomerycountymd.gov

301-840-2496

