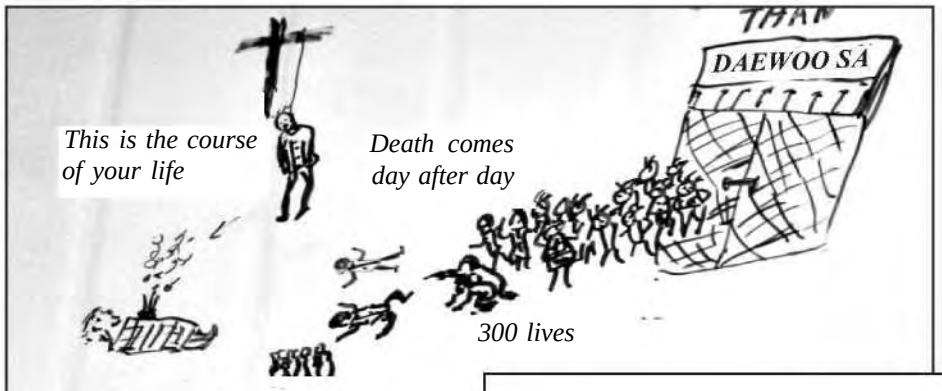
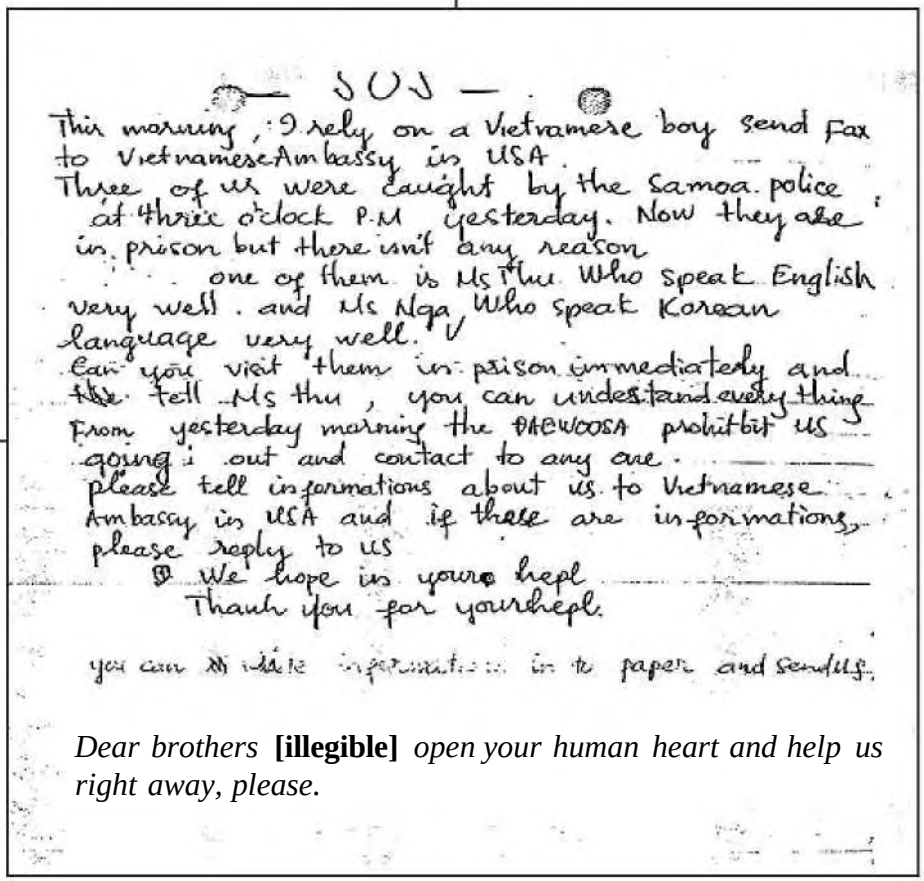
U.S. Department of Justice
Civil Rights Division

Report on Activities to Combat Human Trafficking

Fiscal Years 2001-2005



Samoa: easy to enter but hard to leave. When you get there you are young, healthy and fresh; when you return you are weak, sick, and debilitated.



— SOS —

This morning, I rely on a Vietnamese boy send Fax to Vietnamese Ambassy in USA.
Three of us were caught by the Samoa police at three o'clock P.M yesterday. Now they are in prison but there isn't any reason
one of them is Ms Thu Who speak English very well. and Ms Nga Who speak Korean language very well.
Can you visit them in prison immediately and tell Ms thu, you can understand every thing From yesterday morning the DAEWOOSA prohibit us going out and contact to any one.
please tell informations about us to Vietnamese Ambassy in USA and if there are informations, please reply to us
We hope is your hepl
Thank you for yourhepl.

you can write information in to paper and send us.

Dear brothers **[illegible]** *open your human heart and help us right away, please.*

Trafficking victims in United States v. Kil Soo Lee wrote notes during their captivity, hoping that they would be found and ultimately rescued. The Department of Justice has translated the text of the notes that were originally written in Vietnamese.

U.S. Department of Justice

Report on Activities to Combat Human Trafficking

Fiscal Years 2001-2005

Office of the Attorney General

Washington, D.C.

February 24, 2006

Dear Reader:

Human trafficking is the exploitation and enslavement of society's most vulnerable members. It ranks among the world's most vile and degrading criminal practices. President George W. Bush has pledged the resources of the United States to address this evil, and the Department of Justice (Department) is implementing that mandate aggressively.

Human traffickers are slave traders who treat people not with the dignity and respect that every human being deserves, but as commodities to be recruited, moved, and sold. Human trafficking victims often hail from impoverished nations. Their quest for a new beginning leads them to take chances on alluring work opportunities in the United States that all too often turn their dreams of a better life into nightmares of physical, emotional, and sexual abuse and humiliation. Of course, not all trafficking victims move across international borders. Many victims are Americans recruited from our nation's streets, and their plight is just as heartbreaking.

This report summarizes the Department's accomplishments during this Administration to fight human trafficking through aggressive, proactive investigations that reflect a victim-centered approach. Victims are essential to the investigation, prosecution, and prevention of this appalling crime. Our strategy is multi-disciplinary. We promote effective federal and state laws, sophisticated investigatory techniques, and tough federal and state prosecutions that work collaboratively with federally supported crime victim services and outreach programs. Because trafficking knows no borders, our efforts have also involved the international community, where we have shared our victim-centered approach with foreign nations.

Our work has paid off. Human trafficking prosecutions have increased by more than 300%. Nearly 1,000 human trafficking victims have been assisted by the Department and other law enforcement personnel under the Trafficking Victims Protection Act of 2000. And since 2004, the Department has awarded grants totaling more than $30 million to institute 32 multi-disciplinary anti-human trafficking task forces and 21 victim service providers in communities across the nation.

The Department has accomplished a great deal to implement the President's directives to abolish human trafficking, but we do not end here. We must continue to rescue victims, prosecute traffickers, and coordinate with our domestic and international partners to put an end to this heinous crime. It is my hope that this report will help further inform our nation's response to human trafficking by sharing the successes that we at the Department of Justice have thus far achieved in combating human trafficking.

Sincerely,

Alberto R. Gonzales
Attorney General

Human life is the gift of our Creator — and it should never be for sale. It takes a special kind of depravity to exploit and hurt the most vulnerable members of society. Human traffickers rob children of their innocence, they expose them to the worst of life before they have seen much of life.

— President George W. Bush, July 16, 2004

I. An Introduction to Human Trafficking

Human trafficking is the modern-day form of slavery. It requires the use of force, fraud, or coercion by a trafficker to compel a person into, or hold someone in, an employment situation in which he or she will be criminally exploited. Human trafficking is a pernicious crime that violates the fundamental principles of our society. For traffickers, victims are commodities to be traded and exploited in any market.

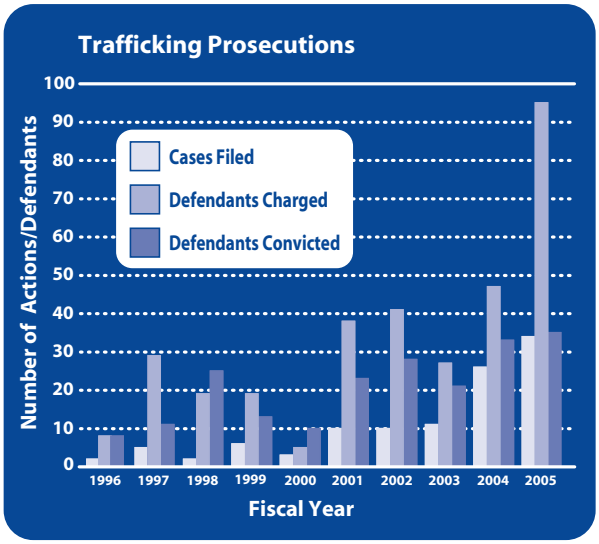
Trafficking may occur when victims are transported across borders or within a nation, or may not involve transportation at all. Victims, often women, are usually lured by promises of well-paying jobs. Once deprived of the opportunity to return home or communicate with their families, victims are generally held through force or threats in situations of sexual exploitation or forced labor. Human trafficking offenses thus transgress the victims' human liberty in violation of the Thirteenth Amendment's guarantee of freedom. As such, trafficking offends the core civil rights on which our Constitution and our country are based.

By statute, a victim of a "severe form of trafficking in persons" is entitled to certain public programs and benefits. A severe form of trafficking must include the recruitment, harboring, transportation, provision, or obtaining of a person for one of the three following purposes:

- Labor or services, through the use of force, fraud, or coercion; or
- A commercial sex act, through the use of force, fraud, or coercion; or
- If the person is under 18 years of age, any commercial sex act, regardless of whether any form of coercion is involved.[1]

Since 2001, the Department of Justice has achieved an impressive record of prosecuting defendants for holding their victims in compelled service in such diverse areas as prostitution, field labor, domestic service, concubinage, "exotic dancing," pornography, garment factory "sweatshops," and

FIGURE 1.



[1] Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, § 103(8),(9), 114 Stat. 1464 (signed into law on October 28, 2000); codified as amended at 22 U.S.C. § 7102 (8),(9)).

street peddling. From fiscal year 2001 through fiscal year 2005, the Civil Rights Division and United States Attorneys' Offices filed 91 trafficking cases, a 405% increase over the number of trafficking cases filed from fiscal years 1996 through 2000. In these cases, Department attorneys charged 248 trafficking defendants, a 210% increase over the previous five fiscal years. In addition, prosecutors with the Civil Rights Division and United States Attorneys' Offices convicted 140 defendants of trafficking-related crimes, a 109% increase over the previous five years.

I hated to be in the brothels. There were so many clients that came to the house. I was so scared. I would try to hide from them so they wouldn't pick me. The bosses told me I had to work and to stop behaving in this manner. Also, the bosses would rape some of the other girls. This scared me. I was afraid they might rape me or hurt me in some other way. I didn't know anyone. I was alone. I was very frightened.

- "Ignacia," a 15-year old victim in United States v. Cadena

Traffickers take advantage of the victims' hopes for a better life, preying on or even creating vulnerabilities that they can exploit. For example, in *United States v. Satia*, Louisa Satia and her husband, Kevin Nanji, used a false passport to bring 14 year-old "R.O." from Cameroon, where R.O. had worked for Satia's mother since the age of 12. R.O. was lured by the promise of an American education. Satia and Nanji refused to send the girl to school, however, and instead forced her to work for them as a maid and as a nanny to their young children. R.O. was not permitted to leave Satia and Nanji's apartment alone, except to take out the trash and walk the children to the school bus stop. Satia hit R.O. routinely, poked R.O. in the eyes, sprayed window cleanser on R.O., poured cola and glue in R.O.'s hair, and threatened her with deportation even though she and Nanji were the ones who had brought her to the country illegally. Nanji made repeated sexual advances toward the girl. Apart from keeping R.O. in a condition of involuntary servitude, Satia solicited numerous people to sell their identities to her so that she could create false passports and routinely arranged false marriages as part of an immigration fraud scheme. In 2002, after their conviction at trial of involuntary servitude, the defendants were sentenced to 9 years in prison and ordered to pay $105,300 in restitution.[2]

Traffickers may lure their victims into farm work, factories, domestic service, or the hospitality and sex industries. For instance, in a path-breaking case in Florida, *United States v. Cadena*, Mexican women and

2 *United States v. Satia*, 68 F. App'x 428 (4th Cir. 2003).

girls as young as 14 years of age were brought to the United States with promises of good jobs as waitresses and landscapers, only to be held as slaves in a high-volume prostitution operation.[3] The Cadena family would hold the women in their service by shooting into the ground at their feet, threatening their families, beating them, and raping them as punishment if they tried to run away. The ringleader and six other men were convicted in 1999 of involuntary servitude and sentenced to up to 15 years of incarceration. The *Cadena* case is ongoing, and Federal Bureau of Investigation and Departmental prosecutors and victim-witness coordinators have continued to prosecute Cadena family members and assist the survivors. In 2002, one of the family members was apprehended at the United States-Mexico border and pled guilty to conspiracy to enslave the women and girls. With the cooperation of the Mexican Government, the Department secured the conviction of one of the Cadena brothers in Mexico in 2002, where he was sentenced to 24 years of incarceration. In 2005, the Federal Bureau of Investigation and the Department's Office of International Affairs achieved the arrest of yet another member of the family; trial is pending in Mexico as of the time of this report and a request for extradition prepared by the Office of International Affairs is pending. The *Cadena* victims have been assisted by a nongovernmental organization that is funded by the Department's Office for Victims of Crime, and with the help of the case agents, prosecutors, and victim/witness staff, they have been able to bring their children and custodial parents to the United States.

Any specific instance of human trafficking may involve a range of other criminal activity that is not limited to federal human trafficking offenses and is subject to other federal criminal statutes, such as inter-state transportation for prostitution, money laundering, and racketeering. Trafficking indictments often reflect this, as the Department is committed to attacking this problem using all of the varied tools in the federal prosecutor's tool box.[4] For instance, in *United States v. Zavala*, Mariluz Zavala, who in November 2005 received a 15-year prison sentence for enslaving Peruvian workers in Long Island, New York, was charged with a multi-object conspiracy in which the Department alleged that she and her co-conspirators had conspired to commit forced labor and involuntary servitude by withholding immigration documents. The Department also charged her with extortion and falsifying immigration documents, criminal violations that are not found in the federal anti-human trafficking law.[5] In forced prostitution cases, such as *United States v. Reyes-Rojas*,[6] where three brothers were charged with sex trafficking and immigration violations that included importing people for prostitution and in *United States v. Babaev*[7] and *United States v. Mammedov*,[8] were two defendants who conspired to bring young women from Azerbaijan to work as prostitutes in New York and who ultimately pled guilty to sex trafficking, were charged with interstate transportation for prostitution and harboring people for prostitution, under the law known commonly as the Mann Act.[9] In *United States v. Maksimenko*, where several defendants were charged in a conspiracy to com-

3 *United States v. Cadena*, 207 F. 3d 663 (11th Cir. 2000).
4 The federal prosecutor's tool box is discussed below in Part IV, "Tools for Investigating and Prosecuting Human Trafficking."
5 *United States v. Zavala,* No. 04-962 (E.D. N.Y. 2004).
6 *United States v. Reyes-Rojas,* No. 01-542 (N.D. Ga. 2003).
7 *United States v. Babaev*, No. 05-417 (E.D.N.Y. 2005).
8 *United States v. Mammedov*, No. 05-500 (E.D. N.Y. 2005).
9 18 U.S.C. § 2421.

pel Eastern European women to work as exotic dancers by using force and threats, a Lithuan-ian man pled guilty to charges that included laundering the proceeds of the crime. Trafficking charges are predicate acts under the Racketeer Influenced and Corrupt Organiza-tions Act ("RICO"),[10] and can sustain money laundering charges for transactions carried out with the proceeds of, or in furtherance of, a trafficking scheme.

Sometimes, when a trafficking situation has occurred but there is not sufficient evidence with which to establish a trafficking offense, the Mann Act and immigration statutes can be powerful tools to vindicate the federal interest. For example, in *United States v. Reddy*,[11] the investigation revealed that, for over ten years, defendant Lakireddy Bali Reddy, a wealthy San Francisco Bay Area businessman, maintained a number of young girls and women as a quasi-harem for his sexual gratification and to work in his household and business enterprises. These victims were predominantly from families of lower castes in India and were brought into the United States by way of fraudulent employment offers or sham marriages. Members of Reddy's family posed as relatives of the victims to assist in their fraudulent migration. His scheme came to light after a teenage girl died of carbon monoxide poisoning in the apartment where he had sequestered her, her sister, and another girl. In 2001, Reddy pled guilty to transporting his victims in interstate and foreign commerce for illegal sexual activity. He was sentenced to more than 8 years in prison and ordered to pay $2,000,000 in restitution to four of his victims. The victims received benefits and services under the Trafficking Victims Protection Act ("TVPA") and today remain safely in the United States.

> *One day, I fell for their trap. I had a little dream of my own. It was to make some money and to buy my house. I arrived in [America] with such hopes and dreams. Who would have known what would be waiting for me there instead? Since the day I arrived, I had to live like an animal. [The karaoke bar] was a prison that was filled with nothing but curses, threats, and beatings.*
>
> *– "Ms. Kim," a 31-year old victim in United States v. Kwon Soon Oh, a sex trafficking case.*

10 Racketeer Influenced and Corrupt Organizations ("RICO") Act, 18 U.S.C. § 1961, *et seq*.

11 *United States v. Reddy*, No. 00-4028 (N.D. Cal. 2000).

Slavery, human trafficking, and sexual servitude are crimes that wrench our hearts. They rob human beings of freedom. They strike at our nation's belief in the potential of every life. They are crimes that demand swift and implacable prosecution of the predators. They are crimes that deserve warmth and compassion for the victims.

-Attorney General John Ashcroft, January 29, 2004

II. An Administration Priority

Early in this Administration, the President identified the eradication of human trafficking as a priority. Two particular actions by the President focused federal resources on trafficking. First, in February 2002, the President issued Executive Order 13257, creating a cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons. The President ordered that the Task Force be chaired by the Secretary of State and be comprised of the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, the Director of the Office of Management and Budget, and the Administrator of the United States Agency for International Development.[12] The President took this action to ensure that the TVPA was fully implemented in a coordinated fashion throughout the federal government.[13] The Task Force created an inter-agency Senior Policy Operating Group ("SPOG"), to implement its policies. The SPOG meets quarterly and consists of senior officials from 10 federal agencies.

Second, also in February 2002, the President issued National Security Presidential Directive 22 ("NSPD-22") to identify human trafficking as an important national security matter as well as to instruct federal agencies to strengthen their collective efforts, capabilities, and coordination to support the President's goal of abolishing human trafficking.[14] NSPD-22 states that human trafficking is a transnational threat that is an affront to the principles on which this country stands. The relationship of human trafficking to organized crime, especially transnational criminal syndicates, fosters official corruption and threatens the rule of law.[15] The clandestine movement of persons across borders also poses terrorism and public health concerns. The United States Attorney's Office for the District of Montana, for example, treats every border incursion as potentially related to terrorism and, in 2004, was involved in a joint operation with the Royal Canadian Mounted Police and the Canadian Border Services Agency that resulted in the identification of a dozen Korean women believed to be destined for the sex trade, 80% of whom tested positive for tuberculosis. The syndicates that recruit and move these victims are often the same ones that are responsible for other trans-border crimes, like smuggling, drug trafficking, and the arms trade. Traffickers can and will move any type of cargo, human or otherwise, for profit. The fight against trafficking

12 Exec. Order No. 13257, 3 C.F.R. 13257 (2002).

13 The President subsequently issued an Executive Order amending Executive Order 13257 on March 18, 2004, conforming it to the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875.

14 NATIONAL SECURITY PRESIDENTIAL DIRECTIVE MEMORANDUM REGARDING COMBATING TRAFFICKING IN PERSONS (Feb. 25, 2002). Parts of NSPD-22 are classified and cannot be released to the public.

15 *Id.*

is therefore a critical element of United States foreign policy, requiring full use of the tools of diplomacy and the cooperation of American and foreign law enforcement.

Moreover, NSPD-22 views the abolition of prostitution, the driving force behind sex trafficking, as integral to the abolition of human trafficking. Regarding the United States' policy towards prostitution, NSPD-22 states:

> The United States opposes prostitution and any related activities, including pimping, pandering, and/or maintaining brothels as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States Government's position is that these activities should not be regulated as a legitimate form of work for any human being.[16]

NSPD-22 created a three-point plan of action:

1. Implementing Training in Federal Agencies: The President required all federal agencies to ensure that their own personnel were trained and equipped to carry out their anti-trafficking responsibilities and that their personnel coordinated with counterparts in other agencies. Further, NSPD-22 stated that the United States has a zero-tolerance policy with regard to trafficking by United States Government employees and contractors, who are to be educated about trafficking and investigated, prosecuted, and punished for engaging in it.

2. Developing Cooperation with State and Local Law Enforcement in the United States: The President recognized that state and local law enforcement are critical to federal efforts to combat human trafficking. NSPD-22 instructs federal agencies to vigorously enforce laws against traffickers, and to provide training and assistance to state and local law enforcement to assist them in recognizing victims and to hold perpetrators accountable for their crimes.

Photo Credit: White House

The President met with Lawn Pham in Tampa, Florida, on July 16, 2004. The President acknowleged Ms. Pham's volunteer efforts to rescue victim's who have been brought to the United States and have been harmed.

3. Integrating and Coordinating International Programs: The President required all federal agencies to coordinate foreign assistance programs, including funding to governmental and non-governmental organizations and public awareness programs, to combat trafficking in persons. NSPD-22 also required agencies to ensure that contractors receiving United States funding through international programs do not engage in trafficking activities. In addition, the President directed agencies to work to prevent future victimization by reducing the vulnerability of individuals to trafficking, particularly through the expansion of educational and economic opportunities and the protection and promotion of human

16 *Id.*

Officials from the Departments of Justice and Homeland Security met with the management team of the Cambodian Police Anti-Trafficking Unit in 2005. Joining the Cambodian officers are, from center-left, The Civil Rights Division's T. March Bell, Senior Counsel for Human Trafficking and Bradley J. Schlozman, Principal Deputy Assistant Attorney General; and Ann Pickett, Bureau of Immigration and Customs Enforcement International Affairs Officer for Human Trafficking.

rights. The President further directed federal agencies to employ diplomatic and foreign policy tools to encourage other nations and multilateral organizations to work with the United States to combat this crime, to draft and enforce laws against trafficking, and to hold accountable those who engage in this crime.[17]

In 2003, Congress passed and President Bush signed the reauthorization of the TVPA, known as the Trafficking Victims Protection Reauth-orization Act ("TVPRA").[18] The TVPRA codified the SPOG and slightly expanded its authority, particularly as it concerns interagency coordination to develop the capacity of foreign nations, both source and destination countries, to combat trafficking; to examine the role of sex tourism in human trafficking; and to foster consultation with governmental and non-governmental organizations regarding implementation of the TVPRA.

The Attorney General has been an engaged member of the SPOG, and the Department supports this group in a variety of ways. In 2004, for example, the Civil Rights Division and the Office of Justice Programs participated in a SPOG subcommittee charged with designing the President's international human trafficking initiative. Currently, the Civil Rights Division, the Criminal Division, the Office of Legal Policy, and the Office for Victims of Crime are members of the SPOG Subcommittee on Domestic Trafficking. The National Institute of Justice, a component of the Office of Justice Programs, is a member of the SPOG Subcommittee on Research, which shares information regarding research grants and other activities by each SPOG member agency. This subcommittee is also studying the issue of accurately estimating the number of trafficking victims within the United States. In addition, the Office of Justice Programs, the Department's principal grant-making agency, and the Office on Violence Against Women participate in the interagency grant information-sharing process of the SPOG. The grant information-sharing process is designed to provide SPOG member agencies with an opportunity to review and comment on proposed grant awards, helping to ensure that domestic and international grant programs are coordinated across the federal government. Finally, the Office of Legal Policy chairs the SPOG Subcommittee on Regulations, a working group charged with the development of federal regulations to implement the TVPRA.

17 *Id.*

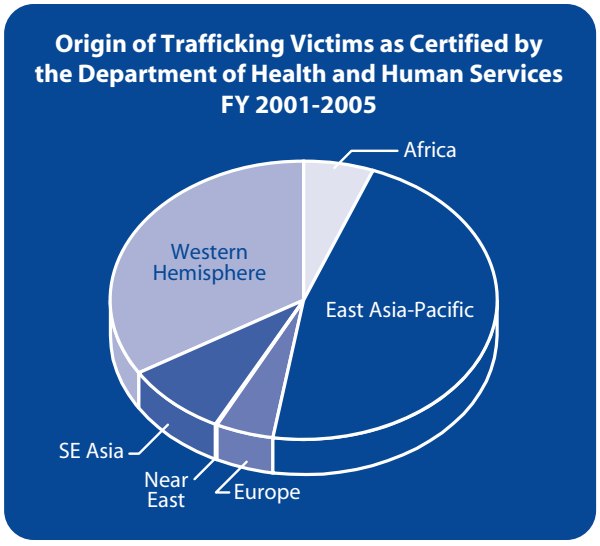
18 Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (2003) (signed into law by President Bush on December 19, 2003).

III. Scope of the Problem

A. How Many Victims and Who Are They?

It is extremely difficult to quantify the number of victims trafficked globally and into the United States each year. The United States Government estimates that as many as 800,000 people are trafficked across international borders annually, with up to 17,500 victims trafficked into our country each year.[19] Human trafficking cases have been opened in nearly every state and in all United States territories. Clearly, the problem is of sufficient magnitude that a continued dedication of substantial resources to this enforcement area is very much in order.

FIGURE 2.



Despite our record number of investigations and prosecutions, there is a noted disparity between the estimated number of victims and those who have been found and assisted. The Department realizes that it must address the incongruity between some estimates and the fewer than 1,000 victims who have been assisted through the efforts of federal, state, and local law enforcement since 2001, when services for trafficking victims were first made available under the TVPA. Though the possible reasons for this disparity vary, the difference nevertheless signals the need to carefully scrutinize the estimated number of trafficking victims to assure that it reflects as accurately as possible the actual number of human trafficking victims within our country.

1. Some Estimates Overstate the Number of Victims

One possible explanation is that estimates may overstate the extent of the problem and conflate human trafficking with the smuggling and harboring of illegal aliens or with the related crime of migrant prostitution. Trafficking victims are not all illegal aliens; human trafficking is distinct from human smuggling. Trafficking victims may be United States citizens, legal residents, or visitors. For example, in *United States v. Pipkins* the Department successfully prosecuted 15 pimps for trafficking women and girls, all American citizens, obtaining convictions for involuntary servitude as well as extortion and RICO offenses.[20] Prostitution alone is not trafficking; but where, as in *Pipkins*, it involved the use of force or coercion to prevent people from leaving the enterprise, it becomes a severe form of trafficking in persons as defined by the TVPA.

Human smuggling, on the other hand, is the facilitation, transportation, attempted transportation, or illegal entry of a person or

19 Office to Monitor and Combat Trafficking in Persons, U.S. Dept. of State, U.S. Dept. of State. Trafficking in Persons Rep. (2005); U.S. Dept. of Justice, Assessment of U.S. Gov't Activities to Combat Trafficking in Persons, Fiscal Year 2003 (2004).

20 *United States v. Pipkins*, 378 F. 3d 1281 (11th Cir. 2004).

persons across an international border in violation of American immigration laws. Many of those illegally entering the United States are smuggled, not trafficked.[21] Smuggling may occur clandestinely or through deception, such as the use of fraudulent passports or other immigration documents.[22] Human smugglers enter into a contractual relationship with those they will illegally transport into our country. The smuggler is often paid a considerable amount of money for his services and the relationship normally ends once the smuggled person has entered the United States and the debt is paid. Sometimes, smuggling may turn into trafficking when smugglers extort their victims to force them to work until the smuggling debt is repaid. Traffickers routinely prey on undocumented immigrants' fear of law enforcement to place them in slavery.

Two of the defendants in United States v. Pipkins.

2. Identifying Victims is Difficult

Another explanation is that identifying and assisting victims of human trafficking are difficult tasks, and consequently the Department does not have reliable figures regarding the number of victims who may be in the United States. Trafficking victims who have been rescued in connection with federal government activities over the past several years have come from more than 50 different countries.[23] But several factors contribute to the difficulty of identifying and rescuing trafficking victims. Human trafficking, like many other crimes, often requires that the victim and the criminal enterprise remain in the shadows of our communities. Moreover, victims often suffer from paralyzing fear and are reluctant to seek help, further exacerbating the problem. Traffickers prey on the meek and destitute, coercing and deceiving them into hiding. The condition of the trafficking victim is as desperate today as it was in the 19th century. As the Supreme Court has noted:

> *These young children were literally stranded in large, hostile cities in a foreign country. They were given no education or other assistance toward self-sufficiency. Without such assistance, without family, and without other sources of support, these children had no actual means of escaping the [trafficker's] service; they had no choice but to work for their masters or risk physical harm. The [traffickers] took advantage of the special vulnerabilities of their victims, placing them in situations where they were physically unable to leave.*[24]

21 THE HUMAN SMUGGLING AND TRAFFICKING CENTER, FACT SHEET: DISTINCTIONS BETWEEN HUMAN SMUGGLING AND HUMAN TRAFFICKING (2005).

22 *Id*.

23 U.S. DEPT. OF JUSTICE, ASSESSMENT OF U.S. GOV'T ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, FISCAL YEAR 2004 (2005); U.S. DEPT. OF JUSTICE, ASSESSMENT OF U.S. GOV'T ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, FISCAL YEAR 2003 (2004).

24 *United States v. Kozminski*, 487 U.S. 941, 947-8 (1988)(discussing *United States v. Arancarola, 1 F. 676* (C.C.S.D. NY 1880)).

3. Trafficking Schemes May Be Dismantled In A Variety of Ways

A third possible explanation for this disparity is that victims may be helped by state and local law enforcement activities that the Department does not know about or, in some instances, state and local officials may not realize that they have uncovered trafficking victims. Under our federal system of government, state and local governments may prosecute these cases under other criminal laws. Furthermore, although a particular prosecution by the Department may only result in the rescue of one or a few victims, it is reasonable to assume that enterprises that have been in business for several years have victimized dozens and possibly hundreds of people.

[W]e must combat crimes that tear at the fabric of our society – especially obscenity and the heinous crime of human trafficking."

-Attorney General Alberto R. Gonzales at the National Press Club, Friday, May 20, 2005

4. Developing A Better Understanding of Trafficking and its Victims

The Department is committed to discussing and refining methodologies for estimating the number of victims that may yield more reliable results. The Department's Bureau of Justice Statistics and National Institute of Justice have begun to research these issues and will publish information useful to victim advocates, policy makers, and law enforcement officials. Indeed, Congress has recently mandated that the Department undertake research to develop an estimate of the number of persons engaged in severe forms of trafficking and commercial sex acts and share this information with its state and local governmental and non-governmental partners.[25] The enactment of anti-trafficking crimes at the state level, many of which are based on the Department's model anti-trafficking statute, is a heartening trend, as the men and women in state and local law enforcement far outnumber the federal resources available to combat this problem.[26] As with domestic violence and sexual abuse, it is local police and prosecutors who will investigate and prosecute a significant amount of trafficking cases in the coming years. The Department is committed to supporting these partners in expanding the victim-centered approach it has developed.

25 Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, § 201 (a)(1)-(2) (signed into law on January 10, 2006).

26 The Department's model state law is further discussed below at Part VI, "The Department's Full-Scale Attack on Human Traffickers, " Section E, "Fostering State, Local and Non-Governmental Activities to Combat Human Trafficking." A copy of the model state law is available as Appendix I. to this report and on the Internet at *http://www.usdoj.gov/crt/crim/model_state_law.pdf.*

B. The Department Takes A Victim-Centered Approach To This Crime

Victim-centered prosecutions recognize that the government's interest in these cases stems from the violation of the fundamental right of freedom. Moreover, victim-centered prosecutions are essential to the liberation and care of victims. In vindicating the survivor's right to be free, federal prosecutors must give him or her the opportunity to use that freedom and the support to make it meaningful. The victim-centered approach reflects the understanding that the mission of government is to remove victims from the abusive setting, place them into safe programs of restorative care, and hold the perpetrators accountable. This approach flows from our nation's foundational principles: Respect for human dignity and civil rights.

Typically, federal prosecutors learn about a crime from the victim or an eyewitness, or through an investigation. For traffickers to be successful, they must hide their crime from law enforcement by concealing their victims and their collaborators. Those who benefit from trafficking – men who frequent prostitutes and persons who take advantage of the low cost labor that the traffickers broker – are often momentary beneficiaries, and may not even know that the victim is being held in compelled service. Thus, the only remaining eyewitness is often the victim. To prevent their workforce from running away and to forestall detection, traffickers have an incentive to instill fear in their victims – fear of American law enforcement, fear of their captors, and fear of anyone they meet in their unfamiliar settings. Many victims are far from their countries of origin and their families. They do not speak English and are more likely than not to lack any legal immigration status. Traffickers prey on the unsettled aspects of their lives, playing victims against each other and generating a culture of fear.

> *It's their fault that I lost my friends, my parents....My story is very long. It took me about a year to reach my parents....They [the defendants] don't repent for everything they did to me, for all the damage they did to me. They hit me....They thought they were big shots. I tried to defend myself but couldn't. I tried to escape....*
>
> *– S.A.H., a victim in United States v. Jimenez-Calderon*

Victims of trafficking often live and are forced to work in linguistic and social isolation. They fear the threat of exposure and feel shame about the work they are forced to do, particularly when that work includes sexual abuse. They also fear continued violence or the threat of reprisals against loved ones. They can develop a psychological and emotional dependence on the trafficker or others. Immigrant victims of human trafficking often face a special set of circumstances that keep them in the shadows of our nation's communities. Traffickers will often withhold immigration documents from immigrant victims. Immigrant victims may have a fear of American law enforcement, may not understand their rights, and fear risking default on monies owed their captors, as well as the collateral effect that may have on their families back home. The result is that victims will rarely self-report and so they must be proactively found.

Trafficking victims are not only aliens or foreign nationals. Adult United States citizens are also vulnerable to exploitation by traffickers, including commercial sexual exploitation by pimps. Traffickers of adult United States citizens may use drugs, alcohol, and physical and sexual abuse to con-

trol their victims. Traffickers of United States citizens have also preyed on persons with disabilities, the homeless, and the poor.

American victims of child sex trafficking have unique vulnerabilities. Domestic child prostitution is often not the beginning of the exploitation of the child, but a continuation of abuse or trauma that the victims have already endured. Traffickers take advantage of runaway children who may have fled their homes to escape physical or sexual abuse. Other children preyed upon by traffickers may be "throwaways," children exiled from their homes by neglectful or unloving guardians. Once on the streets, traffickers will often use alcohol and drugs to control their victims.

While relying on the victims to give testimony about their suffering – the same duty American law requires of any witness – the Department places a premium on addressing the victims' need for recovery. Agents, prosecutors, and victim-witness staff work with, and are intensifying their relationships with, victim services providers. These groups, often experienced faith- or community-based organizations that have previously served immigrant or abused populations, can help keep the victims safe, meet their medical and housing needs, and help them find an equilibrium in their lives through job training, language classes, and life-skills counseling.

The services that are available to victims form the basis of the Department of Justice victim-centered approach. Congress intended this comprehensive effort to combat trafficking in its passage of human trafficking statutes. One of the added benefits of restorative care for victims is that the victims are empowered to provide critical evidence that law enforcement can use to investigate and prosecute traffickers. Without these services, victims would remain too traumatized or afraid to assist law enforcement.

Assistant United States Attorneys Ruben Perez and Ed Gallagher with Civil Rights Division criminal prosecutor Lou de Baca training members of the Houston-area Human Trafficking Rescue Alliance.

Victim-centered prosecutions, where government-funded services and protection are provided to victims who assist an investigation and prosecution, are critical to the prevention of human trafficking. Without the victim's contribution, law enforcement's ability to stop traffickers from recruiting other vulnerable persons is blocked. Without the victim's help, police and prosecutors will not be able to neutralize the trafficking scheme effectively and prevent others from being trafficked.

Federal law enforcement is committed to combating human trafficking with a victim-centered approach. Federal investigators and prosecutors, including Federal Bureau of Investigation agents, Bureau of Immigration and Customs Enforcement agents and Assistant United States Attorneys, immediately refer a victim to victim-witness coordinators who begin to provide the appropriate referrals to victim services providers, often grantees that are funded through the Office for Victims of Crime and the Department of Health and Human Services' Office of Refugee Resettlement.

The Civil Rights Division and the Office for Victims of Crime work together to ensure that grantees are available to provide service to victims. In addition, because trafficking victims may avail themselves of victim services providers funded through other Departmental components, such as the Office on Violence Against Women and the Bureau of Justice Assistance, grantees of these offices are trained to provide assistance to victims of human trafficking.

Department components regularly promote a victim-centered response and educate other law enforcement agencies and victim services providers about the dynamics of trafficking and the need for proactive investigations in an effort to increase awareness and outreach to new partners, with the ultimate goal of preventing victimization. For example:

- Since 2002, Civil Rights Division staff have trained federal, state, and local law enforcement officers and victim services providers about proactive victim-centered investigations. In addition, lawyers in the Civil Rights Division's Criminal Section have educated prosecutors and other law enforcement officials across the country on the criminal provisions of human trafficking statutes and have provided practical guidance on investigating and prosecuting these difficult cases. Civil Rights Division criminal prosecutors have also assisted localities with establishing regional working groups to better coordinate and focus anti-trafficking law enforcement efforts. The Civil Rights Division's Criminal Section continues to organize and lead training efforts at the Justice Department's national training facility for federal investigators and prosecutors from around the country, as well as victim-witness coordinators from the Department and other federal law enforcement agencies.

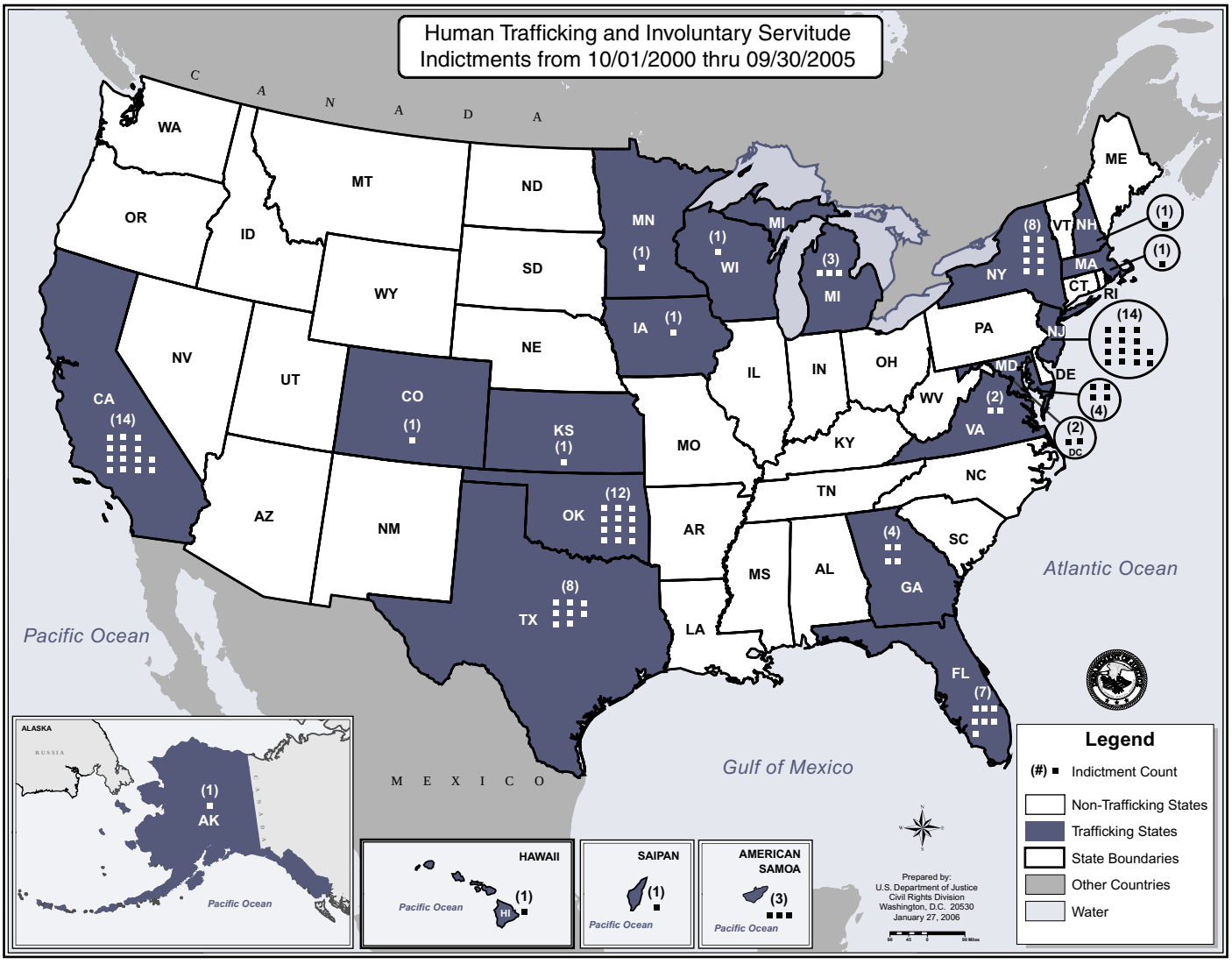
In United States v. Cadena, a 14 year-old girl, trafficked into prostitution, was only allowed two possessions: a roll of paper towels and a teddy bear.

- Since January 2003, nearly 40,000 law enforcement officers, attorneys, social service providers, advocates, medical and mental health professionals, and community members have been trained by the Office for Victims of Crime and Bureau of Justice Assistance grantees. Moreover, Bureau of Justice Assistance's law enforcement training has emphasized that code enforcement officials, fire marshals, and other persons who may have access to places where victims are being held should be trained on signs of human trafficking.

- The Federal Bureau of Investigation's Civil Rights Unit and various United States Attorneys' Offices have participated in dozens of regional Department-sponsored human trafficking training conferences hosted throughout the country, in cities including Los Angeles, Houston, New Haven, Portland, St. Louis, San Diego, San Francisco, and Tampa.

- Since 2003, the Criminal Division's Child Exploitation and Obscenity Section has trained more than 350 law enforcement personnel and other officials on the investigation and prosecution of child prostitution cases, emphasizing the importance of a victim's safety.

FIGURE 3



IV. Tools for Investigating and Prosecuting Human Trafficking

The Department's successful efforts in combating human trafficking would not be possible without the enactment of several statutes by Congress. Prior to 2001, trafficking cases were prosecuted under a number of federal criminal statutes, including the involuntary servitude statutes,[27] the Mann Act,[28] and labor laws concerning workplace conditions and compensation.[29] Prior to the TVPA, these statutes did not always treat the workers involved as victims and enforcement authority for each of these possible anti-trafficking tools was scattered across the United States government, leading to differing outcomes depending on which charges were brought or which agency learned of the allegations of abuse. The Mann Act was formerly thought of as the primary federal anti-trafficking tool, when "trafficking" was perceived as interstate transportation for prostitution, as opposed to the modern definition, which focuses on compelled service. The involuntary servitude statutes set forth a variety of substantive crimes covering the slave trade, involuntary servitude, and peonage, but the Supreme Court narrowed their scope in 1988, restricting their use to cases involving force, threats of force, or threats of legal coercion, as opposed to psychological coercion, a tactic which is often used by traffickers today.[30] Sections 1584 and 1581 of Title 18 of the United States Code, which respectively criminalize involuntary servitude and peonage, were the primary statutes prosecutors used in involuntary servitude and trafficking prosecutions. Section 1583, which criminalizes kidnaping victims into slavery, likewise remains a useful tool in modern federal prosecutions.

THE PROSECUTOR'S TOOL BOX

Asset Forfeiture
Fraudulent Document Offenses
Immigration Offenses
Involuntary Servitude Statutes
Labor Violations
Mann Act
Money Laundering
PROTECT Act
RICO
Trafficking Victims Protection Act of 2000
Trafficking Victims Protection Reauthorization Act of 2003
Trafficking Victims Protection Reauthorization Act of 2005

Today, the centerpiece of United States government efforts is the TVPA.[31] The TVPA provided for a range of new protections and assistance for victims of trafficking who cooperate with law enforcement investigations; it expanded the crimes and enhanced the penalties available to federal investigators and prosecutors pursuing traffickers; and it expanded United States activities internationally to prevent victims from being trafficked in the first place.

27 *See* 18 U.S.C. §§ 1581-1588. These statutes are still used when appropriate and were updated and supplemented by the restitution, forfeiture, and attempt provisions enacted in the TVPA.

28 *See* 18 U.S.C. §§ 2421-2424.

29 *E.g.*, Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 97-470, 96 Stat. 2583 (1983) (codified as amended at 29 U.S.C. § 1851).

30 *See United States v. Kozminski*, 487 U.S. 931 (1988).

31 TVPA, Pub. L. No. 106-386.

A. Protections and Assistance for Victims

The TVPA authorized funding for victim services and provided for immigration relief for severe forms of trafficking.[32] Under the TVPA, a victim is certified by the Department of Health and Human Services as eligible for services funded by any federal or state program or activity, such as the Departments of Agriculture, Health and Human Services, or Labor, or the Legal Services Corp-oration. Department of Health and Human Services certification is granted after consultation with the Depart-ment's law enforcement officials, in-cluding investigators and prosecutors, after finding that the victim meets the statutory definition of a "victim of a severe form of trafficking" and is cooperating with the federal law enforcement investigation. The TVPA also authorized the Department to fund and provide training and technical assistance to law enforcement agencies and victim services providers.

The Department's Office for Victims of Crime directs its funding to support services for pre-certified victims and may, in special circumstances, fund organizations that provide limited services to certified victims. Pre-certified victims are those victims who have been identified by law enforcement in connection with an investigation and are awaiting Department of Health and Human Services certification that they are a victim of a severe form of trafficking and assisting law enforcement. This is significant because pre-certified victims are not entitled to the same publicly-funded benefits to which certified victims are, yet the need for services is most acute at the pre-certified stage. Secondarily, providing those services enables pre-certified victims, in most instances, to cooperate with law enforcement to investigate and prosecute their human traffickers. A safe and healthy victim is better able to articulate to investigators and in a court what has happened to him or her. Indeed, a survivor of trafficking can often be an effective anti-trafficking advocate.

The emptiness I felt was just overwhelming. The pain was too much. To know that I would do nothing. No one was even allowed to come to the house to visit us. She didn't want anyone to visit us or anyone to talk to us. Maybe because she still wanted to pull the blindfold over our eyes.... She was mistreating my children. She would send other people to lock my children up in the room. She instructed them not to give them food. They had a dog that they paid a lot more attention to than they did to my children. As a mother this was such a an [sic] horrible pain. There was nothing to do, just to feel emptiness.

– C.R.V., a victim in United States v. Zavala.

B. Defined Crimes and Enhanced Penalties

The TVPA[33] provided a clear definition of human trafficking as a crime, created stiffer sentences, and provided prosecutors with definitions of terms used to describe the offense, such as "coercion" and "commercial sex act."[34] Traffickers who use force, fraud, or coercion, or who exploit children under 14 years of age for commercial sex acts, may be sentenced to a term of up to life imprisonment.[35]

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32 A more detailed discussion about victim services programs administered by the Department of Justice is below in Part VI "The Department's Full-Scale Attack on Human Traffickers," Section B, "Restoring a Victim's Dignity."

33 *See* 18 U.S.C. §§ 1589-1594.

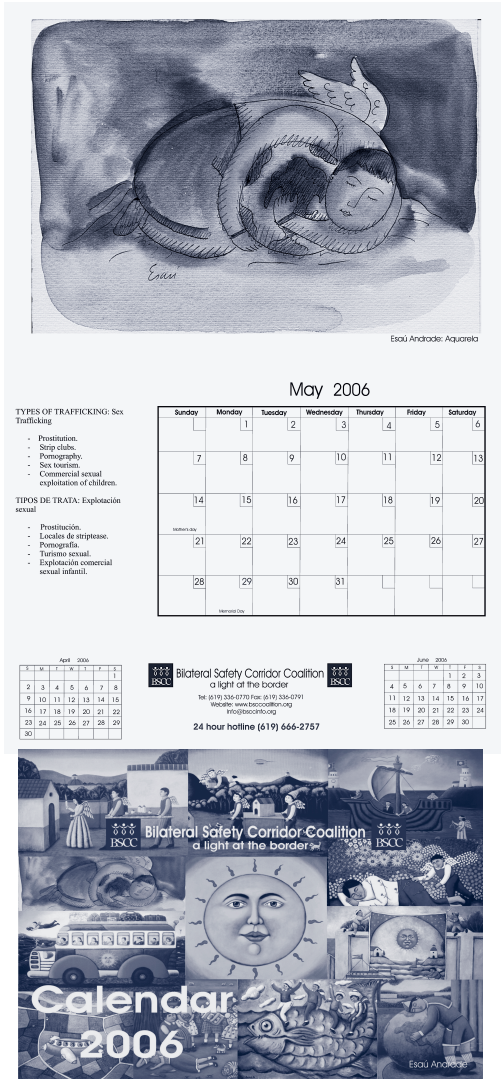
34 22 U.S.C. § 7102.

35 *See* 18 U.S.C. § 1591. Traffickers in other cases are subject to a term of imprisonment of up to 40 years.

Kil Soo Lee, a former owner of the Daewoosa factory in American Samoa, was sentenced in June 2005 to 40 years of incarceration for trafficking over 200 victims.

C. Prevention

As discussed above,[36] the TVPA has provided for victim services in connection with a victim's aiding in the government's prosecution of traffickers. This approach is essential to prevention. The TVPA has also given the Department the tools needed to increase public awareness within our communities, particularly among law enforcement and social services agencies, as well as internationally. The Department's activities through the Civil Rights and Criminal Divisions as well as non-governmental organizations that receive grants from the Office for Victims of Crime, aim to prevent victimization here and abroad through public awareness and outreach. These activities are discussed below in Part VI, "The Department's Full-Scale Attack on Human Traffickers."



The Bilateral Safety Corridor Coalition, a grantee of the Office for Victims of Crime, developed a calendar to increase public awareness about human trafficking.

In 2003, Congress, with the President's support, re-authorized the TVPA in the TVPRA.[37] The TVPRA further enhanced penalties and added tools to the United

36 *See* Part III, "Scope of the Problem," Section B, "The Department Takes a Victim-Centered Approach to This Crime" above for a discussion about the importance of victim services in the Department's victim-centered approach to human trafficking.

37 Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (2003) (signed into law by President Bush on December 19, 2003).

States government's anti-trafficking portfolio, such as new public awareness campaigns to combat sex tourism and refinements to the federal criminal law. Significantly, Congress included trafficking as a predicate for money laundering and racketeering under the RICO Act. Prosecutors have used these effective tools to dismantle trafficking syndicates. Going forward, the Department will continue to place a keen emphasis on the use of forfeiture tools to better attack traffickers and their networks. In conjunction with the mandatory restitution provisions of the TVPA, these criminal provisions work together to ensure that defendants convicted of trafficking in persons receive sentences that reflect the seriousness of their crimes. The TVPA and the TVPRA have produced tangible results in the field, yielding penalties three and four times those obtained under smuggling or harboring statutes and under historical servitude and trafficking statutes.

The TVPRA also codified the requirement that victims cooperate with law enforcement. Specifically, the Department of Health and Human Services, as part of its certification process, may now consider statements from state and local law enforcement that the victim has "been willing to assist in the investigation and prosecution of state and local crimes" in connection with the victim's application for a T visa. The TVPRA also relieved victims under the age of 18 from having to show a willingness to assist in the investigation in order to be eligible for the T visa.

Finally, Congress created a new civil action that allows trafficking victims to sue their traffickers in federal district court, thus complementing the criminal prosecution of traffickers. Specifically, the TVPRA of 2003 gave victims of human trafficking the right to bring federal civil suits against their traffickers for actual and punitive damages. For example, nine of the victims in the *Reddy*[38] case and the mother of another victim sued the Reddy family, seeking $100 million in damages. The Reddy family settled the case before going to trial.[39]

In Addition to the TVPRA, the President in 2003 signed into law the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, known as the PROTECT Act. The PROTECT Act, developed with the assistance of experts in the Child Exploitation and Obscenity Section of the Department's Criminal Division, has given the Department's prosecutors several new tools to combat sex trafficking and child prostitution. The Act makes it a crime for a United States citizen to travel in foreign commerce and engage in illicit sexual activity with minors,[40] and includes an attempt provision.[41] Moreover, the Act facilitated prosecutions by eliminating the requirement that the Department prove that the traveler-predator intended to have sex with a child prior to traveling. As discussed in the next section, the Child Exploitation and Obscenity Section and the United States Attorneys' Offices have used this new tool to aggressively combat child sex trafficking.

In addition to adding important new tools in the prosecution of child sex tourism cases, the PROTECT Act supplemented the TVPA by raising the statutory maximum sentences for violations of 18 U.S.C. § 1591 involv-

38 *See* Part I, "An Introduction to Human Trafficking," above for a discussion about *United States v. Reddy*.

39 *Doe v. Reddy*, 2003 WL 23853010 (N.D. Cal. 2003).

40 Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today ("PROTECT") Act of 2003, Pub. L. No. 108-21, 117 Stat. 650.

41 PROTECT Act, Pub. L. No. 108-21, 117 Stat. 650 (codified as amended at 18 U.S.C. § 2423(c)).

ing children. The PROTECT Act also abolished the statute of limitations for crimes involving the abduction or physical or sexual abuse of a child in virtually all cases. Under previous law, the statute of limitations expired when the child turned 25, potentially allowing child abusers to go free if law enforcement could not solve the crime in time.

The bill I sign today will help us to continue to investigate and prosecute traffickers and provide new grants to state and local law enforcement. Yet, we cannot put the criminals out of business until we also confront the problem of demand. Those who pay for the chance to sexually abuse children and teenage girls must be held to account. So we'll investigate and prosecute the customers, the unscrupulous adults who prey on the young and the innocent.

– President George Bush, January 10, 2005.

On January 10, 10, 2006, President Bush signed into law the Trafficking Victims' Protection Reauthorization Act of 2005 ("TVPRA of 2005"). In addition to reauthorizing the TVPRA, the law enhances our ability to combat trafficking in persons by extending our prosecutorial tools and providing new protections for victims. In important enhancements to prosecutorial tools, the law establishes extra-territorial authority for prosecution of trafficking in persons offenses committed by federal contractors abroad or persons accompanying them, and adds trafficking in persons as a predicate for the offense of document servitude, where one's identity papers, such as a foreign birth certificate, a passport, or immigration documents, are withheld by the trafficker and used to coerce or compel the trafficking victim. The TVPRA of 2005 also promotes efforts to fight domestic trafficking in persons. It requires a comprehensive research and statistical review and analysis of incidents of trafficking and commercial sex acts within the United States and annual conferences, to be conducted by the Department for the benefit of state and local law enforcement, other governmental agencies, and non-governmental organizations, on domestic trafficking in fiscal years 2006, 2007, and 2008, and biennially thereafter.

In addition, the TVPRA of 2005 establishes a grant program to develop, expand, and strengthen assistance programs for United States citizens and permanent residents who have been subjected to trafficking, and establishes a pilot program to create residential treatment facilities for children subjected to trafficking. It also creates a new grant program for state and local law enforcement authorities to investigate and prosecute trafficking of U.S. citizens and permanent residents, including efforts to reduce demand for commercial sex acts. Furthermore, the TVPRA of 2005 contains new requirements for collection of intelligence data that will promote effective responses to trafficking. These include a study by the Human Smuggling

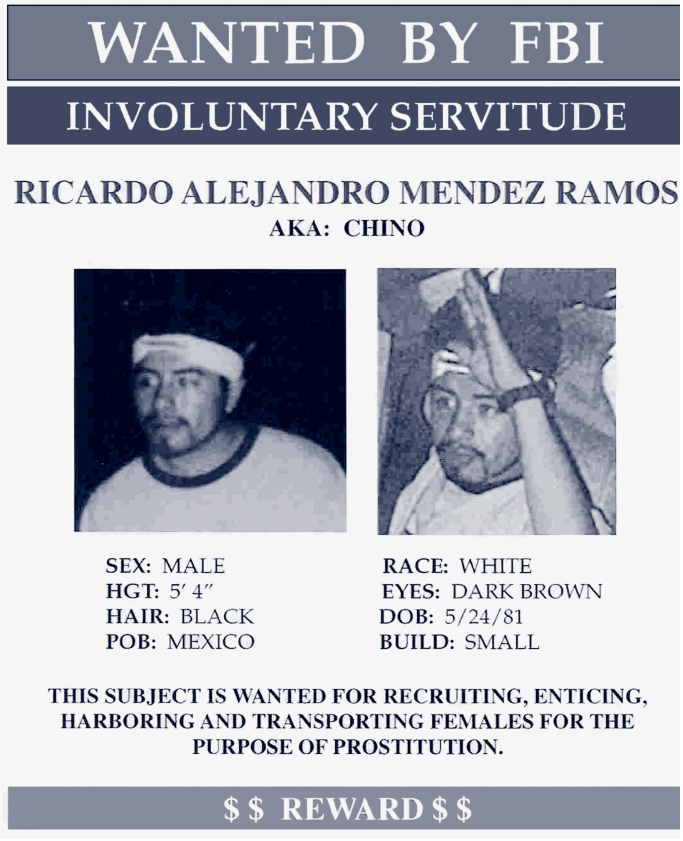
and Trafficking Center, an interagency program discussed in more detail below,[42] of the relationship between trafficking and terrorism, the abduction and enslavement of children as soldiers, and development of a mechanism for quantifying the number of victims of trafficking.

42 *See* Part V, "Halting Human Trafficking With a Record Number of Successful Investigations and Prosecutions," Section E, "Interagency Coordination," for a discussion of the Human Smuggling and Trafficking Center.

V. Halting Human Trafficking with a Record Number of Successful Investigations and Prosecutions

Since 2001, the Department has achieved a record number of human trafficking investigations and prosecutions through a unique victim-centered approach that focuses on three important themes: sex trafficking, labor trafficking, and child sex trafficking. Successful prosecutions of sex and labor trafficking depend on the elements of force, fraud, or coercion that render the victim's role involuntary. Because trafficking is modern-day slavery, then-Attorney General John Ashcroft designated the Civil Rights Division, in early 2001, as the principal architect of the Department's comprehensive response to human trafficking. The Civil Rights Division presently collaborates with the Federal Bureau of Investigation, United States Attorneys' Offices, the Criminal Division, and the Office of Justice Programs, as well as the Department of Homeland Security's Bureau of Immigration and Customs Enforcement,[43] to uncover and investigate these criminal enterprises, to prosecute and hold traffickers accountable for their criminal conduct, and, most importantly, to rescue victims and return to them their dignity.

In 2004, the Federal Bureau of Investigation took an important step toward the vigorous investigation of trafficking crimes when it launched the Involuntary Servitude and Slavery/Trafficking in Persons Initiative. This initiative has achieved important results in the manner in which the Bureau uncovers and investigates these cases in coordination with the Civil Rights and Criminal Divisions. The Bureau's Civil Rights Unit, the primary Bureau agency charged with investigating crimes implicating the federal civil rights statutes, spearheaded the following actions:



- Developed and disseminated a general human trafficking investigative protocol intended to standardize human trafficking investigations by each FBI field office. This protocol serves as an informal investigative field-guide for the FBI field supervisor and investigators, covering activities from the initial investigation to post-trial and post-sentencing activities. For example, the protocol requires the prompt removal of victims out of harm's way and the apprehension of all identified human trafficking subjects;

43 Until 2002, the Bureau of Immigration and Customs Enforcement was a component of the Department of Justice, then known as the Immigration and Naturalization Service.

- Implemented commercial sex trafficking intelligence collection requirements and disseminated those requirements to every Bureau Field Intelligence Group. These requirements will allow the FBI to analyze trafficking related intelligence such as trends in working conditions, transportation routes, and countries of origin;

- Established a mechanism for agents to share information about the initiation of human trafficking, alien smuggling, and child prostitution cases across Bureau components;

- Expanded the Bureau's outreach to national human trafficking victim advocacy organizations, such as the Freedom Network and the International Justice Mission, to establish contacts and leverage partnerships through field offices, especially those that are partners in the Department's multi-disciplinary anti-trafficking task forces;

- Commenced, in October 2005, human trafficking threat assessments in each of the nation's 56 Bureau field offices. The threat assessments are intended to help the Bureau determine the nature and scope of human trafficking and to develop a more informed response to this criminal activity. Once completed, field offices will use their assessments to develop more aggressive investigations and to guide their participation in the Department's anti-human trafficking task force initiative, especially their work with local governmental and non-governmental organizations;[44] and

- Created, in November 2005, a case tracking database to track and maintain human trafficking intelligence data from the Bureau's field offices regarding the Department's prosecutorial decisions, identifying emerging trends and reporting significant events in the field to the Bureau's Civil Rights Unit or the Crimes Against Children Unit, as appropriate. The Bureau's intelligence gathering is beginning to provide the Department with critical analysis.

A. Sex Trafficking

Human trafficking typically manifests itself in compelled service either for forced labor or in the "sex industry." Sadly, in both areas, sexual abuse of female victims is common.

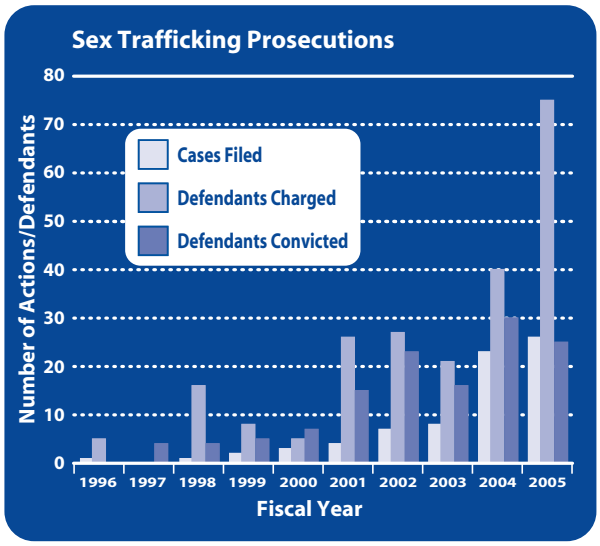
Sex trafficking is both a crime and a phenomenon. The TVPA's "sex trafficking" statute[45] makes it illegal to use force or coercion to obtain persons for commercial sexual activity, with special provisions regarding the involvement of minors. Other activities that the Department considers part of the phenomenon of sex trafficking, such as servitude for non-commercial sexual activity or compelled service in strip clubs or other non-prostitution sectors of the sex industry, are properly prosecuted under traditional slavery statutes or even the forced labor statute, but are no less components of sex trafficking than commercial sexual activity.

There has been a dramatic increase in sex trafficking cases filed and prosecuted by

44 FED. BUREAU OF INVEST., HUMAN TRAFFICKING INITIATIVE ELEC. COMMC'N TO ALL FIELD OFFICES (Oct. 21, 2005).

45 18 U.S.C. § 1591.

FIGURE 4.



the Civil Rights Division and United States Attorneys' Offices over the past five years. Between fiscal years 2001 and 2005, federal prosecutors filed 68 cases of sex trafficking, an 871% increase over the seven cases the Civil Rights Division and United States Attorneys' Offices filed between fiscal years 1996 and 2000. Also during that same time period, the Civil Rights Division and United States Attorneys' Offices charged 189 defendants with sex trafficking, a 456% increase over the 34 defendants charged between fiscal years 1996 and 2000. In addition to the new records set in investigations and prosecutions of sex trafficking, the Civil Rights Division and United States Attorneys' Offices have achieved impressive results in convicting traffickers. From fiscal years 2001 to 2005, federal prosecutors obtained the convictions of 109 sex trafficking defendants, a 445% increase over the 20 defendants convicted during the previous five fiscal year period.

Sex trafficking may occur in any American community – urban, suburban, or rural – and involves both aliens and United States citizens. Sex trafficking can occur in bars, farm worker camps, and sex entertainment and prostitution enterprises. The traffickers are endlessly inventive. While the public stereotype of these cases involve large-scale international organized crime syndicates, forced prostitution cases often involve groups of family members or even individual pimps. In *United States v. Jimenez-Calderon*, a group of family members recruited women and teenaged-girls from the Mexican state of Tlaxcla to come to the United States with promises of love and marriage, only to hold them in prostitution through force and by threatening them and their families in Mexico.[46] The defendants in *Jimenez-Calderon* received sentences ranging from 16 months to 17 years of incarceration.[47]

Cases involving victims that are United States citizens that might not have been brought under the Mann Act are now being brought using the TVPA sex trafficking statute, which does not require interstate travel. In *United States v. Gates and Heyward*, two defendants pled guilty in 2003 and 2004 to sex trafficking for running an internet prostitution business from their home, at times using girls as young as 14 to perform sexual acts. Defendant Gates, who beat the women who disobeyed him and provided drugs to support some of the women's addictions, was sentenced to more than 14 years in prison. His girlfriend and co-defendant, Heyward, received a sentence of 9 years of incarceration.[48]

46 *United States v. Jimenez-Calderon*, 135 Fed. App'x 561 (3d Cir. 2005).

47 *Id.*

48 *United States v. Gates and Heyward*, No. 01-00205 (D.D.C. 2004).

Many cases in the past few years involving individuals from countries of the former Soviet republics have involved compelled service in "exotic dancing." In *United States v. Gasanov*, a husband and wife were convicted at trial and sentenced to serve 5 years in prison and to pay $516,150 in restitution for bringing Uzbeki women to El Paso, Texas, under the guise of a student researcher exchange program, only to hold them in compelled service in strip clubs by confiscating their immigration documents and making threats against their families.[49] In *United States v. Maksimenko*, five defendants have pled guilty for their roles in a scheme to enslave Ukrainian women in Detroit-area strip clubs through threats and extortion and one has been sentenced. The remaining four defendants await sentencing.[50]

Sometimes victims are held in sexual slavery without any commercial aspect. In *United States v. Soto*, eight men were convicted in 2003 for their roles in an alien smuggling organization that would hold vulnerable alien women as "concubines," forcing them to cook, clean, and submit to the sexual demands of the alien smugglers through force, threats, and punitive rape. The lead defendant in the *Soto* case was sentenced to 23 years of incarceration following his guilty plea.[51]

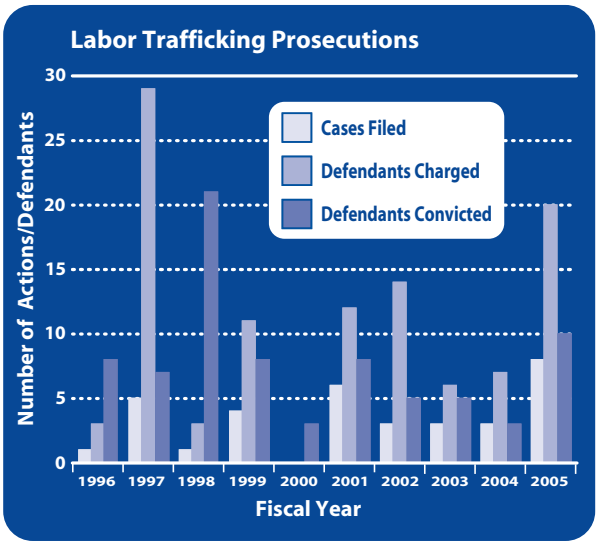
In some communities, women are imported to work as "bargirls." While this is not technically sex trafficking under the TVPA, as it does not involve a sex act, the women are treated as sex objects and forced to entertain male bar patrons, dancing and drinking with them at their pleasure. In *United States v. Kang*, for example, a Korean couple lured Korean women to New York City with promises of good jobs as hostesses in their nightclub, but subjected them to physical abuse, held them for repayment of a $10,000 debt, and attempted to force them into prostitution.[52] Seven defendants pled guilty to forced labor and obstruction of justice charges. The defendants included a Federal Air Marshal and a Department of Homeland Security agent who attempted to force one of the victims to get on a flight to South Korea to keep her from testifying against the Kangs.[53] In another "bar girl" case, *United States v. Molina*, six Hondurans in Ft. Worth, Texas, received sentences of up to more than 5 years of incarceration following their guilty pleas to conspiring to harbor the women and make them repay their alien smuggling debts by entertaining the male patrons of the defendants' bars.[54]

B. Labor Trafficking

Labor trafficking occurs when a victim is forced to work in an area of the economy that would otherwise be a legal form of labor absent the force, fraud, or coercion. This phenomenon commonly is found in farms, factories, and households. Similar to sex trafficking, if a person is subjected to coercive force such that he cannot leave his employer's service, he is considered a victim regardless of whether he initially chose

49 *United States v. Gasanov*, No. 01-1423 (W.D. Tex. 2001).
50 *United States v. Maksimenko*, No. 02-80745 (E.D. Mich. 2005).
51 *United States v. Soto*, No. 03-341 (S.D. Tex. 2004).
52 *United States v. Kang*, No. 04-87 (E.D.N.Y. 2004).
53 *Id.*
54 *United States v. Molina*, No. 114-A (N.D. Tex. 2002).

FIGURE 5.



to perform that type of work, or even if he received some pay for his labor. There is no requirement that the victim be transported by the defendant.

Over the past five years, the Civil Rights Division and United States Attorneys' Offices have prosecuted a record number of labor trafficking cases. Between fiscal years 2001 and 2005, the Civil Rights Division and United States Attorneys' Offices filed 23 labor trafficking cases, an increase of 109% over the 11 labor trafficking cases federal prosecutors filed between fiscal years 1996 and 2000. In these cases, 59 defendants were charged with labor trafficking, an increase of 28% over the 46 defendants charged during the previous five fiscal year period.[55]

As in sex trafficking cases, vulnerable United States citizens may find themselves trapped in a forced labor situation, unable to escape because of threats or coercion. For example, in *United States v. Michael Lee*, where the crime occurred prior to enactment of the TVPA, defendants recruited homeless African-American men for their orange-picking operation. Once employed, the workers were involuntarily held through the use of beatings, threats, and the use of a "company store" debt run up by short-term loans for rent, food, cigarettes, and cocaine. Three defendants were convicted in 2001 and received prison terms of up to 4 1/2 years of incarceration.[56]

Forced labor situations often appear in parts of the agricultural sector that require "stoop labor," work that involves cultivating and harvesting of crops, such as vegetables, by hand and stooping over. One such case, *United States v. Garcia*,[57] involved the first successful defense of the TVPA against a constitutional challenge. In that case, four defendants received sentences of up to nearly 4 years of incarceration in 2005 for recruiting young undocumented Mexican aliens from the Arizona border and transporting them to New York with false promises of good wages, only to force them to work in the fields for little or no pay and house them in overcrowded and filthy conditions through threats to turn them over to the Border Patrol.[58] In their constitutional chal-

55 Two seminal labor trafficking cases are responsible for the large number of defendants charged in 1997-98. *United States v. Paoletti*, No. 97-768 (E.D.N.Y. 1997), the "Deaf Mexican" trinket peddling case, involved 18 defendants, while *United States v. Flores*, 199 Fed. Cir. 1328 (4th Cir. 1999), involved 6 defendants. Prosecution and victim protection in these two cases are ongoing. In 2005, as a result of the work of the Office of International Affairs, Renato Paoletti and Jose Paoletti became the first Mexican citizens ever extradited to the United States for human trafficking offenses.

56 *United States v. Michael Lee*, No. 00-14065 (S.D. Fla. 2000).

57 *United States v. Garcia*, No. 02-110, 2003 WL 22938040 (W.D.N.Y. 2003).

58 *Id.*

lenge, the defendants argued that the TVPA was unconstitutionally vague, inviting arbitrary and discriminatory enforcement, and that Congress exceeded its authority in enacting it because it did not involve interstate commerce. A federal district court disagreed and found that the TVPA's terms are clear and provide adequate notice of the conduct it prohibits.[59] The court also found that Congress had the power to enact the TVPA under the Thirteenth Amendment to the Constitution.[60]

Traffickers in United States v. Ramos attacked this van to prevent their victims from escaping.

In another example of forced "stoop labor," two brothers were convicted in 2002 in *United States v. Ramos*[61] for using threats and debt bondage to hold migrant workers in their employment for the duration of the harvesting season and for assaulting the owner of a transportation service to cut off any avenue of escape the workers might have had from the area. The Ramos brothers were sentenced to 15 years of incarceration and ordered to forfeit $3 million in proceeds from their slavery operation.

Domestic servant cases continue to be a regular part of the Department's forced labor portfolio. Sadly, in many of these cases the young female victims are subjected not only to long hours and low pay for their work as nannies and maids, but suffer sexual abuse at the hands of their captors as well.

Prosecutors in United States v. Mubang argued that taking a girl from her home on the left to the Silver Spring, Maryland home helped to project the trafficker's intimidating and coercive power.

59 *Id.* at * 2.

60 *Id.*

61 *United States v. Ramos*, 130 Fed. App'x 415 (11th Cir. 2005), *cert. denied*, 126 S. Ct. 388 (2005).

For instance, in *United States v. Mubang*,[62] a naturalized United States citizen of Cameroonian origin was convicted of having brought an 11 year-old girl from Cameroon to the United States to provide free labor to care for her two children and to perform household chores. While at the Mubang home, the victim received no wages, was isolated, was not allowed to attend school, and was subject to verbal and physical abuse, such as being struck with a cable, a high-heeled shoe, and a metal broom handle which left a scar that was still visible years later. Mubang, who fled before sentencing, was captured and is currently serving a sentence of more than 17 years of incarceration.

Similarly, in 2004, in *United States v. Trisanti*, a Los Angeles woman was convicted of involuntary servitude for trafficking two victims into the United States from Indonesia and forcing them to work as domestic servants through threats and physical violence. Trisanti was sentenced to more than 3 years in prison and ordered to pay over $205,000 in restitution.[63]

C. Child Sex Trafficking

Within the Department, the Child Exploitation and Obscenity Section of the Criminal Division has taken a leading role in overseeing the prosecution of cases of sex trafficking of minors. Sex trafficking in children occurs when persons under the age of 18 are provided or obtained for a commercial sex act. Prior to the passage of the TVPA, this aspect of human trafficking was traditionally dealt with by law enforcement under the label "Commercial Sexual Exploitation of Children" ("CSEC"), and all states have statutes criminalizing child prostitution. It is a continuing challenge to incorporate long-established child protective services, family court, and anti-CSEC activities and programs into the anti-trafficking effort.

"Our society has no place for those who prey on children and no tolerance for child prostitution or sex trafficking."

–Attorney General Alberto R. Gonzales, December 16, 2005.

Child sex trafficking may also involve child sex tourism, which occurs when individuals travel to foreign countries to engage in sexual acts with children who are often the victims of trafficking. As with child prostitution, the Child Exploitation and Obscenity Section has taken the leading role in overseeing the development of anti-sex tourism policies and resulting prosecutions. United States Attorneys' Offices nationwide, with guidance or co-counsel assistance from the Child Exploitation and Obscenity Section, have obtained at least 50 sex tourism indictments or complaints and at least 29 convictions between 2003 and 2005 under the PROTECT Act, with approximately 60 investigations currently pending.

Like other forms of trafficking, child sex trafficking can occur in any community. The TVPA supplemented the Mann Act, which prohibits the interstate transportation of persons for prostitution or other illegal sexual activity, by extending federal jurisdiction to situations in which the pimps did not cross a state line with their minor victims. In recent years, the Department has prosecuted cases of child sex trafficking across the

62 *United States v. Mubang*, No. 03-0539 (D. Md. 2003).
63 *United States v. Trisanti*, No. 03-473 (C.D. Cal. 2003).

nation. In *United States v. Sims*, for example, Maurice Sims transported a 16 year-old girl from El Dorado, Arkansas, to Atlanta, Georgia, for purposes of prostitution. Along the way he beat and raped his victim. Sims was prosecuted in the Northern District of Georgia and sentenced to life in prison in 2004 for kidnaping, trafficking, and transportation across state lines for criminal sexual purposes, among other crimes.[64]

Additionally, the Department is strategically and aggressively using forfeiture laws to increase a defendant's punishment, create greater disincentives, and, ultimately, fully disable and dismantle criminal networks engaged in human trafficking. The Department has been particularly innovative in its use of forfeiture in cases involving child prostitution. In several of those cases, Department prosecutors negotiated plea agreements requiring child pimps to set up monetary funds to provide for the rehabilitation, education, and job training of their young victims. In *United States v. Boehm*,[65] for example, the defendants agreed to distribute cocaine and cocaine base to persons under the age of 21 and to recruit minors for sexual purposes in exchange for money and crack cocaine. All five defendants were sentenced to terms of imprisonment ranging from 3 years to more than 13 years. Boehm, as part of his plea agreement, also forfeited his residence and provided $1.2 million in trust for the future benefit of his victims.[66] The trust fund will compensate Boehm's victims for expenses stemming from drug treatment, counseling, and educational and professional training.

Usually, when people commit crimes, the best the criminal justice system can do is punish the offender and occasionally have him repay the out-of-pocket expenses of the victims. This plea not only does that, but attempts to give the victims future opportunities for treatment, counseling, and even an education.

-Tim Burgess, United States Attorney for the District of Alaska, announcing the plea agreement in United States v. Boehm on March 19, 2004.

An important vehicle for the Department's efforts to combat child sex trafficking is the Federal Bureau of Investigation's Innocence Lost Initiative. Launched in 2003, the Innocence Lost Initiative is implemented by the Bureau's Violent Crimes and Major Offenders Section, in partnership with the Child Exploitation and Obscenity Section, United States Attorneys' Offices, and the National Center for Missing and Exploited Children ("NCMEC") to address the problem of domestic child prostitution in the United States. The Department's Office of Juvenile Justice and Delinquency Prevention has supported NCMEC's training activities in connection with this initiative with an approximate total of $126,000 since 2004. The Violent Crimes and Major Offenders Section first identified 14 Bureau field offices located in areas where there is a high incidence of prostituted children. The Section then asked each of these offices to establish a task force to address the problem through a variety of federal criminal statutes including the Mann Act, TVPA, and RICO, where appropriate, to neutralize the entire criminal enterprise. The Section asked the remaining 42 Bureau field offices to assess whether the localities they serve have a substantial child prostitution problem.

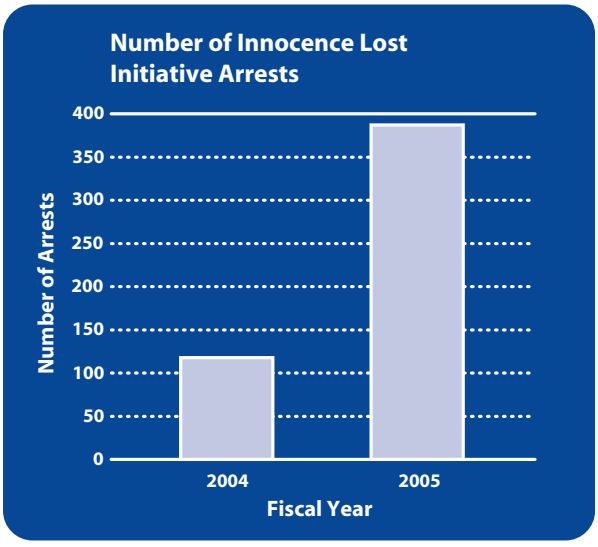
64 *See United States v. Sims*, No. 04-048, 2006 WL 14581 (11th Cir. 2006) (remanding case for re-sentencing under advisory rather than mandatory guidelines).

65 *United States v. Boehm*, No. 04-003 (D. Alaska 2001).

66 *Id*.

As of September 30, 2005, Innocence Lost Initiative Task Forces have been instituted in Atlantic City; Boston; Chicago; Detroit; Harrisburg, Pennsylvania; Indianapolis; Los Angeles; Miami; Toledo; Portland, Oregon; San Francisco; and Washington, D.C. In connection with this initiative, federal law enforcement agencies, prosecutors, and social service providers were brought to NCMEC's Washington, D.C.-area offices, where groups from the same jurisdiction were trained together in order to cultivate cooperation, partnership, and an effective integration among the critical enforcement entities in each city. To date, more than 400 key personnel have been trained. As a result of the Department's substantial investigative efforts through this Initiative, the Child Exploitation and Obscenity Section has seen a marked increase in the number of requests from both Assistant United States Attorneys and Bureau agents in the field for advice, guidance, and co-counsel on child prostitution cases.

FIGURE 6.



On December 16, 2005, Attorney General Alberto R. Gonzales announced that more than 30 child victims were identified in connection with the latest phase of Innocence Lost, bringing the total number of child victims identified to more than 200 since the Innocence Lost Initiative began. This effort resulted in the arrest of 19 individuals. Between 2004 and 2005, the Innocence Lost Initiative has resulted in 139 open investigations, 505 arrests, 60 complaints, 70 indictments, and 67 convictions.

Again, many cases of child sex tourism involve child sex trafficking, and the Department is committed to aggressively prosecuting these cases. For example, in 2003, in the first prosecution under the PROTECT Act, Michael Clark, who had been arrested in Cambodia for sexually abusing two Cambodian boys (ages 10 and 13), was charged with attempting to engage in illicit sexual conduct after travel in foreign commerce. Clark pled guilty to the charges and was sentenced to 8 years of imprisonment. In connection with his plea, Clark reserved the right to appeal the constitutionality of the PROTECT Act, arguing that Congress exceeded its power to enact criminal laws that do not involve interstate commerce and that criminalizing activities in a foreign country violate due process and international law. Clark's appeal is currently pending before the United States Court of Appeals for the Ninth Circuit.[67]

Also in 2003, in *United States v. Russell*,[68] an American man was prosecuted when an investigation revealed that he had traveled to the Philippines on numerous occasions over a two-year period in order to engage in sexual acts with children and to produce child pornography for the purpose of importation into the United States. At least

67 *United States v. Clark*, 315 F. Supp. 2d 1127 (W.D. Wash. 2004).
68 *United States v. Russell*, No. 03-3283 (S.D. Cal. 2003).

three Philippine children have been identified as victims of Russell, who pled guilty and was sentenced to more than 3 years of imprisonment.

D. Coordination Within the Department of Justice

The Department's anti-trafficking investigative and prosecution strategy requires effective intra-departmental collaboration to bring the specialties of each component to bear on these multi-faceted, complex, and labor-intensive criminal cases. The following components are important contributors to the Department's activities in support of the President's directive to combat human trafficking:

- The Civil Rights Division's Criminal Section
- The Criminal Division, particularly its Asset Forfeiture and Money Laundering Section, Child Exploitation and Obscenity Section, Domestic Security Section, International Criminal Investigative Training Assistance Program, Office of International Affairs, Office of Overseas Prosecutorial Development, Assistance and Training, and Organized Crime and Racketeering Section
- The Executive Office of United States Attorneys and United States Attorneys' Offices nationwide
- The Federal Bureau of Investigation and its Field Offices
- The Office of Community Oriented Policing Services
- The Office of Justice Programs, particularly its Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime
- The Office of Legal Policy
- The Office of Legislative Affairs
- The Office on Violence Against Women

Representatives from the Civil Rights Division, the Criminal Division, and the Federal Bureau of Investigation meet periodically to share information and to identify ways to leverage resources to identify and combat trafficking in persons, among other criminal activity. In addition, the Office of Legal Policy convenes regular meetings of Department of Justice components to coordinate the development of policies regarding the Department's anti-human trafficking activities. The Criminal Section of the Civil Rights Division, in early 2003, authored a comprehensive legal monograph on trafficking issues to assist United States Attorney personnel in the field to prosecute trafficking cases more effectively. The monograph has been distributed at the Department's training center, the National Advocacy Center, and at human trafficking training workshops.

Both the Civil Rights Division and the Child Exploitation and Obscenity Section publish newsletters that provide valuable information regarding human trafficking prosecutions, case analysis, and developments that are important to the work of other Departmental components and the non-governmental organizations that advocate on behalf of trafficking victims. The Civil Rights Division provides investigators, prosecutors, and victim assistance professionals with technical assistance regarding human trafficking and keeps the field of trafficking victim advocates informed about the Division's

efforts to prevent and prosecute this crime. And, since 2003, the quarterly Child Exploitation and Obscenity Section newsletter has discussed issues of sex tourism and trafficking in all but two editions.

From the time that the TVPA was enacted, the Department recognized that alien smuggling, document fraud, and various forms of human trafficking, while constituting separate offenses, can be integrally related, as discussed above.[69] The trafficking of victims across international borders virtually always involves alien smuggling, possibly including some type of fraud or misrepresentation. Perhaps the most direct manifestation of cooperation between the Civil Rights and Criminal Divisions is that in 2002 the Civil Rights Division detailed several experienced attorneys to the Criminal Division's Alien Smuggling Task Force for a three-year period. Over the past three years, those Civil Rights prosecutors worked with their Criminal Division colleagues to target the criminal infrastructure that makes international trafficking possible. Examples include successful prosecutions involving the fraudulent adoption of Cambodian babies, the sexual exploitation of Estonian women employed in massage parlors, and large-scale fraudulent leasing of foreign workers to major United States companies. The three-year details, which recently ended, demonstrate the concrete, effective results that can be obtained through innovative approaches to anti-trafficking cooperation.

The Department has taken a number of steps to ensure that its components are well trained in the Department's strategy of victim-centered, proactive investigations. Here are some examples:

- In October 2001, the Civil Rights Division conducted training on the unique victim protections and services of the TVPA for almost 100 federal victim-witness coordinators at the Department's training facility, the National Advocacy Center in Columbia, South Carolina.

- In October 2002, the Civil Rights Division organized comprehensive anti-trafficking training for federal prosecutors and agents at the National Advocacy Center. Approximately 150 federal prosecutors and agents attended the training.

- In November 2002, the Attorney General issued "blue sheets" for prosecutors, outlining the new TVPA crimes and adding guidance regarding the prosecution of such crimes to the U.S. Attorneys' Manual. The "blue sheets" highlight human trafficking as a priority and provide a comprehensive source of information and resources within the Department and related agencies.

- In fiscal year 2003, the Civil Rights Division provided periodic training at the Federal Bureau of Investigation training center in Quantico, Virginia, for Bureau and Immigration and Customs Enforcement agents.

- In January 2004, the Civil Rights Division and the Office of Legal Education of the Executive Office of United States Attorneys hosted a comprehensive training session for federal agents and prosecutors at the Department's National Advocacy Center. Furthermore, the Civil Rights Division actively participates in human trafficking training sessions at United States Attorneys' Offices as part of the regular curriculum offered to Federal Bureau of Inves-

69 *See* Part I, "An Introduction to Human Trafficking."

tigation, Department of Homeland Security Bureau of Immigration and Customs Enforcement, and Department of State Diplomatic Security Service agents.

- Since 2003, the Criminal Division's Child Exploitation and Obscenity Section has annually trained Assistant United States Attorneys and Federal Bureau of Investigation agents at the National Advocacy Center regarding the investigation of cases involving the commercial exploitation of minors for sex (also known as domestic child sex trafficking), child prostitution, trafficking, and sex tourism.

E. Interagency Coordination

Implementation of the President's directive to combat human trafficking requires meaningful inter-agency coordination. Much of the coordination has been accomplished through the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, and subsequently the Senior Policy Operating Group, discussed above.[70] In connection with these efforts, the Department has engaged with other federal agencies to create additional vehicles of inter-agency coordination.

The most significant achievement in this regard is the Department's support of the Human Smuggling and Trafficking Center, which is led by a steering committee comprised of representatives from the Department of Justice, including the Federal Bureau of Investigation, and the Departments of Homeland Security and State, among others. The Center provides a mechanism to bring together federal agency representatives from policy, law enforcement, intelligence, and diplomatic areas to work together on a full-time basis to achieve increased effectiveness among federal law enforcement and to convert intelligence about human trafficking, alien smuggling, and clandestine terrorist travel into effective law enforcement activities. Analysts accomplish this function by identifying issues related to migrant smuggling or trafficking in persons and then forwarding their findings to the relevant federal agencies or interagency organizations for consideration and appropriate action. The Center has been under development since mid-2004 and, shortly thereafter, started initial operations.

In addition, the Department in July 2004 entered into a Memorandum of Understanding with the Department of Homeland Security and the Department of Health and Human Services streamlining protocols for the Health and Human Services ("HHS") certification of victims (or in the case of minors, eligibility letters) rescued in connection with Department of Justice or Homeland Security law enforcement efforts. A determination by HHS, in consultation with the Department, that victims have been subjected to a "severe form of trafficking" and are cooperating with law enforcement enables these individuals to qualify for federally-funded or administered benefits and services to the same extent as refugees.[71] The agreement marked an important step toward the coordination of treatment of potential trafficking victims by agents of the Departments of Homeland Security and Justice through better information sharing. It is important to note that over 30% of the investigations initiated by the Department since 2001 were begun by agents of the Bureau of Immigration and Customs Enforcement.

70 *See* Part II, "An Administration Priority," above for a discussion about the Senior Policy Operating Group.

71 Trafficking Victims Protection Act, Pub. L. No. 106-386 §§ 107(b)(1)(A), (B), and (E) (codified at 22 U.S.C. §§ 7105(b)(1)(A), (B), and (E)).

VI. The Department's Full-Scale Attack on Human Trafficking

A. Multi-Disciplinary Task Force Initiative

The Department has designed, developed, and instituted locally based, multi-disciplinary task forces to investigate and prosecute human trafficking cases. These task forces embody the Department's victim-centered approach because they are specifically engineered to aid in uncovering victims, providing them with immediate protection and support, and then working with them to further investigate and prosecute the trafficker. In addition, task forces are a supreme force multiplier as the nation's numerous state and local police, occupational safety and health inspectors, and other enforcement officials are added to the limited number of federal law enforcement agents that are now in the field.

In July 2004, the Department hosted the first ever National Training Conference on Human Trafficking: *Rescuing Women and Children From Slavery*, in Tampa, Florida. The National Conference was designed to introduce the model of victim-centered investigations and the concept of human trafficking prosecutions through the creation of local task forces. Hosted by the Department and with a keynote speech by President Bush, the conference brought together more than 500 attendees, including 21 teams, each consisting of about 20 state, local, and federal officials who were willing to thereafter work together to combat human trafficking in their respective communities across America. Teams included the following members: United States Attorneys or designated Assistant United States Attorneys; Bureau of Immigration and Customs Enforcement Special Agents-In-Charge; Federal Bureau of Investigation Special Agents-In-Charge; local law enforcement agency special crimes and victims units; state and local prosecutors; and governmental and non-governmental organizations, especially faith and community-based victim services providers. The Department, with the assistance of the Civil Rights Division, invited participants from some of the most intense trafficking jurisdictions in the country at that time, such as Atlanta, Charlotte, Chicago, El Paso, Houston, Las Vegas, Long Island, Los Angeles, Miami, Newark, New Orleans, New York City, Washington, D.C., Philadelphia, Phoenix, Richmond, San Diego, San Francisco, St. Louis, Seattle, and Tampa.

President Bush, along with then-Attorney General John Ashcroft, announced the Department's anti-human trafficking task force initiative on July 16, 2004, at the Department's National Training Conference on Human Trafficking, where the President condemned human trafficking as an affront to America's fundamental values and committed his Administration to combating trafficking on every level at home and abroad. Regarding efforts to combat trafficking, the President remarked:

"We're supporting organizations that rescue the victims, passing stronger anti-trafficking laws, and warning travelers that they will be held to account for supporting this modern form of slavery. Women and children should never be exploited for pleasure or greed, anywhere on Earth..."

"The conference program provided a model of collaboration among service providers and law enforcement and underscored the necessity of teamwork in working to keep victims of trafficking front and center in both the prosecution and service delivery areas - it was a great kick off for the task force initiative."

-Florrie Burke, Senior Director of International Programs, Anti-Trafficking Program, SOLACE Program for Survivors of Torture, Safe Horizon

Then-Attorney General John Ashcroft set forth the Department's comprehensive anti-trafficking strategy: protecting the victims, prosecuting the perpetrators, and partnership-building that addresses, attacks, and prevents human trafficking. The Attorney General also noted that the Bush Administration had, up to that time, provided more than $35 million in funding to community-based service providers that aid trafficking victims, and he announced a further $14 million in support of the Department's task force initiative. Concurrently with the National Conference, the Department issued a funding solicitation entitled *Law Enforcement and Service Provider Multi-disciplinary Anti-Trafficking Task Forces*. The solicitation urged applicants to leverage existing federally-funded victim services efforts and to mirror the victim-focused federal, state, and non-governmental partnership that was the theme of the Conference. In the fall of 2004, the Bureau of Justice Assistance and the Office for Victims of Crime issued a joint request for concept papers to continue the coordinated law enforcement task forces and victim services initiatives. Federal funds made available through the request for concept papers were intended to support task forces or supplemental funding of current trafficking victim services providers in areas with pre-existing Bureau of Justice Assistance-funded task forces.

Task forces add to the Department's law enforcement resources the intelligence and expertise of locally based immigration agents, community- and faith -based social service providers, and local law enforcement, particularly special crimes and vice squads. These task forces recognize that local authorities, often more than federal officials, may be in the best position to find trafficking victims because of their familiarity with their jurisdictions, but might need the training and support of the federal government to recognize this crime for what it is. The task force approach leverages local knowledge and staff resources with strong federal statutes. The Department wants to provide local law enforcement with the tools needed to identify trafficking victims as they respond to a variety of complaints. Indeed, victims rescued in *United States v. Reddy*,[72] *United States v. Molina*,[73] and *United States v. Ramos*[74] were brought to the Department's attention through the activities of state and local law enforcement. Moreover, the task forces serve as a way to incorporate the non-governmental crime victim services organizations, funded by federal grant awards, into the law enforcement activities in their area. Local community- and faith -based organizations are essential to reaching those victims in communities that are isolated by geography, culture, or language.

72 *See* Part I, "An Introduction to Human Trafficking," above for a discussion about *United States v. Reddy*.

73 *See* Part V, "Halting Human Trafficking with a Record Number of Aggressive Investigations and Prosecutions," Section B, "Labor Trafficking," above for a discussion about *United States v. Molina*.

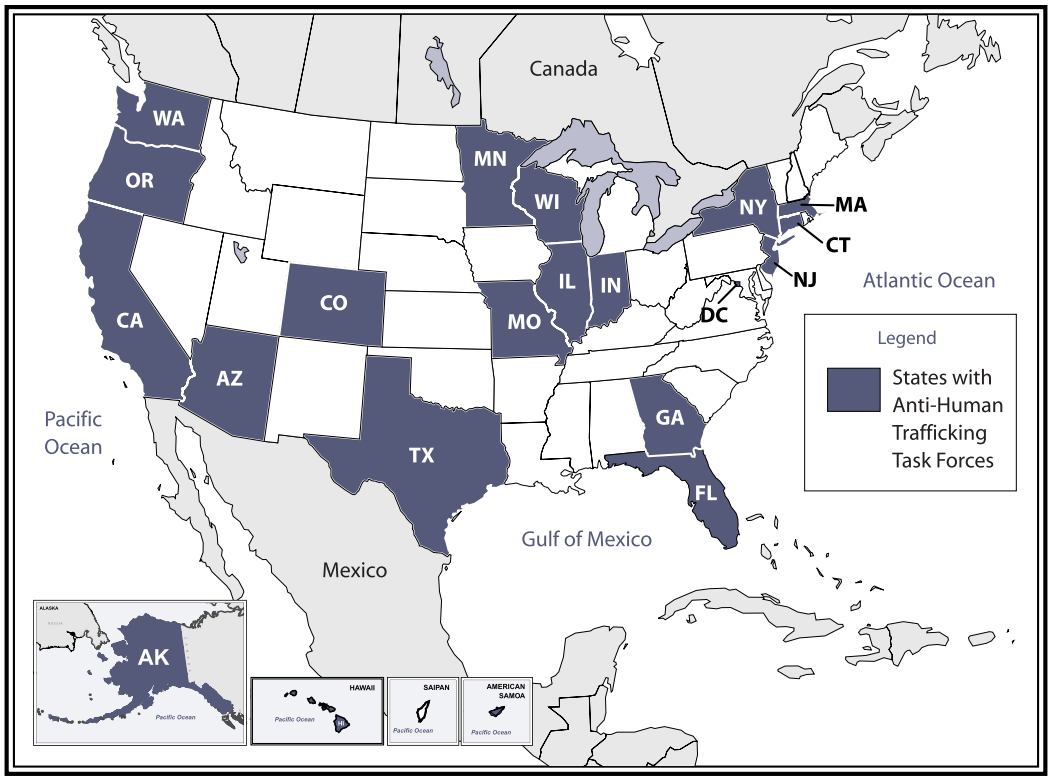
74 *See* Part V, "Halting Human Trafficking with a Record Number of Aggressive Investigations and Prosecutions," Section B, "Labor Trafficking," above for a discussion about *United States v. Ramos*.

The task force convened by the United States Attorney's Office for the Northern District of Texas presents a good illustration of governmental and non-governmental collaboration. In 2004, the United States Attorney for the Northern District of Texas established a working group consisting of representatives from the police departments of the Dallas-Fort Worth area, including Arlington, Coppell, Garland, Grand Prairie, Irving, and Richardson, and representatives from the Federal Bureau of Investigation, Bureau of Immigration and Customs Enforcement, Internal Revenue Service, and Department of Labor. The group's faith- and community-based partners include several charitable organizations such as Catholic Charities and Mosaic Family Services, Inc., which received grants from the Office for Victims of Crime to provide victim services and to assist with the formation and implementation of the task force.

Just prior to the conference, the Department had begun work on eight task forces. Immediately following the National Conference, the Department embarked on a 20-city training initiative designed to reinforce the training received at the National Conference and to institute nearly two dozen task forces. Within a year of the National Conference, 18 task forces were operating with Departmental support. There are now 32 task forces operating throughout the United States.

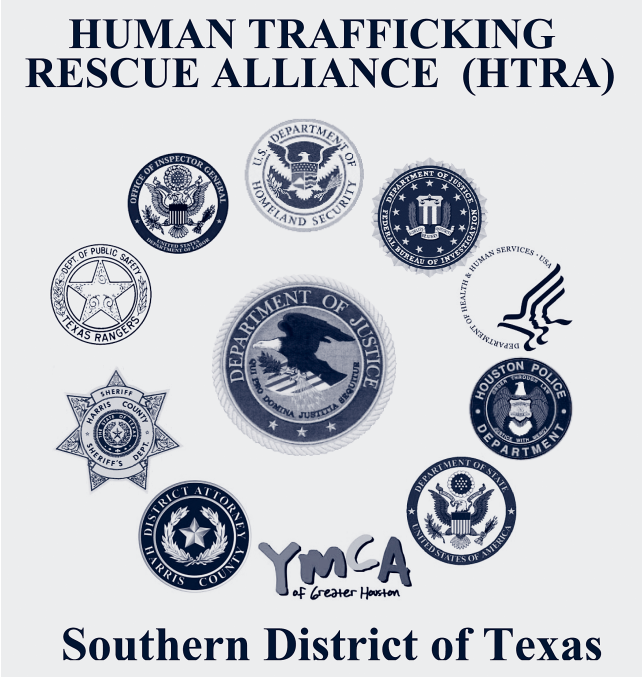
Each of the 32 task forces, funded in part through $13 million in grants from the Department's Bureau of Justice Assistance and the Office for Victims of Crime since fiscal year 2004, is coordinated through the local United States Attorney's Office and includes representatives of local FBI Field Offices and Bureau of Immigration and Customs Enforcement, as well as state and

FIGURE 7.



local law enforcement and social services agencies. In order to receive Department of Justice funding support and the assistance of the local United States Attorney, local law enforcement agencies and victim services providers are required to enter into a Memorandum of Understanding with all task force members committing themselves to collaborating together on investigations and assistance to victims. Applicants were invited to design task forces that best suited the needs of their local communities, and many task forces involve faith-based and other community organizations in their work. At their core, task forces include the local United States Attorney's Office; Federal Bureau of Investigation Field Offices; Immigration and Customs Enforcement agents; state and local law enforcement agencies; and social services agencies, including community-based victim services providers. As of June 2005, with reporting based only on the first six months of operation by the 18 task forces that existed at that time, 61 victims of severe trafficking had been identified and many more victims were rescued from environments where trafficking was occurring.

The Houston (Harris County, Texas) trafficking task force provides a meaningful illustration of the work and potential of the Department's multi-disciplinary task forces. In 2004, concerned that trafficking might fall into the cracks between civil rights and organized crime enforcement programs, the United States Attorney's Office for the Southern District of Texas formed the Human Trafficking Rescue Alliance with the Federal Bureau of Investigation, Bureau of Immigration and Customs Enforcement, Harris County Sheriff's Department, and a number of non-governmental organizations who had recently come together on the issue. The Rescue Alliance began with listening sessions of the stakeholders and moved to joint training for law enforcement and other community groups. Rescue Alliance members attended the Department's National Training Conference on Human Trafficking in Florida in July 2004, and pledged themselves to work together to combat trafficking. When the Bureau of Justice Assistance called for grant proposals, the working group was ready with a task force proposal that built upon and solidified their relationships. As the profile of this issue has grown, so has the demand for training on the part of state and local law enforcement, and the most recent training opportunity sponsored by this task force in November 2005 drew more than 300 participants. The United States Attorney's Office worked closely with the Civil Rights Division on training and task force development. As a result, they were able to transition seamlessly into jointly prosecuting cases when they arose. The regular meetings of the Rescue Alliance have solidified the relationship of the law enforcement participants with the Office for Victims of Crime and Health and Human Services victim services grantees, such as the YMCA of Houston and Catholic Charities.



One novel aspect of the Rescue Alliance has been to place Harris County Sheriff's Deputies with vice-squad experience in Federal Bureau of Investigation and Immigration and Customs Enforcement field offices on the squads tasked with trafficking investigations. Especially in the local Federal Bureau of Investigation field office, having a full-time investigator with extensive knowledge of the local landscape was invaluable, and his activities served as a catalyst for the other agents on the task force to work proactively to identify and dismantle trafficking rings. The inclusion of agents from the Texas Alcohol and Beverage Commission has proven instrumental in the success of the Rescue Alliance.

August 14, 2004

Houston Chronicle

Alliance forms to fight modern slavery in Texas

■ 'Ancient' crime exists in Houston, a U.S. official says

By HARVEY RICE
HOUSTON CHRONICLE

Ruth came to Houston from East Africa a year ago under a contract that promised $5.15 per hour for working a nine-hour day, six days per week taking care of her employer's household.

Instead, she said she found herself a prisoner working for no pay and enduring emotional and physical abuse.

"I was a slave," she said Friday.

Because local and federal police agencies often fail to recognize such victims of this modern slave trade, the U.S. attorney's office announced the formation Friday of the Human Trafficking Rescue Alliance, the fifth such group in the country and the first in Texas.

"This terrible crime, so ancient in its origins, exists right

Please see **SMUGGLING,** *Page A17*

SMUGGLING: U.S. raising the problem's profile

CONTINUED FROM PAGE A1

here in Houston, Texas," U.S. Attorney Michael Shelby said as he was joined by representatives of all major local and federal law enforcement agencies in Harris County and several nongovernmental social services organizations.

Shelby said the social services groups will be crucial to finding human-trafficking victims who may be too frightened to turn to police.

Ruth, whose true identity is being withheld because she fears retaliation from her former employer, is one of an estimated 16,000 immigrants who are kidnapped or tricked into coming into the United States and then coerced into prostitution or forced labor, according to the U.S. Justice Department.

She said she despaired until an acquaintance connected her with a program run by YMCA International Services.

Opening eyes of the law

The Texas Office of Immigration and Refugee Affairs says human trafficking is a multinational organized criminal industry generating billions of dollars per year. Most of the victims are women and children.

Shelby said traffickers include the Russian mafia and Asian triads as well as smugglers on the U.S.-Mexican border.

The newly formed alliance will train officers to spot atrafficking victim whom they otherwise might have arrested as a prostitute. The group also will coordinate investigation and prosecution of traffickers, improve the treatment and care of victims for use as witnesses in prosecutions and conduct regional conferences.

The alliance plans to duplicate itself in Brownsville, Corpus Christi, McAllen and Laredo.

"This task force and others like it are an important step toward ending the scourge of human trafficking and slavery," said U.S. Sen. John Cornyn, who recently authored a resolution calling for increased cooperation among Congress, federal and local law enforcement to end human trafficking.

Officials say they don't know how serious the problem is in Harris County because they have only recently been made aware of it.

District Attorney Chuck Rosenthal said he is unaware of any such cases in the county because law enforcement agencies have not been trained to identify the problem.

"We didn't know what we were looking at," Rosenthal said.

He said the creation of the task force will open local law enforcement's eyes to the crime, like changing your glasses prescription."

R. Alexander Acosta, assistant U.S. attorney general for civil rights, said, "We don't know what the trends are because the data has not been collected."

Acosta said he is reminded of

STEVE CAMPBELL/CHRONICLE
HUMAN TRAFFICKING: Most victims are women and children, including this woman who was held captive.

the seriousness of the crime by a crime-scene photo in his office, showing a teddy bear on a nightstand beside a bed.

The teddy bear belonged to a 14-year-old girl who was forced to have sex with as many as 30 men a day on the bed, he said.

"We simply must do a better job of identifying the victims and bringing human traffickers to justice," Cornyn said.

Efforts get results

Jeff Watkins, executive director of YMCA International Services, said his agency has treated only five victims since it received a $560,000, three-year grant from the Justice Department last year.

The money, which comes from fines and penalties paid by convicted criminals, is used in part to train police in spotting victims of human trafficking.

Watkins said the YMCA trained 1,500 Houston police officers in the past year and will help train other officers in the federal Southern District, which stretches from Huntsville to Brownsville and Laredo.

Last year, the Justice Department formed similar rescue alliances in Atlanta, Philadelphia, Phoenix and Tampa, Fla.

Shelby said the Houston alliance is the first of about a dozen the Justice Department plans to form this year.

An emphasis on the prosecution of human trafficking by the Justice Department led to a tripling of charges filed in the past three years, compared with the previous three years, although the 150 total remains small.

A 2000 federal law and a 2003 Texas law were aimed at human trafficking.

The Houston alliance will be coordinated by Assistant U.S. Attorneys Edward Gallagher and Ruben Perez.

harvey.rice@chron.com

A Houston Chronicle article regarding the formation of an anti-human trafficking task force in Harris County, Texas., August 14, 2004

Weapons seized in connection with a joint Bureau of Immigration and Customs Enforcement and Federal Bureau of Investigation in United States v. Soto-Huarto.

As a result of operations by the Rescue Alliance, two large-scale trafficking operations resulted in federal human trafficking indictments in the Houston area in the fall of 2005 – one involving allegations of Mexican women and girls forced into prostitution and another involving allegations that dozens of Central American women and girls were held in peonage in a "bar girl" operation. These prosecutions, which are pending at the time of this report,[75] could not have happened without the interagency approach and close cooperation with non-governmental service providers and advocacy groups that was fostered and intensified through the Bureau of Justice Assistance grant. The Rescue Alliance is an example of an energized and successful task force effort that successfully blends state, local, and federal personnel across traditional organized crime and civil rights approaches to work with the non-govern-

75 An indictment contains only charges and is not evidence of guilt. The defendants in these and any other cases cited in this report who have not been obtained convicted are presumed innocent and are entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

mental community in the best interests of the victims while seeking justice.

The Bureau of Justice Assistance, in collaboration with other federal partners, provides ongoing training and technical assistance to task forces. In 2005, the Bureau of Justice Assistance, in collaboration with the Civil Rights Division, the Office for Victims of Crime, and other experts, developed a specific training curriculum for law enforcement officers nationwide who may come into contact with trafficking victims. Entitled *Human Trafficking in the United States, Promoting Law Enforcement Awareness*, the curriculum is a flexible, one-day training course educating law enforcement officers about the basics of the phenomenon of human trafficking and a victim-centered approach to proactive investigation of potential cases. The curriculum provides an introduction to human trafficking, its victims, and offenders; a legal overview with a focus on the TVPA; investigative considerations and techniques; an overview of the role of victim services providers; the need for victim services and the types of services available; and immigration matters, including the role of immigration officials and remedies available to victims. The training program also reviews lessons on understanding the need for a formal multi-disciplinary approach towards human trafficking and an understanding of the important role of the community in law enforcement efforts. The training curriculum is unique in that it incorporates multimedia learning. Each participant is provided with multimedia resources to be used in training other officers and building greater community awareness and support. The course is taught by seasoned investigators who have handled trafficking cases as well as by national experts on trafficking issues.

In February 2005, the Bureau of Justice Assistance convened a conference of the 22 nascent task forces that had been instituted by that time. More than 115 individuals attended. Federal participants in the conference included representatives from within the Department as well the Departments of Homeland Security and Health and Human Services. The focus of the conference was to explain the degree of collaboration needed among federal, state, and local law enforcement, prosecution, and victim services agencies in order to effectively rescue victims and prosecute traffickers. Task force members were trained using the *Human Trafficking in the United States, Promoting Law Enforcement Awareness* curriculum. Future cross-training of task force members will enable the Department to build on that effort by sharing best practices and linking the groups' efforts across geographical lines.

The Human Trafficking Task Forces are just the approach we need to combat human trafficking. With all of us working as a team we will be more effective in this endeavor than we would be if we tried to combat human trafficking individually.

— Lt. Bill Rule, Collier County Sheriff's Office, Victim Services Bureau

B. Restoring Victims' Dignity

As discussed above,[76] the Department places a premium on enabling trafficking victims to achieve stable and secure lives. Federal investigators and prosecutors will therefore immediately refer a victim to victim services professionals for care. Again,

76 *See* Part III, "Scope of the Problem," Section B, "The Department Takes A Victim-Centered Approach to This Crime."

victims who are safe and healthy are better able to articulate to investigators and a court what has happened to them. Without victims' assistance, traffickers would rarely; if ever be held accountable for their crimes.

Credit: Vital Voices

Survivors of United States v. Mangurakagan, known as the "El Monte Thai Sweatshop" case, presented Civil Rights Division prosecutor Lou de Baca with the Paul and Sheila Wellstone Memorial Award for anti-trafficking activities at the Third Annual Freedom Network (USA) Conference in Los Angeles, California, March 2005.

In many cases, the referral process and the provision of services is expedited through relationships already established by task force partners. Some task forces have created innovative ways to connect victims identified through law enforcement activity with services. The United States Attorney's Office for the Middle District of Florida, for example, developed a compendium of victim services providers for use by task force members in Fort Myers, Jacksonville, and Tampa. The task force in Indianapolis, Indiana, coordinated through the United States Attorney's Office for the Southern District of Indiana, has partnered with the Indianapolis Family Justice Center to deliver services to victims of human trafficking that are funded by the Office for Victims of Crime. The Family Justice Center, created in connection with President Bush's Family Justice Center Initiative, a program that is administered by the Office on Violence Against Women, places services to families involved in domestic violence into a single facility. As the coordinator of services to victims of human trafficking, the Center makes the response to victims more efficient and effective.

Once potential cases of trafficking are uncovered, victims may become eligible for important services that help to keep them safe as they recover from their victimization. Trafficking victims, like all crime victims, may be eligible for services and benefits under the Victims of Crime Act, administered by the Office for Victims of Crime.[77] The TVPA, as amended, created

77 The Crime Victims Fund, 42 U.S.C. § 10601, established by the Victims of Crime Act of 1984, Pub. L. No. 98-473, title 2, ch. 14, 98 Stat. 1837 (codified as amended at 42 U.S.C. § 10601 *et. seq.*) ("VOCA"), is a major source of funding for victim services throughout the nation. The Office for Victims of Crime administers the Fund and distributes funding to the states on a formula basis to support crime victim assistance and crime victim compensation programs. Victim assistance includes lifeline victim services such as crisis intervention, emergency shelter and transportation, counseling, and criminal justice system advocacy. Crime victim compensation is a direct reimbursement to or on behalf of a crime victim for expenses such as medical costs. Trafficking victims may be eligible for support under the Crime Victims Fund, the TVPA, or both of these programs, depending on the circumstances of their cases and, in the case of the Crime Victims Fund, the specific guidelines of the state agency that administers the program.

new protections for alien victims.[78] Under the TVPA, victims are afforded:

- Immigration relief, in the form of an administrative change in immigration status known as "continued presence" as well as a temporary, non-immigrant visa known as the "T visa;"
- Access to refugee benefits;
- Adequate shelter, care, and protection;
- Legal assistance;
- Information and translation services; and
- Mandatory restitution.[79]

The TVPA authorizes similar victim services programs to be administered by the Department of Health and Human Services, thus requiring a significant amount of coordination between the Office for Victims of Crime and HHS. In 2004, the Office for Victims of Crime initiated regular coordination meetings with the Office of Refugee Resettlement, its counterpart agency at HHS. The group is known as the Human Trafficking Victim Services Coordination Working Group. By working together, both agencies maximize their resources and exchange information to improve the provision of victim services. For example, although both agencies may fund grantees that provide services to pre-certified trafficking victims, the Office for Victims of Crime has agreed to restrict its grantees to provide services to victims of trafficking before they are certified as victims of a "severe form of trafficking" by HHS, with few exceptions.[80] Both agencies also work together to avoid gaps in geographical areas that are covered by their grantees.

Since fiscal year 2003, the Office for Victims of Crime has funded 20 victim services providers to assist pre-certified victims of trafficking in the United States, one grant to the headquarters of the Salvation Army to work with its territorial divisions to provide shelter to trafficking victims, and one grant to an organization to provide technical assistance.

Since January 2003, Office for Victims of Crime-funded grantees have served 741 pre-certified trafficking victims. The Department, in cooperation with other law enforcement agencies, has assisted 687 victims to obtain continued presence immigration status, allowing them to remain in the country and to receive benefits and services.[81]

The period between being rescued and receiving certification is the time when victims are most vulnerable. They typically have a host of needs that include housing, clothing, and food; medical, dental, and psychological care; legal assistance and immigration advocacy; and interpretation

78 TVPA, Pub. L. No. 106-386, § 107(b)(1) (codified at 22 U.S.C. § 7105(b)(1)).

79 *Id*.

80 Victim service grants funded through the TVPA are not available to provide services to victims who are United States citizens. However, service providers funded by the Office for Victims of Crime or the Department of Health and Human Services may have other sources of funding to assist those individuals. *See* footnote 77.

81 The TVPA's victim provisions were intended to address the inability of alien victims to access publicly-funded programs because of their immigration status or lack thereof. Trafficking victims who are United States citizens are not barred from accessing publicly funded crime victim services programs, such as those provided under the Victims of Crime Act of 1984. 42 U.S.C. § 10601.

Julia Gabriel during the investigation of the migrant worker trafficking case United States v. Flores.

Civil Rights Division prosecutors first met Julia Gabriel during the investigation of the migrant worker trafficking case United States v. Flores. Gabriel bravely testified against her traffickers, who are now serving 15 year sentences as a result of her efforts. Since her escape and the incarceration of her traffickers, Gabriel provided critical assistance to young girls and women enslaved in brothels in the sex trafficking case United States v. Cadena. She has been active with the Coalition of Immokolee Workers, whose anti-slavery program has resulted in a number of prosecutions in South Florida. Since 2001, Ms. Gabriel has regularly taught at the Department's National Advocacy Center and the FBI Academy, giving agents and prosecutors the perspective of a survivor who has been through the system and become a powerful advocate for victims of this crime. In 2003, with Romeo Ramirez, a survivor of United States v. Cuello, and Lucas Benitez of the Coalition of Immokolee Workers, Gabriel was honored by the Robert F. Kennedy ("RFK") Memorial Center for Human Rights with the 2003 Human Rights Award. This was the first time in the RFK Human Rights Award's twenty-year history that it honored persons active in the United States.

services. However, few organizations or communities have the resources to provide or fund these services. The Office for Victims of Crime grant program helps communities to fill this critical service gap and, in the process, supports victims' abilities to cooperate with law enforcement. Immigrant victims are offered culturally and linguistically appropriate services and may, if needed, petition for T visas that allow them to remain in the United States legally. Some organizations are specifically prepared to provide immediate assistance in crisis situations until the services of a local victim services provider can be obtained.

The Office for Victims of Crime supports the work of the victim services providers it funds with technical assistance that is made available through workshops, on-site consultation, and via the Internet. Office for Victims of Crime training and technical assistance include mentoring guides and safety protocols for providers and personal safety information for victims. Grantees also provide training to local police and non-governmental organizations. Since fiscal year 2003, approximately 38,600 persons have been trained through the efforts of Office for Victims of Crime grantees. Training topics have included the dynamics of trafficking, the legal definition of trafficking under the TVPA, legal rights and services for trafficking victims, and cultural considerations in serving these victims. The Office for Victims of Crime and the National Institute of Justice are studying effective approaches to victim service delivery and plan to publish an evaluation of field-tested services in 2006.

CAST Shelter

The Coalition to Abolish Slavery CAST

CAST was established in 1998 in Los Angeles, California, in the aftermath of the El Monte sweat-shop raids, which uncovered a human trafficking ring enslaving over 70 Thai victims in horrific conditions and helped to bring national attention to slavery in its modern-day form. CAST is a non-governmental organization dedicated exclusively to serving survivors of trafficking.

One year after its establishment, CAST founded the first anti-trafficking task force in the country, which laid the foundation for the recently formed Los Angeles Metropolitan Task Force on Human Trafficking funded by the Bureau of Justice Assistance in 2004. Launched in 2003 with the support of discretionary funding from Office for Victims of Crime, CAST's Enhanced Crisis Response Project facilitated expansion of CAST's program of comprehensive victim-centered social services. CAST focuses on victim empowerment.

In May 2004, with funding from the Office for Victims of Crime, CAST founded the nation's first shelter exclusively for trafficking victims. Still the only shelter of its kind, it has become an exemplary model for other housing programs. Clients establish a sense of safety, stability, hope, and renewal. The Department has awarded CAST nearly $1.9 million between fiscal years 2003 and 2006.

In addition to the work of the Office for Victims of Crime, the Office on Violence Against Women has, since 2001, provided more than $700,000 for technical assistance projects that assist Office on Violence Against Women grantees in providing services to trafficking victims if they have also been victims of domestic violence, sexual assault, or stalking. For example the Family Violence Prevention Fund used Office on Violence Against Women funding in 2003 to establish a project aimed at improving collaborative responses to trafficked victims of domestic violence and sexual assault. The main goal of the project was to build multi-disciplinary collaborations between service providers and law enforcement to effectively and appropriately assist trafficking victims in Georgia and Washington. Plans are underway to expand the project into Alaska.

C. Public Awareness Supports Proactive Investigations

Public awareness is essential to proactive investigations that uncover victims. The Department works to motivate communities, especially anti-human trafficking task forces, to increase awareness among law enforcement, various government inspectors (especially health code, wage and hour, and occupational safety and health agents), hospitals and other medical providers, social services agencies, and community- and faith-based organizations. Increased public awareness can make a difference. For example, the pros-

ecutions in United States v. Soto[82] and United States v. Kil Soo Lee[83] were brought to the attention of federal law enforcement through referrals by non-governmental organizations that work with populations at risk for trafficking. The Civil Rights Division's investigation and prosecution of Kil Soo Lee resulted in the single largest rescue of trafficking victims in the Department's history. In this case, Kil Soo Lee, the Korean owner of a sweatshop in American Samoa, held over 200 Vietnamese and Chinese seamstresses in the Daewoosa Samoa garment factory in involuntary servitude. Over the course of two years, the workers were deprived of food, beaten, and physically restrained in order to force them to work. Lee was convicted in 2002, and in June 2005 he was sentenced to 40 years in prison. This case is a prime example of the prosecutorial success our anti-trafficking efforts can experience as a result of close cooperation with our non-governmental partners.

"We must make it as easy as possible for these victims to know that aid and comfort have arrived. The Catholic Coalition to Combat Trafficking...also conducts public outreach and advocates on behalf of victims.... I will also ask our pastors to communicate the goals of this campaign to every active religious and layperson.... There should be no zones where this mission of love and redemption does not reach."

-Archbishop John J. Myers, Archdiocese of Newark, at the National Training Conference on Human Trafficking, July 16, 2004.

Increased outreach and public awareness is critical to the investigation and prosecution of human trafficking cases. The Department established a toll-free telephone complaint line in 2000 to receive allegations of trafficking from individuals ready to report to law enforcement, creating a mechanism that has substantially increased the number of investigations initiated by the Civil Rights Division.[84]

Since 2003, the Department has made available a brochure describing its processes and resources to assist non-governmental organizations in dealing with trafficking victims and the Department in a more efficient way. Through outreach, America's communities, particularly immigrant communities, are better educated about this crime and how to report possible cases. Moreover, increased public awareness about this crime and the benefits available to its victims can eliminate important aspects of the leverage that traffickers hold over their victims.

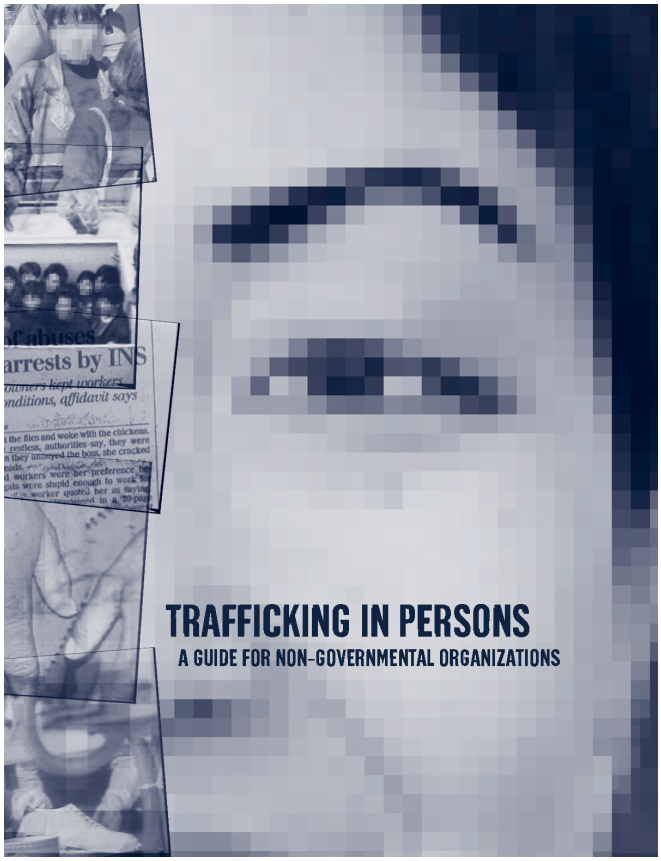
As a result, all components speak publicly about trafficking and the Department's activities to combat this crime to state, local, and foreign legislators, law enforcement officers, prosecutors, and non-governmental

82 *See* Part V, "Halting Human Trafficking with a Record Number of Aggressive Investigations and Prosecutions," Section B, "Labor Trafficking," above for a discussion about *United States v. Soto.*

83 *United States v. Kil Soo Lee,* 159 F. Supp. 2d 1241 (D. Haw. 2001).

84 HHS also created a toll-free number for victims to call to receive emergency services. Calls received from individuals who are ready to report to law enforcement are then forwarded to the Department of Justice for possible action.

victim advocacy and services organizations. The Civil Rights Division, for example, has delivered more than 200 presentations around the nation since fiscal year 2001. Office for Victims of Crime grants to 21 human trafficking victim services providers under the TVPA include funding to increase public awareness in the communities they serve. Civil Rights Division representatives continuously emphasize the important role that faith-and community-based organizations can play. Because of their proximity to the communities they serve, they can provide immense intelligence about potential criminal enterprises and trafficking victims, and to provide immediate, crisis care, and long-term programs that help to prevent further victimization. The Federal Bureau of Investigation Civil Rights Unit has appeared on national television and local radio programs that highlight, define, and expose trafficking to the general public, including CNBC, Donny Deutche's The Big Idea, and WMAL AM 630's "Danger Zone" with Richard Carlson, a Washington, D.C.-area radio program. The Civil Rights Unit has also provided human trafficking-related training presentations at various non-governmental conferences, such as the International Association of Labor Standards Annual Conference in Memphis, Tennessee, and the National Organization of Women's Annual Conference in Los Angeles, California. The Child Exploitation and Obscenity Section is also actively engaged in promoting the Department's strategy of multi-disciplinary cooperation that emphasizes the victim-centered approach to combating domestic child prostitution with non-governmental organizations such as the United States Conference of Catholic Bishops.



A copy of the Department of Justice's Guide for Non-Governmental Organizations regarding human trafficking is publicly available at on the Department's Web site at http://www.usdoj.gov/crt/crim/wetf/trafficbrochure.pdf.

United States Attorneys' Offices are also involved in providing outreach and education about human trafficking within their districts. The United States Attorney's Office for the Southern District of California, for example, has hosted five conferences on human trafficking since October 2001. Each of these conferences has provided training to local law enforcement and non-governmental organizations serving trafficking victims about applicable statutes and resources available for victims. These conferences have resulted in long-standing relationships between federal prosecutors and law enforcement, state and local police, and

numerous local service-providers, such as the Bilateral Safety Corridor Coalition, a coalition of over 60 governmental and non-governmental organizations located along the United States-Mexican border that are dedicated to combating slavery and human trafficking in southern California. Another example is the efforts of the United States Attorney's Office for the District of Connecticut, which convened a meeting in May 2004 of federal and state agencies to explore why human trafficking cases had not been prosecuted in this jurisdiction. In September 2004, this office convened a training conference intended to educate federal, state, and local law enforcement and victim services providers about human trafficking and how to identify resources, including federal grant opportunities. The result of these efforts has been the creation of an anti-human trafficking task force that includes the Connecticut State Police, Federal Bureau of Investigation, Immigration and Customs Enforcement, Social Security Administration, State Department's Diplomatic Security Service, and United States Coast Guard, as well as non-governmental organizations serving trafficking victims.

Who would have known what would be waiting for me there instead? Since the day I arrived, I had to live like an animal. [The karaoke bar] was a prison that was filled with nothing but curses, threats, and beatings.

- "Ms. Kim," a 31-year old victim in United States v. Kwon Soon Oh, a sex trafficking case.

D. Promoting Foreign Criminalization and Prosecution of Human Trafficking

As discussed above,[85] the President has directed federal agencies to use all diplomatic and foreign assistance tools in the nation's effort to abolish human trafficking. The Department has had an important role in advancing this directive. The Department's primary goal in this regard is to promote the efforts of foreign governments to criminalize human trafficking and to enhance their capacity to investigate and prosecute these crimes through the President's international human rights initiative; by collaborating with foreign law enforcement agencies on human trafficking cases; by supporting foreign training and technical assistance programs; and by meeting with and educating foreign officials and non-governmental organizations who visit the United States to learn more about our nation's response to this crime.

1. The President's International Initiative to Combat Human Trafficking

In September 2003, in an address to the United Nations General Assembly, Presi-dent Bush announced a $50 million international initiative to combat human trafficking. This initiative will increase the capacity of several source and destination countries to combat trafficking. Specifically, the President's initiative aims to replicate our victim-centered prosecutions through multi-disciplinary task forces and increased outreach in Cambodia,[86] India, Indonesia, Mexico, Moldova, and Tanzania.

85 *See*, Part II, "An Administration Priority."

86 OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPT. OF STATE, TRAFFICKING IN PERSONS REP. (2005). The Department's work with Cambodia has been postponed due to reports by the State Department of corruption in the Cambodian Government.

The Department has been actively involved in the design, development, and implementation of this initiative. Working primarily through the Civil Rights Division, and with the assistance of the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training and the International Criminal Investigative Training Assistance Program, the Department coordinated with the Departments of Health and Human Services, Labor, and State, as well as the United States Agency for International Development, to develop the capacity of foreign governments to investigate and prosecute human trafficking cases, and to develop partnerships with non-governmental organizations to prevent the vulnerable from becoming victims and to protect and help heal victims. The interagency working group found the lessons learned by the Civil Rights Division in its prosecution of trafficking cases and its organization of trafficking task forces a valuable model for the implementation of the President's international initiative. The objective of the initiative thus became the institution of multi-disciplinary efforts to combat human trafficking in particular geographic regions. In practice, this would mean that programs to promote awareness raising, victim shelters, and police and prosecutor training would be established and supported in a collaborative effort by each of the participating federal agencies. The Department designs country assessments to help the United States Government better understand the nature of the trafficking problem in a particular area and to inventory what efforts are currently underway.

The victims of sex trade see little of life before they see the very worst of life — an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.

–President George W. Bush, speaking to the United Nation's General Assembly, September 23, 2003

The first task is to gain a foundational understanding of human trafficking within the host country by answering such questions as: Who are the victims and where do they come from? What kind of coercion is used to control the victims? What are the historical and cultural factors that influence trafficking or the response to it? Is there trafficking of minors into sexual exploitation? What industries tend to have labor trafficking? Next, the Department's trafficking experts design a matrix of the necessary tools that would be required to rescue particular victims, place them into restorative care, and hold perpetrators accountable.

Once the assessment is completed, the United States government, through the local United States Embassy, and the host government enter into a Letter of Agreement ("LOA") that states the roles and responsibilities of both parties and the level of funding to be provided in connection with the President's initiative. Department team members then coordinate with the other federal

agencies to deploy training and other capacity building and to assign to the host country personnel from the United States government to provide expertise and mentoring to those working on the anti-trafficking project. A primary goal of every LOA entered into in connection with the President's initiative is the Department's imperative to rescue victims and hold perpetrators accountable. The President's initiative was designed to place a clear emphasis on results that change lives of victims and their families.

The United States government's work with the Mexican government in connection with this initiative presents a useful illustration of the Department's work. Since 2003, the Department's Civil Rights and Criminal Divisions have been actively conducting country planning sessions in Mexico[87] in connection with the President's international human trafficking initiative. A significant number of senior United States law enforcement specialists met repeatedly over the past year with their counterparts from the Mexican government before a final LOA was signed in mid-2005. As a result, both partners have a clear understanding of how the President's program will be implemented. One significant factor in the United States-Mexico anti-trafficking partnership is an agreement to work together on cases that involve criminal trafficking enterprises that are active on both sides of the border.

FOREIGN COUNTRY HUMAN TRAFFICKING ASSESSMENTS BY THE DEPARTMENT OF JUSTICE

What is the current statutory framework?

What is the capacity of police to investigate trafficking offenses?

What is the level of prosecutorial skill and interest in trafficking victims?

What is the current state of services for victim shelter and restoration by both governmental and non-governmental organizations?

What is the current level of cooperation among prospective anti-trafficking team members?

What is the level of political will and interest among those government officials who would implement the plan?

2. Collaboration with Foreign Law Enforcement

Another important Departmental component in the international arena is the Office of International Affairs of the Criminal Division, which serves as the link between federal, state, and local anti-trafficking efforts and foreign prosecution and judicial authorities. Good working partnerships with foreign governments have been essential to the Department's efforts to combat human trafficking. The Office of Inter-

87 As of January 2006, the Department's human trafficking experts have conducted assessments in connection with the President's international human trafficking initiative in Cambodia, India, Indonesia, Mexico, Moldova, and Tanzania. In addition, the Civil Rights Division has detailed an attorney to the United States Embassy in Moldova to work on that country's anti-human trafficking efforts.

The Civil Rights Division's T. March Bell, Senior Counsel for Human Trafficking (far left) and Sally Newmann, a Department of State Program Officer (far right) with participants in a trafficking training seminar in Tanzania.

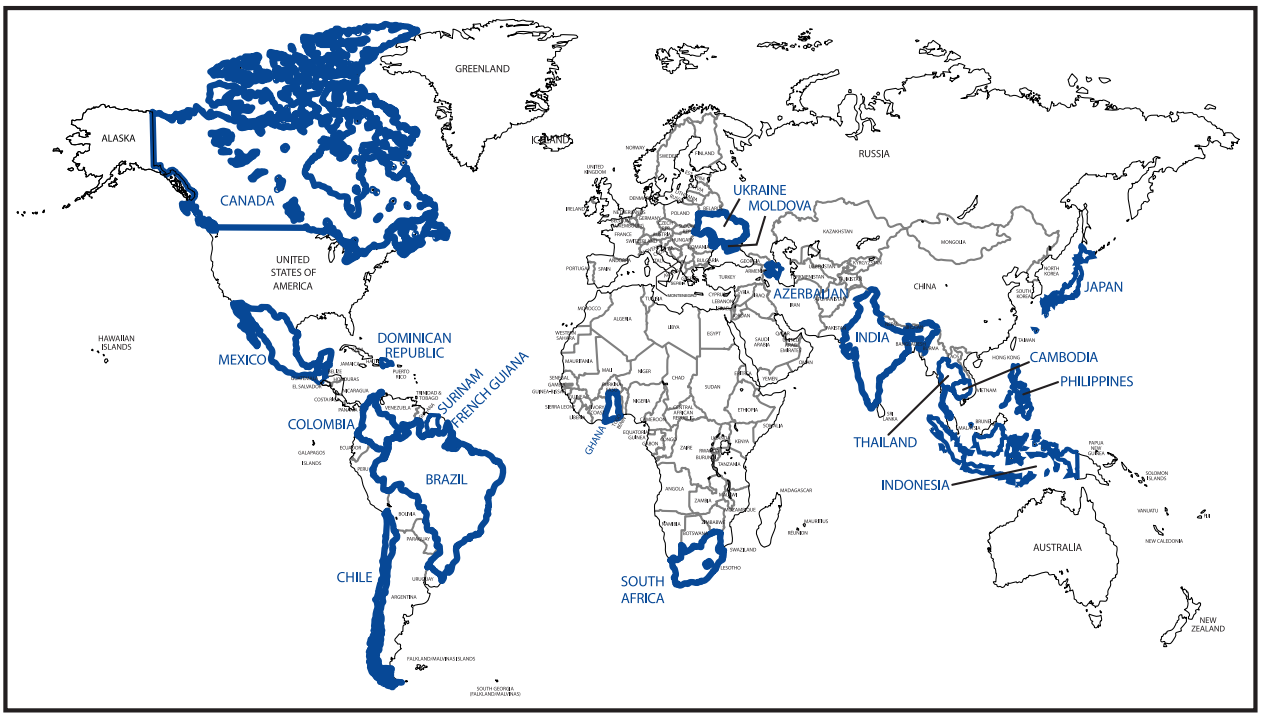
national Affairs' most significant contribution to anti-trafficking efforts of the United States government has been to assist in gathering evidence from abroad and to assist foreign prosecutors in gathering evidence located in our country. For example, in *United States v. Carreto*,[88] Mexican nationals were accused of recruiting uneducated women and girls from impoverished areas of Mexico and compelling them to prostitute themselves in both Mexico and New York. Carreto's victims were forced to service up to 20 men a day as prostitutes and were beaten if they did not make enough money during a single day or if they attempted to hide the money they made. One victim was also forced to have an abortion.[89] The Office of International Affairs, in collaboration with the United States Attorney's Office for the Eastern District of New York, helped secure testimony as well as documentary and physical evidence gathered by Mexican authorities in their investigations of the Carretos' transnational operation. Similarly, the Office of International Affairs secured evidence and testimony from Russia in support of a federal prosecution by the United States Attorney's Office for the Central District of California of a defendant prosecuted for trafficking her niece into the United States and forcing her into prostitution.[90]

The Office of International Affairs also works to extradite traffickers from foreign nations to the United States and from our country to foreign nations for prosecution. On September 28, 2005, Mexico provisionally arrested a Mexican national pursued by the United States Attorney's Office for the Southern District of Florida on charges including conspiracy, alien smuggling, and transporting women and minors for purposes of prostitution between August 1996 and February 1998. The victims, who reportedly did not know their fate until they arrived in the United States, were not allowed to leave the brothels until they paid a smuggling fee to the accused, who allegedly took 70% of the prostitution proceeds.[91]

Since fiscal year 2003, the Federal Bureau of Investigation has participated in the Southeast European Cooperative Initiative, a multilateral organization designed to combat trans-border crime and develop closer law enforcement coordination among its members. The Bureau has detailed agents to Albania, Bulgaria, and Romania to work on trafficking issues in support of this initiative. The Southeast European Cooperative Initiative Regional Center for Combating Trans-Border Crime in Bucharest, Romania,

88 *United States v. Carreto*, No. 04-140 (E.D.N.Y. 2004).
89 *Id.*
90 *United States v. Okhotina*, No. 05-0399 (C.D. Cal. 2005).
91 *United States v. Cadena*, No. 98-14015 (S.D. Fla. 1998).

FIGURE 8.



Locations of foreign training and technical assistance programs.

coordinates southeastern European police and customs regional actions for preventing and combating trans-border crime, including trafficking in persons and migrant smuggling. The following twelve countries are actively involved with the Center: Albania, the Federation of Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Serbia and Montenegro, Slovenia, and Turkey.

3. Foreign Training and Technical Assistance Programs

Dismantling transnational human trafficking networks requires a willingness and ability to work closely with our foreign partners in countries where victims are recruited. Consequently, the Civil Rights and Criminal Divisions and the United States Attorneys' Offices are actively involved in outreach and providing technical assistance to foreign governments and non-governmental organizations. Since 2002, Civil Rights Division officials have addressed international gatherings convened in countries such as Azerbaijan, Belize, Brazil, Cambodia, Canada, China, Colombia, the Dominican Republic, El Salvador, Guatemala, Hungary, India, Indonesia, Japan, Mexico, Moldova, Philippines, South Africa, Suriname, Thailand, and Ukraine to encourage a coordinated response to human trafficking worldwide. These events are attended by foreign law enforcement executives, prosecutors, judges, and non-governmental organizations that advocate on behalf of or provide assistance to trafficking victims.

The Department's experts have also assisted their counterparts in other countries with assistance in developing a victim-

centered response to human trafficking through meetings and training workshops. For example, many foreign governments host their own training in partnership with the United States Embassy. Lasting a week to two weeks, the Department's attorneys, investigators, and victim specialists teach critical skills such as evidence gathering, proactive investigations, and victim interviews. Workshops provide an opportunity to practice skills and learn new law enforcement methods that reflect the lessons that the Department has learned in investigating and prosecuting these cases. The Department's consistent theme in each of these events is to present the crime of human trafficking as a multi-disciplinary challenge requiring collaboration among governmental and non-governmental agencies. The Department has learned that a critical need in many developing countries is the ability to develop a framework for governmental and non-governmental organizations to collaborate, particularly as it concerns the protection of victims and programs to prevent further victimization.

The Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training and its sister organization, the International Criminal Investigative Training Assistance Program, work to build effective partnerships with other law enforcement agencies sharing the goal of eradicating predatory trafficking groups. Between fiscal years 2001 and 2005, the Office of Overseas Prosecutorial Development, Assistance and Training conducted a total of 142 training and technical assistance programs involving 25 countries.

The Criminal Division's International Criminal Investigative Training Assistance Program has partnered with 12 nations – Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Costa Rica, Georgia, Indonesia, Macedonia, Nigeria, Ukraine, Russia, and Senegal – to build local capacity to prevent and combat trafficking in persons. International Criminal Investigative Training Assistance Program projects have included training foreign police on how to properly identify and investigate trafficking cases, especially techniques for interviewing victims. Activities have also included developing strike forces and specialized anti-trafficking police units; providing equipment and information technologies to manage trafficking-related cases; and developing law enforcement manuals to assist police in conducting investigations, making arrests, and rescuing victims.

THE COMMONWEALTH FUND

Assistant United States Attorney Susan Coppedge in the Northern District of Georgia was selected as a recipient of the 2006 Ian Axford New Zealand Fellowship in Public Policy to study human trafficking issues in New Zealand by the Commonwealth Fund. Ian Axford Fellowships in Public Policy give outstanding mid-career American professionals opportunities to study, travel, and gain practical experience in public policy in New Zealand, including firsthand knowledge of economic, social, and political reforms and management of the government sector.

AUSA Coppedge will work to strengthen anti-trafficking policies and laws in New Zealand. She plans to develop a comparative analysis of New Zealand and American approaches to combating human trafficking. During her six-month fellowship, AUSA Coppedge will be based with the New Zealand Ministry of Justice and the New Zealand Police.

Department experts also participate in regional, multilateral consultations between law enforcement executives that promote international cooperation between the country of victim origin and the destination country, such as the Southeast European Cooperative Initiative, which is discussed in more detail above. Attendees at workshops conducted by the Department are often law enforcement executives who can take information and put it into practice. In one recent example, Department lawyers relied upon contacts made through these training sessions to assist a country in arresting recruiters who held the children of trafficking victims as hostages to prevent the victims from providing evidence to assist in a United States prosecution.[92] In another example, representatives of the United States Attorney's Office for the Middle District of Florida, along with its task force members from the Collier County Sheriff's Office, the Immigrant Rights Advocacy Center, and the Florida State University Center for the Advancement of Human Rights, traveled to Central America in late 2004 to educate governmental leaders about the efforts of their task force to combat human trafficking and provide assistance to its victims.

4. Educating Foreign Visitors to the United States

The Civil Rights Division, the Criminal Division's Child Exploitation and Obscenity Section, the Federal Bureau of Investigation, and the Office for Victims of Crime supplement the Department's foreign assistance programs by providing technical assistance and informational briefings to foreign delegations to the United States.

In addition, some United States Attorney Offices, particularly in connection with their local task forces, have been involved in training and educating visitors from foreign governmental and non-governmental organizations about strategies to combat human trafficking. An example is the United States Attorney's Office for the Western District of Washington, where the Seattle offices of the Bureau of Immigration and Customs Enforcement, the Federal Bureau of Investigation, and the United States Department of Labor's Office of the Inspector General have worked together to share information about efforts to combat human trafficking with officials and visitors from countries such as Brazil, Germany, Mexico, France, Italy, and Spain, and with organizations like the World Affairs Council.

The Department also works with foreign governments to adopt legislation that aids in the investigation and prosecution of traffickers and the protection of victims. Through the Office of Overseas Prosecutorial Development, Assistance and Training, the Department's trafficking experts in the Civil Rights Division, Child Exploitation and Obscenity Section, and United States Attorneys' Offices assist foreign governments with the development and ratification of anti-human trafficking legislation to help ensure that foreign governments adopt laws that are victim-centered and compliant with the Palermo Protocol.[93] For example, in fiscal year 2004 alone, Civil Rights Division attorneys and the Division's victim-witness coordinator have conducted training sessions and have assisted in drafting trafficking legislation in Asia, Africa, Europe, the Caribbean, North America, and

92 *United States v. Carreto*, No. 04-140 (E.D.N.Y. 2004).

93 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, U.N. Doc. A/55/383 (2000) (entered into force on Dec. 25, 2003; signed by the United States on December 3, 2005).

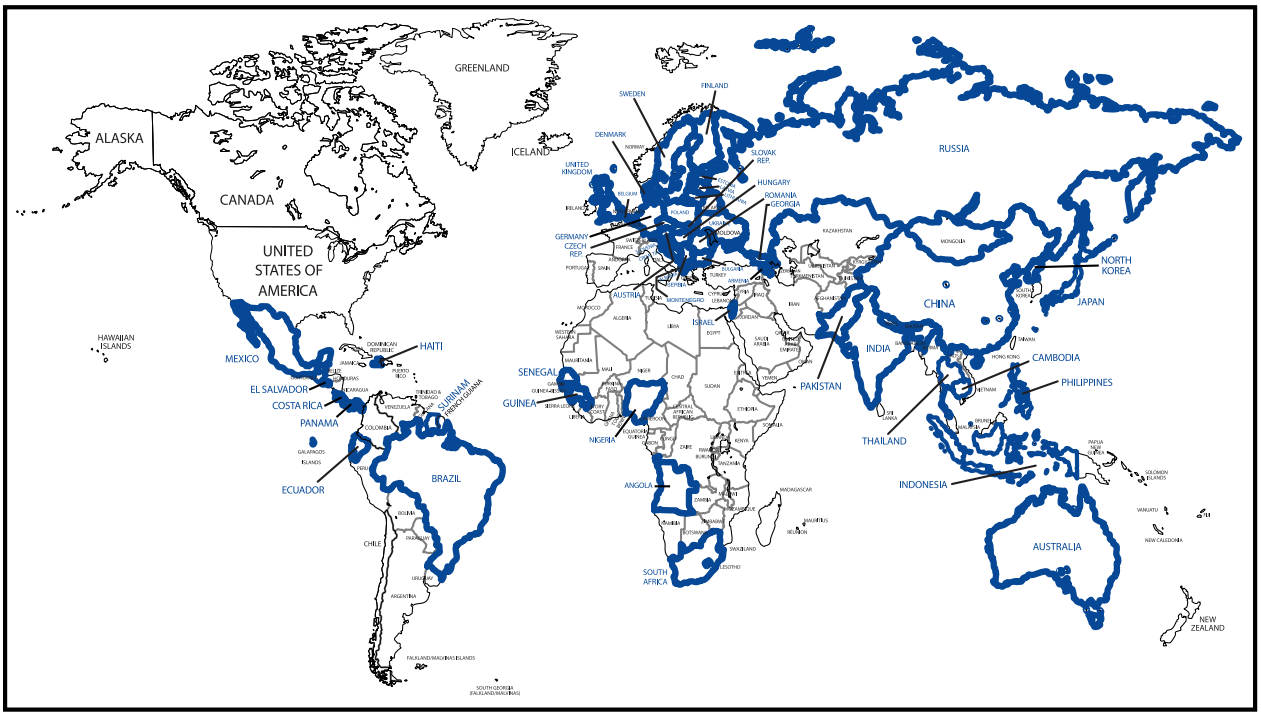
South America, in coordination with the Office of Overseas Prosecutorial Development, Assistance and Training. These training sessions emphasize the Department's experience in investigating and prosecuting these cases, collecting evidence, and keeping the victims safe.

In fiscal year 2004, the Office of Overseas Prosecutorial Development, Assistance and Training and the International Criminal Investigative Training Assistance Program assisted 7 foreign nations with legislation that directly or indirectly furthered anti-human trafficking efforts. The Office of Overseas Prosecutorial Development, Assistance and Training provides substantial technical assistance based on a victim-centered strategy known commonly as the "Three Ps of Trafficking in Persons: Prevention, Protection, and Prosecution." Technical assistance by the Office of Overseas Prosecutorial Development, Assistance and Training includes educating and developing joint projects with foreign law enforcement officials geared to strengthening their capacity to prevent transnational trafficking; protect victim witnesses and thereby encourage their participation in investigations and prosecutions; and effectively investigate and prosecute trafficking cases. The office also works with host countries on developing evidence collection techniques which can generate evidence usable in prosecutions either here in the United States or in a foreign country.

The Federal Bureau of Investigation, working through the Office of Overseas Prosecutorial Development, Assistance and Training, has provided training programs in Azerbaijan, Suriname, and Ghana. In fiscal year 2004, the FBI trained 50 international visitors, including officials from Australia, India, Pakistan, South Africa, Haiti, and England. In addition, the Bureau's Civil Rights, Asian Criminal Enterprise, and Crimes Against Children Units conducted a training session at the British Embassy in November 2005 during a program jointly sponsored by the British Embassy and Women in Federal Law Enforcement. This program provided attendees with statutory definitions for severe forms of trafficking; discussed victim indicators needed to help law enforcement identify victims, such as non-English speakers, the absence immigrant documents, and low paying occupations; and covered the advantages of the Department's victim-centered approach, the use of local anti-human trafficking task forces, and other best practices.

Another component of the Department's international human trafficking program is activities to prevent victimization. An important step towards prevention is the Department's efforts to increase international public awareness about human trafficking. Raising the visibility of human trafficking and the efforts of the United States government to combat it encourages foreign governments to take victim-centered action to prevent, uncover, and prosecute cases of human trafficking. International public awareness is increased through activities of the Civil Rights Division, the Federal Bureau of Investigation, the Office of Justice Programs, the Office on Violence Against Women, and United States Attorneys' Offices working through the Office of Overseas Prosecutorial Development, Assistance and Training and the International Criminal Investigative Training Assistance Program in connection with briefings for foreign delegations and training programs. These training programs provide foreign parties – law enforcement officials, prosecutors, legislators, and non-governmental organizations – with information about the strategies the Department has employed to combat trafficking. Federal investigators and prosecu-

FIGURE 9.



Locations of international efforts

tors share lessons learned in prosecuting these cases, building local multi-disciplinary task forces, and providing services and protection for victims.

As a further part of the Department's international efforts, the Criminal Division's Child Exploitation and Obscenity Section has trained attorneys and investigators from numerous countries on sex trafficking of children. Child Exploitation and Obscenity Section staff have trained individuals from Albania, Angola, Armenia, Austria, the Balkans, Belgium, Belize, Bosnia, Brazil, Bulgaria, China, Costa Rica, Council of Baltic States (11 Baltic nations), Croatia, Czech Republic, El Salvador, Ecuador, Georgia, Germany, Guinea, Hungary, Indonesia, Israel, Japan, Korea, Lithuania, Latvia, Macedonia, Mexico, Montenegro, Nigeria, Panama, the Philippines, Poland, Romania, Russia, Senegal, Serbia, Slovenia, South Africa, Suriname, Thailand, the United Kingdom, and the Ukraine, among others.

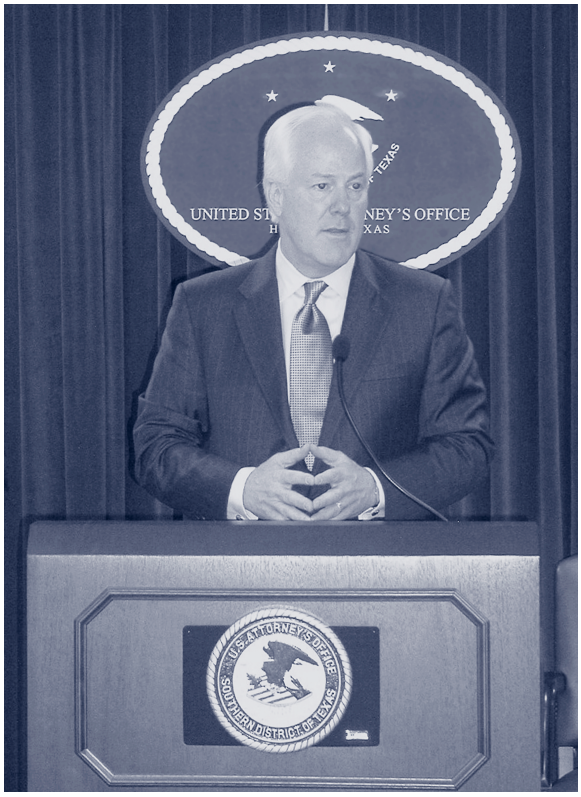
States, governors, and legislatures can help by adopting anti-trafficking laws. The Justice Department has created a model state anti-trafficking law, and I intend to send a copy of it to every governor and legislative leader in those 40-plus states that do not yet have their own anti-trafficking laws.

-Attorney General Alberto R. Gonzales at the Hoover Institution Board of Overseers Conference, February 28, 2005

E. Fostering State, Local, and Non-Governmental Activities to Combat Human Trafficking

The Department's work with state and local governmental agencies, particularly activities to expand anti-trafficking law enforcement authority, is intended to harness the efforts of the nearly 700,000 state and local law enforcement officers who might come into contact with trafficking victims.[94] The number of law enforcement and prosecutorial resources dedicated to trafficking may be exponentially increased by combining federal, state, and local assets. Thus, in 2004, the Department developed and introduced a model state law at the National Training Conference on Human Trafficking because many states do not have laws that criminalize this activity. At that time, only four states – Texas, Florida, Missouri, and Washington – had state laws against trafficking. The model state law reflects lessons learned through the Department's prosecutions, especially enforcement of the TVPA by the Civil Rights Division. Adoption of the model statute would promote a uniform national legal strategy to combat human trafficking.

On July 21, 2004, the United States Senate unanimously passed a resolution, authored by Texas Senator John Cornyn, endorsing the Department's model state anti-trafficking statute and encouraging states to adopt it. The Senate resolution also singled out for praise the Civil Rights Division in its prosecution of human trafficking crimes and lauded the Department's National Training Conference on Human Trafficking. In March 2005, Attorney General Gonzales sent letters to state governors and legislative leaders explaining the scope of the trafficking problem, pointing to the need for state assistance to the federal government in fighting trafficking, and urging them to adopt the model. Department officials have since promoted the model law, and Civil Rights Division attorneys continue to provide technical assistance regarding the model state law to state legislators and related organizations, such as the National Foundation for Women Legislators. To date, more than a dozen states and territories have enacted anti-trafficking legislation, and many of these laws reflect the Department's model criminal statute.



U.S. Senator John Cornyn at a Houston Human Trafficking Rescue Alliance event.

94 FED. BUREAU OF INVEST. UNIFORM CRIME REP. (2004). As of October 31, 2004, there were 675,734 state and local sworn law enforcement officers and civilians in agencies across the country.

As discussed above,[95] outreach and technical assistance are critical to uncovering this insidious crime. The Civil Rights Division, along with the Criminal Division, the Federal Bureau of Investigation, the Office of Justice Programs, the Office on Violence Against Women, and United States Attorneys' Offices, work actively to increase awareness among local law enforcement and community- and faith -based organizations through training presentations and the provision of technical assistance. The strategy employed by each of these components reinforces a victim-centered approach to prosecutions and the collaborative work of task forces. Examples of the Department's activities to increase awareness of human trafficking among state and local governmental agencies, non-governmental organizations, and in our nation's communities include the following:

- Attorneys in the Civil Rights Division and the Office of Legal Policy authored an August 2002 article in Police Chief Magazine entitled *Working Together to Stop Modern-Day Slavery*. The article outlined ways for local law enforcement to identify trafficking cases during the course of their usual investigations.

- In fiscal year 2003, the Civil Rights Division conducted training sessions in the Washington, D.C.- metropolitan area, New York City, Chicago, San Diego, Atlanta, Dallas, and several other cities, as well as with numerous non-governmental organizations such as the U.S. Conference of Catholic Bishops, Women in Federal Law Enforcement, and the National Organization of Black Law Enforcement Executives.

- An attorney in the Civil Rights Division authored a December 2003 article in Police Chief Magazine entitled *Human Trafficking: A Guide to Detecting, Investigating, and Punishing Modern-Day Slavery*. The article gave an overview of federal anti-trafficking efforts and urged increased cooperation among state, local, and federal law enforcement officials.

- In fiscal year 2004, the Civil Rights Division conducted more than fifty training sessions around the United States at conferences and meetings in cities such as Albuquerque, Baltimore, Chicago, Houston, Los Angeles, Newark, New Jersey, and Salt Lake City.

- With funding from the Office on Violence Against Women, the International Association of Chiefs of Police is developing a training package for local law enforcement officers, including a guidebook on the identification and investigation of human trafficking crimes and a roll call training video with a discussion guide to accompany the guidebook.

- The International Association of Chiefs of Police National Law Enforcement Leadership Initiative, in connection with a $200,000 cooperative agreement with the Office on Violence Against Women, is planning a summit of law enforcement leaders in the summer of 2006 to continue to extend the level of awareness of and commitment to combating human trafficking.

95 *See* Part III, "Scope of the Problem," Section B, "The Department Takes A Victim-Centered Approach to This Crime."

HUMAN TRAFFICKING

A Guide to Detecting, Investigating, and Punishing Modern-Day Slavery

By Bharathi A. Venkatraman, Federal Prosecutor and Special Counsel for Trafficking in Persons, Civil Rights Division, U.S. Department of Justice, Washington, DC

In April 1997, Joseph [not his real name], a homeless, drug-addicted African American man stumbled through the woods in Fort Pierce, Florida. He was dazed and bloody, having just been repeatedly kicked and beaten about the head and face. Deputy Lee, of the Saint Lucie County Sheriff's Department, who was investigating a report of a missing child, observed Joseph. Noticing Joseph's injuries, Lee summoned medical assistance and interviewed the injured man. Thus began an investigation initiated by the Saint Lucie Sheriff's Department, in conjunction with the Fort Pierce Police Department, that uncovered violent and abusive conduct on the part of Lewis Philips, a fruit harvesting contractor who employed Joseph and a number of other workers on a seasonal basis. Philips hooked Joseph and other workers on crack cocaine in lieu of paying them adequate salaries, and applied their earnings of 55 cents per bin of fruit picked to the crack debt that the workers owed him. Philips's payment scheme resulted in a burgeoning debt for Joseph and the other workers and little, if any, take-home pay. Growing increasingly dissatisfied with his work situation, Joseph left Philips's employ in favor of working for a competing fruit harvesting contractor who offered Joseph better terms. Once Philips discovered that Joseph had left to work for a competitor, Philips became enraged and enlisted the assistance of an enforcer to kidnap, beat, and brutalize Joseph in order to "teach him a lesson. . . ."

On the morning of November 22, 1999, 18-year-old Geeta came home to her apartment in Berkeley, California, and was confronted by a horrifying sight. Her two roommates, sisters Leela, 16, and Radha, 14, were lying on the floor, unconscious. The apartment was stifling hot, and Geeta ran about grabbing water and ice to sprinkle on her two unconscious roommates, in hopes of rousing them. Geeta then shook and ultimately slapped the two sisters, but they remained unresponsive. A poor young woman from southern India, Geeta was not well educated and unable to speak English. Utterly desperate, she phoned her place of employment, an Indian restaurant in Berkeley, and summoned restaurant workers to come and assist her. The restaurant personnel arrived in a van and attempted to calm Geeta, who was waiting for them outside of the apartment, in a state of extreme agitation. The workers then rolled one of the unconscious sisters in a rug in order to carry her to the waiting van in a concealed fashion. However, their attempts at concealment failed when a passing motorist noticed a human body part protruding from the rug. Alarmed, the motorist called the Berkeley Police Department. Berkeley police officers responded immediately, along with paramedics, and became suspicious that three young girls, with little or no English language skills, were living alone. Their investigation, which ultimately involved federal agents, revealed that the young unconscious girls were the victims of carbon monoxide poisoning due to a malfunctioning heater. Tragically, one of the two sisters, Radha, ultimately died. The investigation, however, led to the discovery that the young roommates were sex abuse victims of a wealthy and powerful Bay Area businessman who was also their employer.

Both of these examples are drawn from real-life human trafficking cases prosecuted by the Department of Justice. Despite the obvious distinctions between the two scenarios and the means used to harm the victims, they share one fundamental feature: both incidents involve defendants who intimidated victims and forced them to work against their will. Such conduct amounts to modern-day slavery, also known as trafficking in persons.

The Importance of Identifying the Crime

Human trafficking is not always easy to detect. As these two cases demonstrate, trafficking can masquerade as a variety of other offenses. However, it is important to identify modern-day slavery for what it is —an assault on fundamental human dignity. Local law enforcement officers are the first responders in the communities where such crimes occur and are therefore the key players in identifying and exposing these serious crimes.

Human Trafficking Defendants Receive Big Sentences

Identifying trafficking crimes for what they are is an efficient way to punish effectively a variety of criminal activity. Time and again we have witnessed the frustration of local officers who arrest persons involved in vice or domestic violence offenses and spend countless hours completing paperwork, only to encounter the same offenders on the street in a matter of days. Lenient laws that enable perpetrators to get away with a mere slap on the wrist serve as a disincentive to enforcement.

By contrast, trafficking crimes carry hefty sentences. Consider the sentences meted out in *United States* v. *Jimenez-Calderon*, a recent sex trafficking case prosecuted by the Department of Justice and local law enforcement in Newark, New Jersey, a case that just as easily could have been prosecuted as a prostitution case. In *Jimenez-Calderon*, the defendants lured and transported young Mexican girls into the United States under false pretenses, and then forced them into prostitution, using physical violence and threats to maintain strict control over them. On August 7 of this year, two female defendants who supervised the victims were sen-

- The Bureau of Justice Assistance, in collaboration with the Office of Community Oriented Policing Services ("COPS"), initiated in fiscal year 2005 a program to educate local law enforcement about human trafficking through the COPS Regional Community Policing Institutes at a cost of $245,000. In 2005, COPS conducted three "train-the-trainer" sessions for 300 law enforcement trainers, including members of the then-existing 18 multi-disciplinary task forces, with the human trafficking curriculum developed by the Bureau of Justice Assistance. This program will be expanded in 2006 to hold at least 5 sessions, educating 5,100 law enforcement personnel.

- Also in fiscal year 2005 and independent of the Bureau of Justice Assistance, COPS sponsored an additional 6 training sessions for nearly 700 law enforcement officers, non-law enforcement governmental officials, and community-based organizations.

- The National Institute of Justice is supporting research that will provide a clear perspective on the current state of law enforcement's understanding of human trafficking. The research will identify current law enforcement responses to human trafficking, the implications of such responses for victims, and best practices and lessons learned by law enforcement and the partners with whom they collaborate on trafficking cases (e.g., victims services providers, attorneys, etc.).

- The Office of Juvenile Justice and Delinquency Prevention, through the National Center for Missing and Exploited Children and the Fox Valley Technical College, provides training on topics such as child maltreatment, runaway and missing children, the protection of children, and domestic trafficking of children for sexual purposes. This training program has educated approximately 36,500 persons between 2001 and 2005.

VII. Conclusion

The Department has achieved incredible success in carrying out President Bush's directive to combat human trafficking. Under this Administration, the Department has been aggressive and effective in its effort to halt human trafficking. Prosecutorial activity has increased four-fold when compared to the last five years of the previous Administration. The Department also has been innovative in its approach, by developing a multi-disciplinary victim-centered approach to uncovering human trafficking schemes, rescuing and protecting victims, and working with foreign, governmental, and non-governmental partners to prevent further victimization.

Much work, however, remains to be done. Because human traffickers violate the fundamental liberties of their victims, the Department will continue its efforts to combat this heinous crime. Using the new tools found in the TVPRA of 2005, the Department will continue to expand the reach and intensity of anti-human trafficking task forces, and to encourage states and foreign countries to criminalize sex, labor, and child sex trafficking. We pledge to maintain the fight against human trafficking as one of the Department's utmost priorities.

MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE
****

AN ACT relating to criminal consequences of conduct
that involves certain trafficking of persons and involuntary servitude.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____:

(A) TITLE _____, PENAL CODE, is amended by adding Article XXX to read as follows:

ARTICLE XXX: TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE

SEC. XXX.01. DEFINITIONS. In this Article:

(1) "Blackmail" is to be given its ordinary meaning as defined by [state blackmail statute, if any] and includes but is not limited to a threat to expose any secret tending to subject any person to hatred, contempt, or ridicule.

(2) "Commercial sexual activity" means any sex act on account of which anything of value is given, promised to, or received by any person.

(3) "Financial harm" includes credit extortion as defined by [state extortion statute, if any] , criminal violation of the usury laws as defined by [state statutes defining usury], or employment contracts that violate the Statute of Frauds as defined by [state statute of frauds].

(4) "Forced labor or services" means labor, as defined in paragraph (5), infra, or services, as defined in paragraph (8), infra, that are performed or provided by another person and are obtained or maintained through an actor's:

(A) causing or threatening to cause serious harm to any person;

(B) physically restraining or threatening to physically restrain another person;

(C) abusing or threatening to abuse the law or legal process;

(D) knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;

(E) blackmail; or

(F) causing or threatening to cause financial harm to [using financial control over] any person.

(5) "Labor" means work of economic or financial value.

(6) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of service.

(7) "Obtain" means, in relation to labor or services, to secure performance thereof.

(8) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of "services" under this Section. Nothing in this provision should be construed to legitimize or legalize prostitution.

(9) "Sexually-explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(10) "Trafficking victim" means a person subjected to the practices set forth in Sections XXX.02(1) (involuntary servitude) or XXX.02(2) (sexual servitude of a minor), or transported in violation of Section XXX.02(3) (trafficking of persons for forced labor or services).

SEC. XXX.02. CRIMINAL PROVISIONS.

(1) INVOLUNTARY SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services shall be punished by imprisonment as follows, subject to Section (4), infra:

(A) by causing or threatening to cause physical harm to any person, not more than 20 years;

(B) by physically restraining or threatening to physically restrain another person, not more than 15 years;

(C) by abusing or threatening to abuse the law or legal process, not more than 10 years;

(D) by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, not more than 5 years,

(E) by using blackmail, or using or threatening to cause financial harm to [using financial control over] any person, not more than 3 years.

(2) SEXUAL SERVITUDE OF A MINOR. Whoever knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, sexually-explicit performance, or the production of pornography (see [relevant state statute] (defining pornography)), or causes or attempts to cause a minor to engage in commercial sexual activity, sexually-explicit performance, or the production of pornography, shall be punished by imprisonment as follows, subject to the provisions of Section (4), infra:

(A) in cases involving a minor between the ages of [age of consent] and 18 years, not involving overt force or threat, for not more than 15 years;

(B) in cases in which the minor had not attained the age of [age of consent] years, not involving overt force or threat, for not more than 20 years;

(C) in cases in which the violation involved overt force or threat, for not more than 25 years.

(3) TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES. Whoever knowingly (a) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services; or (b) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of Sections XXX.02(1) or (2) of this Title, shall, subject to the provisions of Section (4) infra, be imprisoned for not more than 15 years.

(4) SENTENCING ENHANCEMENTS.

(A) Statutory Maximum - Rape, Extreme Violence, and Death. If the violation of this Article involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life [or death].

(B) Sentencing Considerations Within Statutory Maximums.

(1) Bodily Injury. If, pursuant to a violation of this Article, a victim suffered bodily injury, the sentence may be enhanced as follows:

(1) Bodily injury, an additional ____ years of imprisonment; (2) Serious Bodily Injury, an additional ____ years of imprisonment; (3) Permanent or Life-Threatening Bodily Injury, an additional ____ years of imprisonment; or (4) If death results, defendant shall be sentenced in accordance with Homicide statute for relevant level of criminal intent).

(2) Time in Servitude. In determining sentences within statutory maximums, the sentencing court should take into account the time in which the victim was held in servitude, with increased penalties for cases in which the victim was held for between 180 days and one year, and increased penalties for cases in which the victim was held for more than one year.

(3) Number of Victims. In determining sentences within statutory maximums, the sentencing court should take into account the number of victims, and may provide for substantially-increased sentences in cases involving more than 10 victims.

(5) RESTITUTION. Restitution is mandatory under this Article. In addition to any other amount of loss identified, the court shall order restitution including the greater of 1) the gross income or value to the defendant of the victim's labor or services or 2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and [corresponding state statutes if any].

(B) TRAFFICKING VICTIM PROTECTION

1) ASSESSMENT OF VICTIM PROTECTION NEEDS

(A) The Attorney General, in consultation with the [Department of Health and Social Services] shall, no later than one year from the effective date of this statute, issue a report outlining how existing victim/witness laws and regulations respond to the needs of trafficking victims, as defined in XXX.01(8) of the Criminal Code, and suggesting areas of improvement and modification.

(B) The [Department of Health and Social Services], in consultation with the Attorney General, shall, no later than one year from the effective date of this statute, issue a report outlining how existing social service programs respond or fail to respond to the needs of trafficking victims, as defined in XXX.01(8) of the Criminal Code, and the interplay of such existing programs with federally-funded victim service programs, and suggesting areas of improvement and modification. [Such inquiry shall include, but not be limited to, the ability of state programs and licensing bodies to recognize federal T non-immigrant status for the purposes of benefits, programs, and licenses.]

Explanatory Notes

Purpose

This Model Law is offered to help criminal law policymakers at the state level address the phenomenon of modern-day slavery, often termed "trafficking in persons." In the course of researching this proposal, it became clear that many states already have laws on their books that directly address this crime problem. For instance, many trafficking-like crimes may be codified in seemingly-unrelated parts of a state code, such as the kidnaping or prostitution sections. Unfortunately, by being codified in disparate parts of the criminal code, it may unclear to prosecutors that the behaviors are trafficking in persons crimes and may be charged as such. Research into these existing state statutes revealed that they are often archaic, little-known, or underutilized, and do not necessarily reflect the current understanding of slavery and trafficking in persons.

The Thirteenth Amendment to the U.S. Constitution mandates that:

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction....

Under the Trafficking Victims Protection Act of 2000, Pub. L. 106-386 ("TVPA"), a "severe form of trafficking in persons" is defined as:

> (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
> (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

In the international arena, the United Nations Convention Against Transnational Organized Crime, supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children defines trafficking in persons as:

> [T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs[.]

Federal criminal provisions specific to trafficking in persons are codified at Title 18, United States Code, Chapter 77, Peonage, Slavery, and Trafficking in Persons. Some of these statutes are newly-enacted provisions of the TVPA; some of these statutes date from the Civil War era. All of these federal criminal civil rights statutes are rooted in the 13th Amendment's guarantee of freedom. The other federal criminal civil rights statutes, such as 42 U.S.C. §3631 (Interference with Housing Rights) and 18 U.S.C. §242 (Deprivation of Rights Under Color of Law), have corresponding state statutes. E.g., Indiana Code, § 22-9.5-10-1 (criminalizing interference with another's rights) and Texas Penal Code §39.03 (criminalizing official oppression). Such federal/state overlap allows for more prosecutions to be brought and allows local prosecutors to respond most appropriately to crime problems in their own jurisdictions. State prosecutors' increased prosecution of racial violence cases in the last 20 years can serve as a model for increased enforcement of the U.S. Constitution's guarantee of freedom from involuntary servitude.

Many state constitutions mirror the federal constitutional prohibition against involuntary servitude, see, e.g, Arkansas Const. Art. 2, § 27, and some states have involuntary servitude statutes on their books. See, e.g., Cal. Penal Code § 181 (Slavery, infringement of personal liberty; purchase of custody). Other states have similar statutes. North Carolina adopted a state involuntary servitude statute in the wake of several high-profile federal migrant labor prosecutions. See N.C.G.S.A. § 14-43.2. Arizona's criminal code, for example, includes kidnaping for involuntary servitude in its kidnaping statute, A.R.S. §13-1304, and a crime of taking a child for prostitution in its prostitution statutes. A.R.S. §13-3206. It is unclear whether such statutes are well-known by police and prosecutors, and to what extent they are being used to combat trafficking in persons.

The Model Penal Code recommends creation of an involuntary servitude crime as part of its overall kidnaping chapter. MPC 212.3(b), Felonious Restraint (third degree felony for holding a person in involuntary servitude). While the U.S. Department of Justice has not surveyed the field to determine how many states adopted this proposal, Nebraska is an example of one state that has this Model Penal Code provision on the books. See Neb.Rev.St. §28-314.

Certainly, experience at the federal level indicates that more comprehensive trafficking in persons statutes are needed to address the wide range of coercive tactics that traffickers use to obtain and maintain the labor and services of their victims. The proposed Model Law seeks to provide a tool for drafting modern anti-trafficking crimes, based on the Justice Department's experience in investigating and litigating these cases. Additionally, there is a strong need for uniformity in definitions and concepts across state lines to minimize confusion as trafficking victims in state prosecutions begin to seek the victim protections available through the federal Departments of Health and Human Services and of Homeland Security.

States and territories interested in adopting anti-trafficking legislation should survey their existing criminal codes to determine whether they include prohibitions on involuntary servitude, kidnaping, or false imprisonment, which have simply not been brought to bear against trafficking in persons. Such a survey will assist in incorporating relevant portions of a modern anti-

trafficking statute into existing law, and could result in increased use of such statutes. Bundling of appropriate statutes into a Slavery/Trafficking chapter, as in the federal criminal code, will make it more likely that such crimes are recognized and charged.

Definitions

The heart of the concept of "trafficking in persons" is the denial of the liberty of another. Accordingly, the transportation of a person is a secondary inquiry, the apparent meaning of "trafficking" aside. Thus, the definitions section and the criminal provisions focus on the coercive nature of the service, rather than the movement of the victim or the type of underlying service.

The definitions are in alphabetical order.

Section XXX.01(1) defines blackmail in a manner identical to the Model Penal Code's Criminal Coercion statute, Section 212.5(1)(c).

Section XXX.01(2), "commercial sexual activity," tracks the definition of commercial sexual activity in the TVPA.

Section XXX.01(3) defines "financial harm" to reflect the TVPA and the UN Protocol's inclusion of "debt bondage" as a form of trafficking in persons. In order to differentiate a debt that has the effect of coercion, as opposed to simply a bad bargain, the proposal adopts the usury laws of the relevant jurisdiction to illustrate debts that contravene public policy and may thus appropriately be considered to be coercive. On the federal level, an example of this type of law can be found at 18 U.S.C. § 892 (Making Extortionate Extension of Credit).

Section XXX.01(4) defines "forced labor or services" as those obtained or maintained through coercion, and lists the forms of coercion that would, if used to compel forced labor or services, justify a finding that the labor or service was involuntary.

Section XXX.01(5), which defines "labor," covers work activities which would, but for the coercion, be otherwise legitimate and legal. The legitimacy or legality of the work is to be determined by focusing on the job, rather than on the legal status or work authorization status of the worker.

Section XXX.01(6)'s "maintain" builds upon the Model Penal Code's definition of "obtain" and incorporates the principle in federal anti-slavery caselaw that a person's initial agreement to perform a particular activity or type of service is not a waiver of any coercion aimed at keeping that person from leaving the service.

Section XXX.01(7), "obtain" tracks the definition set forth at Model Penal Code's Theft statute, Section 223.0(5)(b).

Section XXX.01(8), which defines "services," incorporates activities that are akin to an employment relationship but are in market sectors that are not legitimate forms of "labor." Notable in this area is commercial sexual activity, which is criminalized in almost every jurisdiction in the United States. Differentiation between "labor" and "services" makes it clear that this Model Law does not legitimize or legalize prostitution.

The notion that commercial sexual activity or concubinage can be "service" for the purposes of involuntary servitude statutes is reflected in case law. See, e.g. Pierce v. United States, 146 F.2d 84, 85-86 (5th Cir. 1944) (upholding conviction for forcing women to commit "immoral acts" at roadhouse to pay off debts); Bernal v. United States, 241 F. 339, 341 (5th Cir. 1917) (outlining as a crime when a woman was lured to house of prostitution under false pretenses and required to serve as prostitute or maid to pay debt); and the recent prosecutions, U.S. v. Cadena (SD FL 1998); U.S. v. Kwon (D. CNMI 1999); U.S. v. Pipkins (ND GA 2000); and U.S. v. Soto (SD TX 2003). See also Neal Kumar Katyal, Men Who Own Women: A Thirteenth Amendment Critique of Forced Prostitution, 103 YALE L.J. 791 (1993). Non-sexual forms of "service" might include rings that hold children for street begging or petty theft.

Section XXX.01(9) introduces the concept of "sexually-explicit performance." A number of recent federal cases have involved persons being held in servitude for purposes of sexually-explicit performances such as "exotic dancing." Unlike prostitution, which is typically illegal and involves commercial sexual activity, sexually-explicit performance may be legal, absent any coercion. Inclusion of sexually-explicit performance in this Model Law recognizes that such activity can have an impact on victims similar to sexual abuse, and reflects federal experience in which international traffickers are increasingly placing their victims into strip clubs rather than prostitution. The proposed criminal statutes provide expanded coverage for minors who are held in sexual performance as opposed to prostitution.

Section XXX.01(10) defines "trafficking victim," not for the purposes of the criminal statutes so much as to provide a working definition for state and local agencies who subsequently establish or modify programs to serve victims of these crimes.

Trafficking/Servitude Chapter

The Slavery/Trafficking crimes in this Article are arranged in a particular order that reflects the Department of Justice's experiences and understanding of the interplay between slavery/involuntary servitude and the transportation of persons for illicit purposes.

First, Involuntary Servitude, which focuses on the denial of a victim's liberty, applies to all persons held in compelled service, regardless of age, type of service, and whether they are transported or not. This approach de-links the crime from the nationality of the victim or the underlying morality of the service. All adults in coerced service are protected by this Section.

Second, a provision specific to minors in sexually-related activities sets forth a lesser standard of coercion – recognizing that sexual activities are conceptually different when minors

are involved – by casting as Sexual Servitude those activities which involve minors but are not the result of coercion. This Section is the equivalent of Statutory Rape laws, which obviate the need to prove coercion when a victim is under the age of legal consent. This Section would allow for trafficking prosecutions in cases in which minors are kept in prostitution because of their circumstances but overt force is not used, such as is common in cases involving runaway U.S. citizen youth. As noted above, this provision extends the concept of proving sexual exploitation without a concomitant need to find coercion to include sexually-explicit performance and child pornography, as well as sexual acts.

Finally, Trafficking of Persons for Forced Labor or Services punishes the trade in coerced labor or services, but focuses on the recruiting, moving, and harboring for these practices. Conceptually, these actions are illegal if done for the purpose of the exploitation captured by the servitude offenses previously set forth.

Section XXX.02(1) (Involuntary Servitude) provides a baseline offense that is graded according to the severity of the coercion used against the victim. Rather than the federal approach, in which there are separate crimes based on the level of coercion (a function of the development of the federal anti-slavery laws over the course of almost 200 years), the proposed offense – the obtaining or maintaining another person in service through coercion – outlines different statutory maximums for cases involving force, threats, document confiscation, blackmail, etc. For drafting purposes, jurisdictions that prefer to codify each crime separately could easily do so by referring to Appendix A, Optional Servitude Offenses, which sets the proposed crimes out in a different manner. States with guidelines sentencing may want to adopt a simple involuntary servitude statute with a 20-year statutory maximum and then incorporate gradations by level of coercion within their guidelines instead of adopting a multi-part statute or multiple servitude statutes. Such a statute is set forth in Appendix B, Alternative Servitude Offense.

Statutory maximums are provided as an illustration of a graduated approach based on the type and level of coercion used against the victim. Many jurisdictions simply designate particular levels of a crime as a Class A, B, or C Felony or as a First, Second, or Third Degree Felony, rather than assigning a specific statutory maximum within the actual offense. Statutory maximums are provided in this Model Law as an example of relative culpability. The statutory maximums should be reviewed and incorporated in keeping with the sentencing structure of the criminal code of the particular state or territory.

Each of the crimes punishes attempts as well as completed offenses. Criminalizing attempts allows prosecutors to focus on a defendant's objectively observable intent to use coercion for compulsory service rather than on a victim's subjective response to the coercion. For instance, a victim flees after a beating intended to hold her, rather than staying and submitting to the "master"; in this instance, the enslavement is attempted but not completed. Nonetheless, by criminalizing the attempt, a prosecutor may charge the defendant with his intended enslavement instead of having to wait for the victim actually to be enslaved (or to feel coerced). Such an approach has obvious benefits from the perspective of public safety: no

victim should have to remain in a dangerous situation in order for the wrong done to him or her to be prosecutable. Note that the particular attempt language in the Model Law should be reviewed to ensure that it reflects an individual state's approach to attempts.

Penalties

The proposal's sentencing section sets forth two main concepts. First, the proposal reflects the notion that statutory maximum sentences should be increased in particularly violent instances of trafficking in persons, especially where the crime involves sexual abuse. Second, the actual sentences should reflect the time the victim was held and the various levels of injury suffered by a victim, as well as the number of victims harmed in a particular case. Additionally, gradation in sentences is appropriate among situations involving minors, especially those involving minors under the age of consent.

In the federal system these offense characteristics are incorporated into the U.S. Sentencing Guidelines, see U.S.S.G. §2H4.1, and have different effects depending on the other adjustments that are applied. Thus, the Model Law sets out offense characteristics which should be considered, but does not assign them values.

All of the offense characteristics offered for particular consideration should be reviewed and incorporated in keeping with the sentencing structure of the criminal code of a particular state or territory.

Restitution

The proposed measure of restitution tracks the federal restitution provision of the TVPA, codified at 18 U.S.C. §1594. Mandatory restitution allows prosecutors to recover money that the victims can use to assist them in their recovery. Unlike theft cases, there is typically little identifiable out-of-pocket loss in a trafficking case – the victims themselves are the objects that are stolen. Accordingly, this provision fixes the actual loss to the victim as either 1) the value of their services to the trafficker, or 2) the minimum wage for hours worked. The first measure of restitution, the value to the trafficker of the victim's labor or services, not only prevents the traffickers from profiting from their crime, but also avoids the unpalatable situation of assigning a wage valuation to instances of forced prostitution. The second measure of loss, the minimum wage calculation, is a handy tool in cases where victims did not receive any pay for their work, or sub-minimum wage, or in certain sex trafficking cases where the defendants hold their victims in concubinage rather than selling them as prostitutes (in which there is therefore no other identifiable measure of the value of the sexual services to the traffickers).

Trafficking Victim Protection

Federal experience has shown that prosecution without victim protection is unworkable. At the federal level, there is a variety of benefits and services available to trafficking victims.

Accordingly, this Model Law provides a mechanism through which a state could determine how well current state programs serve the needs of trafficking victims. In addition, a state may want to consider optional Model Law language regarding the incorporation of federal T non-immigrant status as a basis through which certain state benefits, programs, and licenses could be accessed by alien trafficking victims.

MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE
APPENDIX A - Optional Servitude Offenses

[This formulation would also obviate the need for Section (4)(A), statutory maximum sentences.]

SEC. XXX.02. CRIMINAL PROVISIONS.

(1) INVOLUNTARY SERVITUDE OFFENSES.

(A) INVOLUNTARY SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by causing or threatening to cause physical harm to any person shall be punished by imprisonment for not more than 20 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life [or death].

(B) UNLAWFUL RESTRAINT FOR FORCED LABOR. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by physically restraining or threatening to physically restrain another person, shall be punished by imprisonment for not more than 15 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

(C) LEGAL COERCION FOR FORCED LABOR. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by abusing or threatening to abuse the law or legal process shall be punished by imprisonment for not more than 10 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

(D) DOCUMENT SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, shall be punished by imprisonment for not more than 5 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

(E) DEBT BONDAGE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by blackmail, or by using or threatening to cause financial harm to [using financial control over] any person, shall be punished by imprisonment for not more than 3 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE
Appendix B - Alternative Servitude Offense

[Use sentencing guidelines to differentiate among levels of coercion and other aggravating factors.]

SEC. XXX.02. CRIMINAL PROVISIONS.

(1) INVOLUNTARY SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services shall be punished by imprisonment for not more than 20 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

Appendix

HUMAN TRAFFICKING CASES
Fiscal Years 2001 - 2005

The following are summaries of human trafficking cases prosecuted by the Department of Justice between fiscal years 2001 and 2005, many of which are discussed in this report, which highlight the diverse fact patterns found in trafficking prosecutions.[1]

Fiscal Year 2001

United States v. Gasanov (Texas)

Sardar and Nadira Gasanov, a Russian couple, were convicted on March 15, 2002, of recruiting women from Uzbekistan into the United States under false pretenses, then forcing them to work in strip clubs and bars in El Paso, Texas, in order to pay back an alleged $300,000 smuggling fee. The defendants confiscated the victims' passports, required them to work seven days each week, and threatened their families in Uzbekistan to coerce compliance with the Gasanovs' demands. On May 17, 2002, the defendants were sentenced to 5 years of incarceration and ordered to pay approximately $516,000 in restitution.

United States v. Lee (Hawaii)

United States v. Kil Soo Lee is the largest trafficking prosecution ever brought by the Department of Justice. The Civil Rights Division led a long and difficult investigation resulting in a 22-count indictment against five defendants charged with subjecting workers to involuntary servitude in a garment factory in American Samoa. Specifically, the indictment charged that the defendants brought 250 Vietnamese and Chinese nationals, mostly young women, to work as sewing machine operators in a Daewoosa garment factory. The victims, some of whom were held for up to two years, were forced to work through extreme food deprivation, beatings, and physical restraint. The victims were held in barracks on a guarded company compound, and were threatened with confiscation of their passports, deportation, economic bankruptcy, severe economic hardship to family members, false arrest, and a host of other consequences. One victim had an eye gouged out by a defendant who struck her with a jagged pipe in order to punish her for refusing to comply with the defendants' orders.

Two Samoan defendants who conspired with Lee pled guilty to charges of conspiracy. On February 21, 2002, lead defendant Kil Soo Lee was convicted of one count of conspiracy to violate the civil rights of the worker victims, eleven counts of involuntary servitude, one count of

[1] An indictment contains only charges and is not evidence of guilt. Any factual allegations in this appendix about defendants who have not been convicted are only allegations. The defendants in these and any other cases cited in this report who have not been convicted are presumed innocent and are entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

extortion, and one count of money laundering. On June 22, 2005, Lee was sentenced to 40 years of incarceration.

United States v. Ramos (Florida)

On June 27, 2002, agricultural crew leaders Juan and Ramiro Ramos were convicted of conspiring to commit involuntary servitude, violating the Hobbs Act (which criminalizes extortion by the wrongful use of actual or threatened force, violence, or fear), and illegally transporting Mexican citizens to Florida to work in their fields. Their brother, Jose Ramos, was convicted of a Hobbs Act offense. Upon their arrival in the Ramos's camps, workers were told that they owed money for their transport and they were not free to leave their employment until they had repaid the debt. Juan and Ramiro Ramos created a climate of fear by threatening the workers with violence if they left, and subjecting the victims to constant surveillance. The Ramos brothers brutally beat a van driver and several of his employees in an effort to prevent them from taking workers away. On November 20, 2002, Ramiro and Juan Ramos were each sentenced to more than 12 years of imprisonment, ordered to pay restitution, and ordered to forfeit vehicles, real property, and more than $3 million in proceeds. Jose Ramos was sentenced to more than 10 years of imprisonment and ordered to pay a $10,000 fine.

Following sentencing, the Supreme Court of the United States rendered its decision in *Scheidler v. National Organization for Women, Inc.*, 537 U.S. 393 (2003), which held that actions which did not amount to "obtaining" property could not be the basis for a Hobbs Act violation. The Ramos brothers had each been convicted of Hobbs Act violations, but the evidence did not show that the defendants had obtained property during the commission of their offenses. At the government's request, the United States Court of Appeals for the Eleventh Circuit reversed the defendants' Hobbs Act convictions and remanded the case for resentencing against Juan and Ramiro Ramos. They were each sentenced to 15 years of incarceration, ordered to pay $20,000 in fines, and ordered to pay restitution.

United States v. Satia (Maryland)

The defendants recruited a 14-year-old female Cameroonian national to come to the United States with false promises of receiving an American education. Once the young girl arrived here, she was isolated in the defendants' home and forced through threats, sexual assaults, and physical abuse to work for them for several years as their personal servant. On December 20, 2001, the defendants were convicted of involuntary servitude, conspiracy, and harboring the victim for their own financial benefit. On March 27, 2002, the defendants were each sentenced to 9 years of incarceration and ordered to pay approximately $105,300 in restitution to the victim.

United States v. Virchenko (Alaska)

In December 2000, three defendants approached nine young female Russian folk dancers with an offer to perform at cultural festivals in the United States. The defendants also told the women that they might perform in exhibitions similar to the type of dancing done in Las Vegas shows. When the women arrived in Alaska, the defendants took their passports, visas, and return plane

tickets to Russia, and told the women that they had to perform as "exotic" dancers in two strip clubs in Anchorage. The women were not permitted to talk to customers and were always accompanied by one or more of the defendants. On June 13, 2001, the defendants pled guilty to violating the Mann Act and related charges.

Fiscal Year 2002

United States v. Blackwell (Maryland)

After a three-week trial in June 2003, Barbara Coleman-Blackwell and her husband, Kenneth Blackwell, natives of Ghana, were convicted of conspiring to smuggle a woman from Ghana into the United States to work as an unpaid domestic servant and nanny for their child. Coleman-Blackwell's mother, Grace Coleman, who at the time was a cabinet minister in the Ghanaian government, brought the woman into the United States under false pretenses, claiming that the victim was her staff assistant and needed to accompany her to meetings at the State Department. Grace Coleman instead delivered the victim to Coleman-Blackwell for use as a servant. The defendants isolated her, confiscated her passport, and repeatedly threatened her in order to keep her working in their home while also performing baby-sitting services for neighbors. The victim provided around-the-clock care for the defendants' child; cooked the family's meals; cleaned the home; did the laundry; and, at Coleman-Blackwell's insistence, performed such duties as removing Coleman-Blackwell's shoes at the end of the work day; cleaning between Coleman-Blackwell's toes; cleaning up Coleman-Blackwell's vomit; and bringing Coleman-Blackwell a bowl of water at meal time to wash her hands. Grace Coleman, a powerful member of the Ghanaian Parliament, was also charged in the indictment, but has never faced trial because she returned to Ghana and has not been extradited,[2] despite a request presented to the Government of Ghana by the Department of Justice.

United States v. Garcia (New York)

Six defendants were charged with conspiring to recruit young undocumented Mexican aliens from the Arizona border and transporting them to New York with false promises of good wages. They transported their victims to Albion, New York, where the traffickers forced them to work in agricultural fields for little or no pay and housed them in overcrowded and filthy conditions.

Prior to trial, the defendants challenged the constitutionality of the Trafficking Victims Protection Act's criminalization of labor trafficking, codified at 18. U.S.C. § 1589. The defendants argued that it was void for vagueness because it did not define terms such as "obtains," "threats of serious harm to or physical restraint," and "means of the abuse or threatened abuse of law or the legal process." The magistrate judge disagreed, finding that the terms used in the statute to define this criminal act were common words, likely to be understood by anyone, and that the statute ensured that prosecutors will only be successful in proving a case of labor trafficking if they can show that the trafficker knowingly committed the prohibited acts.

[2] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

The magistrate judge denied defense motions challenging the labor trafficking statute as unconstitutionally vague.

Four defendants were subsequently convicted of forced labor and related charges. The two remaining defendants are fugitives as of February 15, 2006.[3]

United States v. Jimenez-Calderon (New Jersey)

As a result of "Operation Sonic," eight defendants were charged on September 26, 2002, with conspiring to lure and transport young Mexican girls into the United States under false pretenses then forcing them into prostitution. The defendants used physical violence and threats to maintain strict control over the victims. In September and October 2002, three defendants entered guilty pleas to sex trafficking by force, fraud, and coercion. In January 2003, two additional defendants entered guilty pleas to conspiracy and sex trafficking. These defendants received sentences ranging from more than 2 years to more than 17 years of incarceration. Significantly, these defendants were held jointly and severally liable for paying restitution in the amount of $135,240.00 to the victims of their scheme. One other defendant pled guilty in January 2003 to conspiring to obstruct justice. Two defendants remain in fugitive status.[4]

United States v. Lozoya (Texas)

On April 25, 2002, Octavio and Joe Lozoya were indicted on immigration charges for holding a Mexican woman as a servant in their trailer home in rural West Texas by using threats and violence against her small child. The Lozoyas abused and neglected the child by separating her from the care of her mother, keeping the child in unsanitary living conditions, making her stand for prolonged periods of time as punishment, physically abusing her, putting her underwear in her mouth as punishment for urinating on herself, denying her food as punishment, binding her legs with duct tape so she would stand for prolonged periods of time, and forcing her mouth shut with duct-tape so she would not cry, as well as forcing her to sleep on the floor. On or about December 17, 1999, the 21-month-old girl collapsed and stopped breathing. The defendants refused the mother's pleas to take her daughter to the hospital for medical treatment and the baby died. Octavio Lozoya pled guilty in September 2002 to one count of conspiracy to harbor illegal aliens with death resulting, as well as one count of harboring an illegal alien with death resulting. He received a sentence of 15 years of incarceration on these charges, which he is serving consecutively to a sentence of 5 years of incarceration for harboring the mother. Joe Lozoya pled guilty in September 2002 to one count of conspiracy to harbor illegal aliens with death resulting. He was sentenced to 5 years of incarceration.

[3] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

[4] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

United States v. Molina (Texas)

Nine defendants were charged with conspiring to smuggle and harbor illegal aliens from Honduras to Fort Worth, Texas, under false pretenses that they would be employed as waitresses in restaurants. Once in the United States, the victims were forced to work in bars entertaining men in order to pay off their smuggling and other debts. In September 2002, six of the nine defendants entered guilty pleas. Four defendants pled guilty to conspiring to smuggle and harbor illegal aliens; one defendant pled guilty to smuggling illegal aliens; and another defendant pled guilty to transporting illegal aliens. On January 3, 2003, these six defendants were sentenced to terms of incarceration ranging from 2 years and 3 months to 5 years and 3 months. Three remaining defendants are fugitives.[5]

United States v. Trakhtenberg (New Jersey and New York)

Lev Trakhtenberg, his wife, Viktoriya I'lina, and an associate, Sergey Malchikov, were charged in the District of New Jersey with conspiring to commit forced labor, document fraud, and inducing aliens to unlawfully enter the United States. From the summer of 1999 through August 2002, the defendants induced more than 25 women to come from Russia to the United States, ostensibly to perform cultural folk dance shows. Instead, the women were forced to dance nude up to 10 hours a day, six days a week, at strip clubs. The defendants threatened the women with serious harm and physical restraint if they did not perform. The defendants also confiscated the women's passports and return airline tickets.

On August 13, 2004, Malchikov pled guilty to charges of conspiracy to commit forced labor, visa fraud, immigration violations, and extortion. He was sentenced to nearly 4 years of incarceration. In late 2004, Trakhtenberg pled guilty to conspiring to commit forced labor, immigration offenses, and visa fraud in the District of New Jersey, where he was subsequently sentenced to 5 years of incarceration. He also pled guilty in the Southern District of New York to conspiring to commit extortion for having threatened a victim's family in Russia with physical harm unless they paid money owed by the victim, who had escaped from prostitution. He was sentenced to more than 3 years of incarceration for that offense. As part of the joint disposition, Trakhtenberg was ordered to pay approximately $66,300 in restitution to four of his victims and to forfeit $25,575. On January 2, 2006, I'lina pled guilty to conspiring to commit extortion and visa fraud. Her sentencing is pending as of February 15, 2006.

Fiscal Year 2003

United States v. Bradley (New Hampshire)

Two defendants, who operated a tree cutting business, were convicted of holding two Jamaican immigrants in forced labor and document servitude in Litchfield, New Hampshire. The defendants lured the workers from Jamaica by means of false promises of good work and pay.

[5] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

Once the workers arrived in New Hampshire, their visas and others documents were confiscated. The workers were paid substantially less than promised, housed in deplorable conditions, denied medical treatment, and were routinely threatened. On January 16, 2004, the defendants were sentenced to nearly 6 years in prison, fined $12,500, and ordered to pay $13,052 in restitution to their victims. The defendants' case was remanded for resentencing in light of the United States Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005) (holding that federal sentencing guidelines are advisory rather than mandatory). On January 13, 2006, the district court imposed the same sentence.

United States v. Guzman (Georgia)

On January 30, 2003, four defendants were charged in a 20-count superseding indictment with conspiring to bring Mexican women to the United States to engage in prostitution, forced prostitution, immigration offenses, and Mann Act violations. The indictment charged that in 2002, the defendants smuggled at least three victims were into the United States and housed them in apartments in the Atlanta area. One of the defendants threatened to kill a victim and her family if the victim refused to engage in prostitution; repeatedly chastised her for not bringing in enough money; and, at one point, physically assaulted her. Each of the victims serviced 25 or more men per night and provided half of their income to the taxi drivers who transported the victims to houses of prostitution. Most of the remaining money was turned over to the defendants. Defendant Samuel Mendez Romero pled guilty on May 1, 2003, to conspiracy, and was subsequently sentenced to nearly 3 years of incarceration. The remaining three defendants are fugitives.[6]

United States v. Maka (Hawaii)

The defendant, a landscape maintenance contractor and rock wall builder, transported Tongan males to Hawaii, where he forced them to work in his businesses to repay their transportation expenses. The victims were housed in shacks on the defendant's pig farm and were required to work in excess of 12 hours a day, six days a week, for approximately $60 to $100 per week. The defendant used threats and force to maintain the men in his service, including beating them with a fire extinguisher, farm tools, and the blunt end of a machete. On December 14, 2004, following a month-long trial, the defendant was convicted of slavery and harboring offenses. His sentencing is pending as of February 15, 2006.

United States v. Reyes-Rojas (Georgia)

On January 27, 2004, three defendants were charged with conspiracy, sex trafficking, importing and harboring aliens for the purpose of prostitution, alien smuggling, and interstate transportation of illegal aliens for smuggling young illegal aliens from Mexico into the United States and forcing them into prostitution. The indictment alleged that the defendants seduced their victims and lured them to the United States with the promise of employment, long-term romance, and

[6] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

marriage. Once the women were in Atlanta, the defendants used physical violence, threats, and psychological coercion to force their victims to have sex with numerous men every night. Defendant Juan Rojas pled guilty to two sex trafficking counts and was sentenced to nearly 6 years of incarceration. Defendant Jose Reyes Rojas pled guilty to one sex trafficking charge and was sentenced to nearly 5 years of incarceration. The third defendant is a fugitive as of February 15, 2006.[7]

United States v. Russell (California)

Bernard Lawrence Russell was indicted on December 3, 2003, on charges of traveling in foreign commerce with intent to engage in sex with a juvenile, production of child pornography, and possession with intent to import child pornography. Russell traveled to the Philippines on numerous occasions over a two-year period in order to engage in sexual acts with children and to produce child pornography for the purpose of importation into the United States. At least three Filipino children have been identified as Russell's victims. Russell pled guilty on April 22, 2005, to traveling in foreign commerce with intent to engage in sex with a juvenile, and was sentenced to more than 3 years of incarceration.

United States v. Soto-Huarto (Texas)

Eight defendants were charged with maintaining trailers in Edinburg, Texas, as safe houses for illegal aliens newly arrived from the United States-Mexico border. The indictment charged that women aliens were kept at the trailers and were forced to cook, clean, and submit to rapes at the hands of the defendants. In February 2003, local law enforcement encountered two women who had been raped and left for dead as punishment following their attempted escape from the defendants. Federal law enforcement agents identified two additional female victims and rescued them. A joint Bureau of Immigration and Customs Enforcement and Federal Bureau of Investigation initiative dismantled the trafficking operation and arrested the defendants. In 2003, four defendants pled guilty to transporting aliens; two defendants pled guilty to involuntary servitude charges; and one defendant pled guilty to conspiracy to commit involuntary servitude. The defendants received sentences ranging from 4 months to more than 23 years of incarceration. Three of the 5 defendants were ordered to pay restitution to their victims.

United States v. Trisanti and Nasution (California)

Between March 1996 and March 2003, Mariska Trisanti and Herri Nasution trafficked two victims into the United States from Indonesia and forced them by threats and physical violence to work as domestic servants against their wills. The defendants were charged with transportation of illegal aliens; Trisanti was also charged with involuntary servitude and visa fraud. On March 25, 2004, Trisanti pled guilty to involuntary servitude. She was subsequently sentenced to more than 3 years of incarceration and ordered to pay $205,289.85 in restitution to her victims. On

[7] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

May 10, 2004, Nasution pled guilty to harboring an illegal alien and was subsequently sentenced to 6 months of home detention and 3 years of supervised release.

Fiscal Year 2004

United States v. Adaobi and Udeozor (Maryland)

The defendants, husband and wife Nigerian nationals, were charged with smuggling a teenage girl from Nigeria into the United States, forcing her to work long hours at their home in Maryland and at the wife's medical practice, sexually assaulting her, and regularly beating her. The husband fled to Nigeria prior to trial and as of February 15, 2006, is being sought as a fugitive.[8] The wife's month-long trial in 2004 resulted in her conviction for harboring for financial gain and conspiring to hold the girl in involuntary servitude. Her sentencing is pending as of February 15, 2006.

United States v. Boehm, et. al. (Alaska)

On March 19, 2004, an 18-count indictment was returned against Josef F. Boehm, charging him with conspiring commit sex trafficking of children, possessing a controlled substance with intent to distribute, being a felon in possession of a firearm, and being an unlawful user of a controlled substance in possession of a firearm and ammunition. Each of Boehm's eight victims were United States citizens. A superseding indictment charged three additional defendants with conspiracy to commit sex trafficking, sex trafficking of children, and conspiracy to distribute cocaine and crack to persons under the age of 21. All four defendants pled guilty. In particular, Boehm pled guilty on November 22, 2004, to child sex trafficking and drug charges. As part of the plea agreement, he agreed to forfeit his residence and to provide $1.2 million in a trust fund for the future benefit of the victims. All four defendants have been sentenced to terms of incarceration ranging from 3 years to more than 13 years.

United States v. Carreto (New York)

On April 5, 2005, defendants Josue Flores Carreto, Gerardo Flores Carreto, and Daniel Perez Alonso pled guilty, just prior to trial, to charges arising from forcing young Mexican women into prostitution in brothels throughout the New York City metropolitan area, including Queens and Brooklyn. The three defendants pled guilty to multiple counts of conspiring to engage in sex trafficking, conspiring to import aliens for immoral purposes, sex trafficking, attempted sex trafficking, forced labor, violating the Mann Act, importing an alien for immoral purposes, and alien smuggling. Additionally, on November 12, 2004, Edith Mosquera de Flores pled guilty to conspiring to force the young Mexican women into prostitution; co-defendants Eloy Carreto Reyes and Eliu Carreto Fernandez entered guilty pleas on November 16 and December 22, 2004, respectively, to one count of sex trafficking. Three other co-defendants are presently incarcerated in Mexico on Mexican federal charges related to their role in this human trafficking

[8] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

conspiracy.[9] On February 2, 2006, Mosquera was sentenced to more than 2 years in prison and ordered to pay $29,950 in restitution. Sentencing of the remaining convicted defendants is pending as of February 15, 2006.

United States v. Clark (Washington)

Michael Clark was arrested in June 2003 in Cambodia for sexually abusing two Cambodian boys, ages 10 and 13. Clark was subsequently indicted in the United States on September 24, 2003, and charged with attempting to engage and engaging in illicit sexual conduct after travel in foreign commerce. The case is believed to be the first such prosecution under the new provisions of the PROTECT Act. Clark pled guilty on March 17, 2004, and was sentenced was sentenced on June 25, 2004, to more than 8 years of incarceration. On January 25, 2006, the Ninth Circuit Court of Appeals affirmed the conviction, upholding the constitutionality of the statute.

United States v. Du Preez (Georgia)

Five defendants were charged with conspiracy, visa fraud, false statements, and immigration offenses in connection with a scheme to bring aliens from other countries, most often South Africa, into the United States illegally and to employ them at their granite and marble business. Once in the United States, the aliens resided in apartments leased by the granite company and were induced to provide labor for cash or for credit against the cost of their rent, furniture, utilities, and visa applications. The defendants threatened to report the aliens' illegal status to immigration officials as a means to keep the aliens under their employment. Between October 25 and November 8, 2005, all 5 defendants entered guilty pleas to conspiring to harbor aliens. Sentencing is pending as of February 15, 2006.

United States v. Gates (District of Columbia)

Defendants Gary Gates and Tamisha Heyward were charged with multiple counts of sex trafficking and violating the Mann Act. The defendants operated a sex trafficking and Internet prostitution business from their home, at times using girls as young as 14, to perform sexual acts. Each of the victims was a United States citizen. Gates beat the women who disobeyed him, sexually assaulted many of the women, and provided drugs to support some of the women's addictions. In mid-2004, Heyward pled guilty to child sex trafficking and unlawful possession of a firearm while Gates pled guilty to child sex trafficking and first degree child sexual abuse. On September 8, 2004 Gates was sentenced to nearly 15 years of incarceration. Heyward was sentenced to 9 years of incarceration.

United States v. Kang (New York)

The Kangs, a Korean couple, lured Korean women to New York City with promises of good jobs as hostesses in their nightclub, but then subjected them to rapes and physical abuse, held them for

[9] The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

repayment of a debt of approximately $10,000, and attempted to force them into prostitution. On November 18, 2005, the Kangs pled guilty to forced labor. In October 2005, five other defendants, including two Department of Homeland Security employees, pled guilty to alien smuggling, conspiracy to obstruct justice, and obstruction of justice. Sentencing of all seven defendants is pending as of February 15, 2006.

United States v. Mubang (Maryland)

Between November 1996 and December 1998, Theresa Mubang forced an 11 year old Cameroonian national to work against her will as a domestic servant after she was brought into the United States illegally and under false pretenses. The victim was forced to care for Mubang's two children and to perform all the household chores without pay at Mubang's home in Chevy Chase, Maryland. Mubang forced the victim to comply by beating her with a broken metal broom stick and a cable cord, forbidding her from speaking of her conditions to anyone, forbidding her from leaving the house or opening the door to anyone, and interfering with her mail. Mubang was convicted after a jury trial in November 2004 on charges of involuntary servitude and harboring an alien. Mubang fled the country soon after her conviction. On February 28, 2005, Mubang was sentenced in absentia to 17 ½ years of incarceration. In May 2005, with the assistance of the Cameroonian Government, Mubang was returned to the United States and is now serving her sentence.

United States v. Sims (Georgia)

Pimp Maurice Sims transported a 16-year-old American girl from El Dorado, Arkansas, to Atlanta, Georgia, for purposes of prostitution. Along the way he beat and raped the girl. In September 2004, Sims was convicted of kidnaping, trafficking, transportation across state lines for criminal sexual purposes, and persuading an individual to travel interstate for a criminal sexual purpose. Sims was sentenced to life imprisonment in December 2004. A co-defendant, who testified against Sims at trial, was sentenced to 5 years of imprisonment.

The Stormy Nights Cases*: United States v. Parsons, United States v. Thomas, United States v. Washington, United States v. Williams and Southwell, United States v. White, United States v. Sutherland, United States v. Scott, United States v. Phillips* (Oklahoma)

Nine pimps in eight cases were indicted on charges arising from "Stormy Nights," a child prostitution investigation. Each of the minor victims in this case were United States citizens. Michael Wayne Thomas pled guilty to transporting a juvenile to Pennsylvania for purposes of prostitution on two occasions and to committing an act of violence in furtherance of a prostitution enterprise. Thomas was sentenced to 17 ½ years of incarceration. Jermaine Dion Washington pled guilty to transporting a juvenile to Denver for purposes of prostitution and was sentenced to nearly 9 years of incarceration. DeCory Williams and Tiffone Southwell pled guilty to transporting a juvenile to Miami for purposes of prostitution. Williams was sentenced to 10 years of incarceration, while Southwell was sentenced to more than 3 years of incarceration. Jacinto White pled guilty to interstate travel to Pennsylvania in furtherance of a prostitution enterprise and was sentenced to 6 months of incarceration. Greg Phillips pled guilty to coercing

a person under age 18 to engage in a sexual act and was sentenced to more than 10 years of incarceration. Kelvin Scott pled guilty to transporting for immoral purpose and was sentenced to 10 years of incarceration. Greg Parson pled guilty to transporting a person under age 18 with intent to engage in criminal sexual activity and was sentenced to nearly 5 years of incarceration. Troy Sutherland was convicted on charges of child sex trafficking. His sentencing is pending as of February 15, 2006.

Fiscal Year 2005

United States v. Babaev (New York)

In July 2005, Alex Babaev and Asgar Mammedov pled guilty to sex trafficking in connection with bringing young women from Azerbaijan into the United States to work as prostitutes in New York between March 2003 and March 2004. The men maintained the women in prostitution through threats and force, including beatings and rapes, and threats against their families in the Caucasus region. Mammadov was sentenced in December 2005 to 10 years of incarceration and ordered to pay $325,000 in restitution to his victims. In early 2006, Babaev was sentenced to 20 years of incarceration.

United States v. Kaufman (Kansas)

A 35-count superseding indictment charged defendants Arlen and Linda Kaufman with conspiracy, forced labor, and involuntary servitude, as well as several other violations including health care fraud, mail fraud, making a false representation and writing, obstructing a federal audit, and forfeiture. The defendants operated "The Kaufman House," a residential treatment group home for mentally ill adults. For nearly 20 years, beginning in 1986 and lasting through October 2004, the defendants engaged in a conspiracy to hold mentally ill residents in involuntary servitude and forced labor. The defendants forced the residents to engage in nudity and sexually explicit acts, and to preform acts of labor and services for the defendants' entertainment and benefit. Each of the defendants' victims were United States citizens. On November 7, 2005, the Kaufmans were convicted by a jury of the bulk of the charges, including conspiracy, involuntary servitude, forced labor, and multiple health care fraud counts. Arlen Kaufman was sentenced to 30 years of incarceration, Linda Kaufman was sentenced to 7 years of incarceration.

United States v. Pallas (Maine)

On December 15, 2004, Russell A. Pallas pled guilty in the District of Maine to conspiracy to transport individuals in interstate commerce with the intent that such individuals engage in prostitution. The time period in the Information covers November 2001 to June 2004. Pallas was the manager of the Kittery Health Club, Inc. (d/b/a the Danish Health Club), where prostitution activities involving women from Massachusetts and New Hampshire occurred. Pallas was sentenced November 21, 2005, to 10 ½ months imprisonment.

United States v. Maksimenko and *United States v. Prokopenko* (Michigan)

Following the escape of serval exotic dancers who sought the assistance of federal law enforcement, Aleksandr Maksimenko and Michail Aronov were indicted in February 2005 on charges of forced labor. The defendants had recruited Russian and Ukranian women to travel to the United States, only to hold them in a condition of servitude in strip clubs in southeastern Michigan. Investigation revealed at least nine women who were held in forced labor by the defendants since 2001 through threats, force, and rape. On September 8, 2005, Aronov pled guilty to a criminal information charging him with conspiracy to violate the 13th Amendment's prohibition against slavery, immigration conspiracy, and money laundering conspiracy. As part of his guilty plea, Aronov agreed to forfeit over $500,000 in proceeds of the slavery conspiracy. Maksimenko's wife, mother, and stepmother pled guilty to conspiracy to obstruct justice in the wake of the men's arrest.

Two Ukranian men, Evgeny Prokopenko and Alesander Bondarenko, pled guilty to visa fraud for their involvement in the trafficking scheme. In 2004, Prokopenko and Bondarenko, who were diversity visa holders, agreed to engage in false marriages with two of the dancers in order to smuggle them into the United States on behalf of Maksimenko and Prokopenko. In February 2006, Bondarenko was sentenced to 4 months incarceration for his limited involvement in the scheme. Sentencing for the remaining defendants who have pled guilty[10] is pending as of February 15, 2006.

United States v. Medrano (New Jersey)

Sixteen defendants were charged with conspiracy to commit forced labor and multiple counts of forced labor and alien smuggling. Beginning in April 2003, the defendants allegedly recruited Honduran women and girls to come to the United States with promises of restaurant jobs. Once the women were smuggled into the United States, they were brought to New Jersey, where the defendants confined them in safe houses, forced them to dance with men in bars, and encouraged them to engage in prostitution to pay inflated smuggling debts. On November 16, 2005, defendant Xochil Nectalina Rosales Martinez entered a guilty plea to conspiring to commit forced labor based on her involvement in this matter. Sentencing of Rosales Martinez, and trial of the remaining defendants,[11] is pending as of February 15, 2006.

[10]As of February 15, 2006, defendant Aleksandr Maksimenko was awaiting trail. The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

[11]The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

United States v. Okhotina (California)

In January 2003, Alana Okhotina smuggled her eighteen year old niece into the United States from Russia and forced her to work as a prostitute to repay her smuggling debt. The defendant threatened to kill the victim and her family if she did not comply and told her that she would be arrested if she went to the police because she was here in the Unites States illegally. On December 6, 2005, Okhotina entered a guilty plea to trafficking into slavery. Okhotina's sentencing is pending as of February 15, 2006.

United States v. Salazar (Texas)

Six defendants were charged with conspiring to sex traffic young Mexican women and girls. The defendants allegedly lured young Mexican girls and women into the United States under false pretenses then forced them into prostitution, using physical violence and threats to maintain strict control over them. As of February 15, 2006, four of the six defendants have pled guilty to conspiring to commit sex trafficking. Trial for defendant Ivan Salazar is currently set for November 2006. The alleged ringleader, Gerardo Salazar, remains a fugitive as of February 15, 2006. [12]

United States v. Zavala and Ibanez (New York)

On November 5, 2004, defendants Mariluz Zavala and Jorge Ibanez pled guilty to conspiracy to commit forced labor, document servitude, and recruiting, harboring, transporting, and housing undocumented workers; engaging in extortionate credit transactions; and transferring false alien registration cards. Between June 1, 1999, and June 21, 2004, Zavala and Ibanez orchestrated a scheme to illegally obtain visas for Peruvian aliens seeking to come into the United States. The defendants charged the aliens a smuggling fee ranging from $6,000 to $13,000. By confiscating their passports and threatening to turn them over to authorities, the defendants compelled the aliens to perform work for them and other employers. The defendants kept most of their paychecks, leaving the aliens with approximately $50 or less per week on which to live and support their families. More than 60 Peruvian illegal aliens, including 13 children, who were living in cramped and squalid conditions were granted continued presence and are receiving services through a non-governmental organization. As part of their guilty pleas, the defendants agreed to forfeit a residence valued at $175,000 and bank accounts containing approximately $30,000 generated through their crimes. On November 9, 2005, Zavala was sentenced to 15 years of incarceration. Ibanez's sentencing is pending as of February 15, 2006.

[12]The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

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