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Trafficking in Persons in the United States

-A Report to the National Institute of Justice-

FINAL REPORT

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I. Executive Summary

This research used case studies to identify points of intervention at each stage of the trafficking process. We looked for points where law enforcement, civil society, business, and the public could take action. We sought to identify actions that would lead to: more successful prevention of trafficking; the discovery, liberation, improved care and rehabilitation of victims; and, especially, ways to increase prosecutions that will shut down trafficking operations. By addressing these points of intervention we believe the United States can become a much harder target for criminal traffickers – a place where the risks of discovery are greater and the consequences more swift and decisive. For each case¹, we examined the roles of various actors in the trafficking process:

- law enforcement
- immigration services
- the criminal justice system and judiciary
- social services
- the victim’s legal representation
- collaboration between all these agencies
- demand factors and industry of exploitation

As well as:

- descriptions of the traffickers
- an examination of the mechanisms and process of trafficking
- a sensitive and extensive exploration of the background and experience of the trafficked person.

The case studies were researched in three different areas of the United States: Southwest Florida, Chicago, and Washington DC. The first two of these have been cited as trafficking “hot-spots”, the third as a “newly emerging port of entry.” We collected and organized data for individual cases. Some of these cases involved an individual victim, and some had a group of victims who were trafficked and exploited together. For each case/victim cohort, we conducted interviews with the victim, relevant agencies, community groups, and individuals who played a part in the case. Altogether, we conducted 73 interviews with participants pertaining to 12 cases. In addition to interviews, we used secondary source materials, including previous interviews by participating organizations, medical and psychological assessments, law enforcement reports, court records, immigration authority documents, and news reports.

Major Findings

- Trafficking victims are most likely to be young and reasonably healthy people from poor, but not necessarily the poorest, backgrounds. Often, trafficking victims often have a level of education that seems incongruent with their enslavement. In the case studies we found that those with the least education were most easily manipulated. Both the lack of, and desire for, education is also a strong predictor of susceptibility to being trafficked.
- Recruitment is particularly effective when traffickers rely on victims whom they have turned into loyal enforcers or recruiters. Recruitment is also effective when the potential victim’s family members are involved.

- One-third of our case studies involved foreign-national victims who were recruited within the United States.
- In half of the cases studied in this research, the trafficking operations were simple links between *single individuals or agencies* providing a single service – smuggling migrants across a border in order to exploit them in the destination country. One quarter of the cases were *segmented businesses* involving a criminal network and a legitimate transportation or labor recruitment company. One quarter of the cases were relatively *sophisticated and complex networks* spanning both long periods of time and large geographical distances.
- The principal methods traffickers use to control victims include: taking away victims’ travel and identity documents; repeatedly telling victims local police or immigration authorities will arrest, brutalize, or even kill them if they are found; sexual abuse; physical violence; threats of physical violence or death; isolation; and debt bondage. In cases with groups of victims, traffickers used victims as enforcers to intimidate and control the victims.
- The types of work that trafficking victims were forced to do in our case studies were prostitution, domestic service, agricultural work, entertainment, factory work, restaurant service, and street peddling. In every case the period of exploitation lasted much longer than that of being trafficked. The length of captivity ranged from one month to 5½ years. Once in their situation of forced labor, none of the victims in these case studies were sold-on to different exploiters or forced into different types of work.
- Human trafficking operations in the U.S. are carefully planned and orchestrated to *make* victims vulnerable and *maintain* their vulnerability and dependence. Systematic isolation and disorientation of victims occurred in every case researched for this study. Threats of violence or the use of actual violence were used to create a climate of fear. The premeditation and organization needed suggests that most instances of human trafficking and forced labor should be considered as *organized crime*, not simply the opportunistic exploitation or coincidental negligence of an employer.
- In one third of our case studies, the trafficking victims came to freedom on their own initiative by escaping their exploiters. In one third of our case studies, private citizen interveners (“good Samaritans”) took an interest and helped secure liberation of the trafficking victim.
- Trafficking victims often have contact with local law enforcement authorities. But because they lack sufficient training, local law enforcement agents failed to notice the victims and take appropriate action to bring them to safety. Law enforcement played a role in the exposure and discovery of trafficking victims in only one of our case studies.
- Not every federal arrest and search warrant execution was successful in the case studies. Case study analysis showed that local non-governmental organizations and service providers have a role to play in mounting successful arrests of traffickers. NGOs may provide needed intelligence facilitating the arrest. They also provide assistance in stabilizing victims to be able to cooperate with law enforcement.
- There continues to be a tension between the needs of trafficking victims, the needs of law enforcement pursuing trafficking cases, and the requirements placed on immigration authorities to process T visa applications. The length of time needed to obtain a T visa, and the legal and service provision “limbo” in which this leaves the victim, is not conducive to successful prosecutions.

- There is also a tension created by the Trafficking Victims Protection Act which places the responsibility for the support of T visa applications on the same investigators and prosecutors who may be later accused of using the offer of a T visa to “purchase” the cooperation of the witness.
- Fear of reprisals against themselves, and against their families in the origin countries, prevents many trafficking victims from effectively participating in prosecutions.
- The highly variant social, cultural, and linguistic backgrounds of victims of trafficking are a significant challenge to both gaining their cooperation and building successful cases.
- The special inspection powers and experience of Department of Labor investigators is a valuable, but under-utilized, resource in gathering evidence on trafficking and forced labor cases.
- Commercial and other records are the “Achilles heel” of traffickers and exploiters of forced labor; this is especially the case with those involved in trafficking into forced prostitution.
- Even though trafficked persons who cooperate with federal law enforcement agencies are eligible for benefits and protection, some cooperative trafficking victim-witnesses have not received the support to which they are entitled.
- Human traffickers are engaged in a wide range of crimes both against their victims (rape, assault, extortion, homicide, forced abortion, etc.) and against the state (money laundering, tax evasion, document fraud, corruption of officials, etc.).
- It is the nature of trafficking as a crime that when different official and civil society agencies work together they are most likely to achieve successful interventions and prosecutions – the reverse is also true.

Recommendations

A lack of understanding of trafficking as a crime, lack of sensitivity to victims, lack of training and familiarity with the crime on the part of law enforcement, and the demand by the public for cheap goods and services all contribute to the continuation of trafficking and forced labor in the United States. What must be remembered is that this is an ongoing, underground, and brutal exploitation of men, women and children. It is a hidden crime that preys on the most vulnerable – the poor, the uneducated, children, and especially, the impoverished immigrant seeking a better life. It is a profound violation of human rights being perpetrated in the cities, suburbs, and rural areas of the United States. Yet, for all its severity and breadth, trafficking can be stopped. The criminal enterprises that exploit forced labor are small and fragmented. The general public, when they understand the problem of human trafficking, are outraged and willing to see resources devoted to its eradication.

A key aim of this research was to explore ways to increase prosecutions and better serve victims of trafficking. We sought answers to these questions from the diverse viewpoints represented. Chapter V, Section j of this report (beginning on Page 94) is a special section for law enforcement personnel drawn from experts in the collection of evidence and the building of cases against traffickers. Additionally, Chapter VIII (beginning on page 135) lists and discusses 53 specific recommendations that we believe will help achieve increased prosecutions and better protection of victims if acted upon.

II. Introduction

In the second half of the 20th century human trafficking has dramatically increased. There are a number of factors driving this growth. The population explosion following the Second World War raised the global population from 2 billion to 6 billion. Most of that growth is in the developing world. At the same time, far-reaching changes in national economies and political systems enrich some parts of the world population but impoverish others. When large numbers of impoverished people live in the context of corrupt government, particularly corrupt local law enforcement, they cannot protect themselves against enslavement and trafficking. Other factors also push the poor into being trafficked. Civil wars, ethnic violence, and invasion create millions of refugees whose precarious and weakened situations makes them susceptible to being trafficked. For those whose poverty is desperate, the false promise of a better life often draws them into the control of criminals who then traffic them. At the same time, new technologies aid criminals involved in human trafficking. Better and more varied transport, improved methods of secure communications, the increased permeability of borders since the end of the Cold War, and the confusion and turmoil in the wake of civil conflicts, have all helped fuel criminal involvement.

For any case of trafficking there is a unique set of causes and effects. The broad variation of trafficking in persons across regions and cultures means that there can be no uniform answer to the question “what causes trafficking?” That said, there are a number of commonalities in trafficking. The root causes of trafficking in persons include the greed of criminals, economic pressures, political instability and transition, social and cultural factors in the country of origin, and the demand for trafficked labor in the destination country. Many traffickers are involved in other transnational crimes. Criminal groups choose to traffic in persons, in part, because it is high-profit and often low risk, because unlike other “commodities” people can be used repeatedly, and because trafficking in persons does not require a large capital investment.

Migrant-Camp Operators Face Forced Labor Charges

The New York Times, June 21, 2002

Takoma Park Couple Enslaved Woman

The Washington Post, June 10, 2003

Women Get Jail for Forcing Girls into Brothels

The New York Times, August 8, 2003

Slavery In Florida’s Citrus Groves

Miami Herald, Nov. 21, 2002

“Coyotes” offer evil deal; Hondurans forced into prostitution

Washington Times, July 23, 2002

For most Americans the occasional newspaper headline is their only indication that human trafficking and forced labor are alive in the United States. The research carried out for

this report suggests that these headlines represent only a small fraction of the ongoing, underground, and brutal exploitation of men, women and children who have been trafficked into the U.S. This profound violation of human rights is being perpetrated in cities, suburbs, and rural areas of America. Hidden from view, it generates millions of dollars for criminals. It is a crime that preys on the most vulnerable – the poor, the uneducated, children, and especially, the impoverished immigrant seeking a better life.

While promises of good jobs with high wages are used to lure the poor into forced labor, in part due to a lack of legal possibilities for people to emigrate for work, it is not sufficient to blame external economic factors for trafficking into the United States. Demand for trafficked labor exists in the American economy. There are citizens and others in the United States who are willing to exploit other human beings in this way. Also, it has not been the practice of most U.S. businesses to ask questions about the labor conditions of their suppliers. Given the large and relatively unregulated informal sectors of the economy, this lack of questioning helps to create a context in which trafficked people can be exploited. Added to an overt willingness to exploit by some criminals and informal sector businesses, the result is a growing demand for trafficked workers.

It is also important to understand that those who supply workers for forced labor and the “employers” and “consumers” of forced labor are not necessarily the same individuals. The suppliers are the recruiters and transporters who entrap and move people into the human trafficking streams. They convert free people into victims of forced labor by taking control of their lives, brutalizing them, taking their passports and documents, and restricting their movement. There are certain attributes they seek in the “product” they will sell to those who use forced labor – gullibility, physical health, and the most important attribute, profitability. Profitability, in turn, is determined by the demand the “employer” of forced labor has for certain skills and attributes in the people they will exploit. These attributes vary according to the jobs or economic sectors in which the “employer” intends to use forced labor. Different attributes will be needed for prostitution or agricultural work or domestic service, though there will be overlap as well.

Most importantly, the suppliers and users of forced labor are themselves meeting a demand within the overall economy. American citizens are using the products and services of trafficked workers. In the case of prostitution, they are personally exploiting the women and children who are trafficking victims. Whether American consumers who benefit from trafficking know they are doing so, or are ignorant of the suffering that supports their purchases, they are still driving the demand that supports human trafficking.

This research

The fundamental aim of this research is to improve our national response to human trafficking. When the request for research proposals for this research was first issued it was very specific in noting the need for information that would increase the number of prosecutions of those involved in trafficking. At that time, policy makers and the public were rapidly becoming aware of the problem of trafficking, but there were few sources of solid information about addressing this problem. New legislation had just come into force, but it was untested and many

law enforcement personnel and service providers did know how the new law would affect their work. This research was designed to add depth to our understanding of trafficking and our responses to it. It aimed to systematically capture comparative information from criminal justice officials and service providers who have been involved in trafficking cases, especially those that have produced successful outcomes. We sought a holistic in-depth understanding of a variety of trafficking cases, and official and unofficial responses to those cases, drawing on the perspectives of law enforcement, the criminal justice system, victims, victim services (including legal representation), local immigration officials, community-based non-governmental organizations (NGOs), and outreach services. Then we tried to contextualize those cases in terms of local and national economics, the economics of specific industries, and the law. Our goal was to illuminate emergent themes that can inform and guide our response to trafficking.

At the end of the research process we are nearly overwhelmed by the richness of the information we have collected. While the research was planned before the events of September 11, 2001, and while those events had a significant impact upon the research process, the results are still comprehensive and have generated a long list of recommendations for improving our national response. Many of these lessons have been learned by and confirmed by other organizations over years since the passage of the Trafficking Victims Protection Act. We welcome this confirmation and have drawn on other experiences to enrich these findings.

III. Literature review

a. Definitions & Concepts

Human trafficking is a crime that occurs much more as a process than as an event. It is defined by its end-result of the victim arriving into a situation of enslavement. We understand slavery as “the complete control of a person for economic exploitation by violence or the threat of violence.”² Trafficking in persons is one of the means by which people or organizations bring people into, and maintain them in, slavery and forced labor. Human trafficking is not a condition or result of a process, but the process of enslavement itself.

The current conception of trafficking in persons used in the United States echoes that of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. The Protocol came into force on December 25, 2003, but it has not yet been ratified by the United States. The Trafficking Protocol defines trafficking in persons in this way:

Trafficking in persons is (Art. 3[a])

- **the action of** recruitment, transportation, transfer, harbouring, or receipt of persons
- **by means of** the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim
- **or the purposes of** exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices, and the removal of organs.
- **Consent of the victim is irrelevant** where illicit means are established, but criminal law defences are preserved.³

The definition is broken down into three lists of elements: criminal acts, the means used to commit those acts, and goals (forms of exploitation). This definition of trafficking is a key element of the Protocol. It represents the first clear definition at the international level. It will greatly assist in the fight against trafficking by standardizing approaches to the problem. As it is adopted it will help ensure that legislative and administrative measures are consistent from country to country, and it will help provide a common basis for statistical and research purposes.

While the new definition is crucial to an international response to trafficking in persons, it is important to remember that it is not an exhaustive definition, and that the Convention and Protocols are limited in scope. The Protocol is intended to “prevent and combat” trafficking in persons and facilitate international co-operation against such trafficking. It applies to the “prevention, investigation and prosecution” of Protocol offences, but only where these are “transnational in nature” and involve an “organized criminal group,” as those terms are defined by the Convention. The Convention, Protocol, and the definition of trafficking in persons they put forward are essential to the fight against this crime, but they are not, and should not be, the only tools available.

U.S. Definition & Legal Framework

The U.S. Government passed the Trafficking Victims Protection Act in October 2000. The Trafficking Act provides a definition for “severe forms of trafficking” which includes both trafficking for forced labor or servitude and trafficking for sexual exploitation:

- (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.⁴

The provisions of the Trafficking Act represent a bold departure from prior approaches to trafficking and forced labor in the United States. Recognizing that these crimes are global problems, the law established the Office to Monitor and Combat Trafficking in Persons in the U.S. State Department to oversee a wide range of efforts to end human trafficking in the United States and abroad. The Trafficking Act *criminalizes* procuring and subjecting another human being to peonage, slavery, involuntary servitude, or forced labor and provides social services and legal *benefits* to survivors of these crimes, including authorization to remain in the country. It also provides *funding* to support protection programs for survivors in the United States as well as abroad and includes provisions to *monitor* and *eliminate* trafficking in countries outside the United States. Finally, the law distinguishes smuggling – a victimless crime by which migrants cross borders without authorization – from trafficking – a practice by which individuals are induced by force, fraud, trickery, or coercion to enter the United States and then forced to work against their will. The law clearly specifies that those caught up in trafficking and forced labor should be recognized as *victims* of a crime rather than treated as unauthorized migrants who must be returned to their countries of origin.

Many victims of trafficking in persons begin their journey by consenting to be smuggled from one country to another. Because of this, the difference between smuggling and trafficking in persons has been an area of some confusion. Smuggling and trafficking both involve moving human beings for profit, but in smuggling the relationship between migrants and offenders (the smugglers) usually ends on arrival in the destination country. The criminal’s profit is derived from the process of smuggling the migrant alone. In cases of trafficking, some subsequent exploitation for profit, such as coerced labor or sexual exploitation is also involved. Put another way, trafficking in persons is smuggling plus coercion or deception at the beginning of the process and exploitation at the end. This means that law enforcement encountering cases in progress will often not know whether smuggling or trafficking is occurring and will have to rely on measures against smuggling until the additional elements of trafficking are discovered – for that reason it is important that law enforcement personnel working in trafficking are familiar with the law concerning both smuggling and trafficking.

b. Current knowledge

The problem of human trafficking has only recently gripped the public's attention. The response to the problem by government and non-governmental agencies has been explosive. Yet, information in the form of detailed academic research on human trafficking in the U.S. is still very limited. There is literature on the trafficking of women⁵ and the trafficking of women and children for the sex industry⁶, but to date, there is no research that comprehensively covers the process of human trafficking into and within the United States to explain how trafficking in persons occurs, how victims are exploited, how they escape, and how law enforcement agencies and non-governmental organizations assist trafficking survivors. Below we review literature on the smuggling of undocumented migrants, which help shape our understanding of parts of the trafficking process.

Salt and Stein⁷ conceptualize trafficking in migrants as an international business involving trading and systematic movement of people as “commodities” by various means and potentially involving a variety of agents, institutions, and intermediaries. Salt and Stein's model for trafficking as a business is useful insofar as the model attempts to understand how smuggling organizations operate. Salt and Stein, however, choose to concentrate on and analyze human *smuggling* – the illegal transport of irregular migrants from one country to another – conflating smuggling with trafficking. Their model does not take up the intentional employment destinations involving forced labor and servitude that are characteristic of the design of human *trafficking*. The “trafficking as a business” model also does not detail the structure of trafficking organizations or their size of operation.

Alexis Aronowitz,⁸ in work for the United Nations Interregional Crime and Justice Research Institute, has looked closely at the organization of smuggling and trafficking operations. She points out that the degree of organization within the smuggling or trafficking chain can vary dramatically. It can be as simple as a single individual providing a single service - hiding migrants in the back of a truck and smuggling them across a border only to abandon or exploit them once in the destination country. It can be a segmented business involving an interaction between a criminal network and a legitimate transportation company. It can be sophisticated and complex spanning both long periods of time and large geographical distances.

Trafficking is a process, depending upon the complexity of the operation, which can involve numerous players. Trafficking operations moving large numbers of persons through numerous countries over a longer period of time are, by nature, highly organized. Bajrektarevic⁹ discusses the horizontal design of smuggling and trafficking organizations and argues that they are divided into several sub-units that specialize in a particular part or sequence of the operation. These sub-units provide various services from recruitment to escort to logistical support. The management unit maintains a vertical structure and has knowledge of and controls the other sub-units. All other sub-units are organized horizontally and have very limited knowledge of the other sub-units. These units are as follows:

- *management/supervising unit*: this unit drafts, plans, finances, manages, and supervises the whole operation and maintains a criminal structure that is both operable and profitable;

- *recruitment unit*: advertises the organization and recruits new clients through means ranging from the informal (word of mouth) to formal advertisements in the press or internet or the use of travel agencies;
- *escort unit*: responsible for transport from the source countries through the transit countries to the country of origin;
- *corrupted public officials*: although they may not function as an integrated group, their behavior is instrumental in facilitating the smuggling and trafficking networks;
- *guiding/navigating unit*: individuals who know and make arrangements in the local environment;
- *supporting/logistics unit*: this unit provides supporting services such as food and safe houses;
- *debt collecting unit*: responsible for collecting transportation fees and keeping smuggled and trafficked persons isolated in safe houses;
- *exploiting unit*: operates in the destination country and may consist of numerous sub-units involved in various activities (exploitation in prostitution, pick-pocketing, car theft, drug smuggling or begging);
- *re-escort unit*: these units are responsible for “escorting” or rotating trafficked persons (usually those forced into prostitution) between cities or countries.

All but two of these units are common to both smuggling and trafficking operations. The exploiting unit and re-escort units only provide “services” to networks dealing with trafficked persons.

David Spener¹⁰ presents findings similar to the work reviewed above, in demonstrating how migrant smuggling operations through South Texas function. Spener’s work also portrays the smuggling operation as a business enterprise, involving interrelated, but often independent, purveyors of services for fees. Spener proposes a nine-stage model to examine the process of migrant smuggling from Mexico across the U.S. border. The stages are as follows:

- *communities in the Mexican interior*: migrants are recruited by smuggler’s representatives. Migrants contact smugglers at the Mexican-U.S. border.
- *bus terminal*: migrants recruited by “greeters.”
- *hotel/residence*: Migrant goes to hotel/residence where crossing party is assembled. Initial crossing fees collected.
- *international bridge*: scouts observe Border Patrol activities. More migrants recruited. Crossing group assembles with guide.
- *crossing*: Early A.M crossing attempted. Migrants taken across river by local guide (swim, tube, wade, or raft).
- *point of unauthorized U.S. entry*: migrants received by local/long-distance guide. Guide takes migrants to safe house or to auto pickup point.
- *safe house*: local guides deliver migrants. Migrants housed (and sometimes fed). Migrants picked up by guides or awaits to be led around internal Border Patrol checkpoints.
- *auto pickup points*: guides deliver migrants. Drivers pick up migrants. Guides return south or accompany migrants to drop house

- *safe house/drop house in Texas interior*: Migrants housed and fed. Remaining fees collected. Migrants released to “employers”.

These stages are a useful model for researching the process of trafficking persons into the U.S. because smuggling can turn into trafficking at any one of these stages. In the case studies described below, we highlight the point in the smuggling process where migrants fell victim to traffickers. Spener also suggests that criminal prosecutions of smugglers alone are not effective in putting them out of business because most operate outside the reach of law enforcement.

Research by Peter Kwong shows how Chinese smugglers traffic migrants into U.S. enterprises as cheap, exploitable labor. Kwong demonstrates how smugglers regularly use violence to achieve migrants’ compliance for servitude and debt repayment.¹¹ Kwong describes how smuggled immigrants are

“...starved, deprived of fresh air and sunlight, and beaten regularly. At times they are ordered to inflict pain on one another. Many are shackled and handcuffed to metal bed frames. Males are told that they could be killed; the females are threatened with work in a whorehouse. One thing smugglers always make sure of is that their victims do not dare to inform the authorities or testify against them in court—not even to talk about their experience with other illegals. They are never allowed to forget that the smugglers control the whole community.”¹²

In this way, snakeheads (as Chinese people smugglers are known) force immigrants to work as unpaid labor for several years while enforcers ensure complacency through control using violence and the threat of violence.

Kwong also finds that U.S. law enforcement agencies have difficulty stopping Chinese traffickers because the operations are controlled from outside of the U.S. – only bottom-rank “enforcers” handle undocumented aliens once they cross the U.S. border. Plus, stopping snakeheads requires expensive and time consuming organized crime investigations and prosecutions, and immigration authorities are short of resources and too overwhelmed to stop human smuggling operations.¹³

The most comprehensive study on human trafficking in the U.S. to date is a U.S. government report on trafficking in women.¹⁴ This monograph, a review of several cases from 1990-1998, showed that trafficking in women and slavery operations went on for years undetected. Forced labor operations lasted 4½ to 6½ years while trafficking operations for forced prostitution lasted approximately 2½ years undetected. Trafficking for forced sex entertainment went on from ten months to three years before detection or intervention. Once uncovered, cases took about a year and a half to investigate and prosecute.

The U.S. government monograph focuses on several areas of the criminal trafficking process and law enforcement response to trafficking cases. The key findings that bear on our research are:

- *enticement and deception*: in their home countries, woman are lured by false promises of legitimate employment in the U.S.

- *entry into the U.S.:* women and children are primarily brought into the U.S. in three ways: illegal use of “legitimate” travel documents, imposter passports, and entry without inspection.
- *routes to and within the U.S.:* traffickers move women and children into the U.S. using a variety of ports of entry, including major immigration entry ports such as Los Angeles, Chicago, New York, and Miami. Once inside the U.S., traffickers move women destined for the sex industry around an internal circuit through major cities, including New York, Miami, Las Vegas, Houston, Reno, Seattle, and San Francisco.
- *the traffickers:* trafficking in women and children is a global criminal phenomenon. Traffickers operate through a spectrum of criminal organizations—from major criminal syndicates, to gangs, to smuggling rings, to loosely associated networks. Major trafficking organizations are Asian criminal syndicates, Russian crime groups and syndicates, and loosely associated Latin American groups.
- *profits from trafficking:* Criminal profits from trafficking cases in the U.S. ranged from one to eight million dollars in a period ranging from one to six years.
- *criminal exploitation of women brought to the U.S.:* migrant women in the U.S. are exploited in various ways that fall on a continuum of abuse. Slavery is one extreme among the most egregious forms of abuse, while labor standards violations are a less egregious form of exploitation. Not all matters of exploitation of migrant women are clear-cut cases of trafficking.
- *issues and challenges associated with combating trafficking:* different branches of the government and various offices within those branches define, categorize, and handle trafficking cases in different ways. Distinctions between trafficking, smuggling, and irregular migration are often blurred by immigration officials. Law enforcement agencies do not always share information among other concerned offices. Investigations are hindered by limited resources, lack of language capacity, lack of female agents and agents with an appropriate familiarity with certain ethnicities, lack of leads, and lack of victim cooperation.
- *issues and challenges related to providing assistance to and protecting trafficking victims:* trafficking victims need to be housed in appropriate shelters rather than detention and deportation centers. There is a lack of adequate shelters and services for trafficking victims,

The findings of the U.S. government monograph provide a useful measure by which to compare our findings on trafficking in persons patterns in the U.S. and governmental and non-governmental activities to address the problem.

The recommendations of the U.S. government monograph were influential to the passage of the Trafficking Victims Protection Act of 2000. Since then, some of the challenges to investigating and prosecuting traffickers and assisting and protecting trafficking victims have been addressed by the provisions of the TVPA.¹⁵ The patterns of human trafficking in the U.S., however, and the combined law enforcement and NGO response to the crime, have yet to be studied systematically.

IV. Research Questions & Research Methods

Trafficking to the US comes from a large number of countries and serves a variety of industries. We used case studies as a research method to understand the diversity in source countries, mechanisms of entry, involvement of organized crime, and means of control exercised over those trafficked. Case studies, used in conjunction with other qualitative methods, are normally used to open new areas of interest, and in researching a topic that involves criminal activity.¹⁶ The case study method allowed us to focus on specific cases in order to come to an understanding of the trafficking process and the interaction of the various agencies and individuals involved. For each case, we examined the roles of various actors in the trafficking process from the criminal act to the law enforcement and nongovernmental organization assistance to the victims. We examined the roles of:

- law enforcement
- immigration services
- the criminal justice system and judiciary
- social services
- the victim's legal representation
- collaboration between all these agencies
- demand factors and industry of exploitation

As well as:

- descriptions of the traffickers
- an examination of the mechanisms and process of trafficking
- a sensitive and extensive exploration of the background and experience of the trafficked person.

The case studies were researched in three different areas of the United States: Southwest Florida, Washington DC, and Chicago. The first two of these have been cited as trafficking “hot-spots”, the third as a “newly emerging port of entry.” We collected and organized data for individual cases represented by an individual victim or a group of victims when they had been trafficked and exploited together. For each case/victim cohort, we conducted interviews with the victim, relevant agencies, community groups, and individuals who played a part in the case. Altogether, we conducted 73 interviews with participants pertaining to 12 cases. In addition to interviews, we used secondary source materials, including previous interviews by participating organizations, medical and psychological assessments, law enforcement reports, court records, immigration authority documents, and news reports.

Interviews shed light on each particular case and were used to mount comparisons between cases and locations. The data were analyzed using several analysis grids to record emergent themes across cases and compare the chronological narratives of different cases and locations.

Three participating non-governmental organizations were crucial to assisting in gathering the data for this report. The organizations assisted the researchers in contacting trafficking survivors and individuals involved in resolving their cases. The participating organizations were:

- a. *Break the Chain Campaign, Washington DC.* This is a coalition of legal and social service agencies, ethnically-based organizations, social action groups, and individuals protecting the rights of the migrant domestic worker community. Break the Chain Campaign has focused on domestic workers who have entered the U.S. through the A-3 or G-5 visa program. Each year about 4,000 of these visas are issued to household employees of diplomats or employees of international agencies like the World Bank. While many of the visa recipients are treated fairly, some are “trafficked” into the country legally through the visa program and then controlled through violence and paid nothing.
- b. *Coalition of Immokalee Workers (CIW), Southwest Florida.* The CIW is a community-based worker organization whose members are primarily Hispanic, Haitian, and Mayan Indian immigrants working in agriculture or other low-wage jobs in Southwest Florida. Most of its members have not been trafficked and are not currently held under violent control, but CIW has uncovered, investigated and collaborated on the prosecution of three major multi-worker cases in the past five years (involving work crews, rather than individual debtors as in domestic enslavement cases); these cases have involved up to 800 people in debt bondage, but since the crews change each season, stopping an operation stops thousands from being held in debt bondage. The CIW has also served in a consultant role to the Justice Department in three other human trafficking cases in Florida. The CIW’s impact is not limited to Southwest Florida – the work has an impact on Florida in general and up the East Coast due to the migrant nature of the work. They have also provided training on trafficking and enslavement for the Justice Department, FBI, immigration authorities, and U.S. Attorneys.
- c. *Midwest Immigrant and Human Rights Center (MIHRC), Chicago.* This organization provides comprehensive legal assistance to refugees, asylum seekers, immigrants, and trafficked persons. It has handled trafficking cases with victims from China, Thailand, Vietnam, Czech Republic, Cameroon, Brazil, and Latin American countries.

The participating organizations served as “gatekeepers” to interview participants, including trafficking survivors, outreach workers, advocates, law enforcement officials, and prosecutors. The Civil Rights Division of the Justice Department’s Criminal Section also assisted in granting authorization for interviews with prosecutors and law enforcement officials. It is to the Justice Department’s credit that law enforcement agents and justice officials were so forthcoming with information for this research project.

The data collection for each case centered on the experience of the trafficking survivor. Cases were selected in consultation with each of the participating agencies recent human trafficking cases. Cases were only included for study if they clearly met the definition of “severe forms of trafficking” given in the Trafficking Victims Protection Act of 2000, Sec. 103 (8). Cases served as the central organizing point for addressing groups of questions linked to the topics explored in the study. In each case the research focused on the experience of the trafficking survivor, and then radiated out to include all of the agencies, stakeholders and participants touched by and having an impact upon the case. For each of these groups having an impact on the case a set of specific questions were be asked. These questions followed nine key areas of inquiry:

- The experience of trafficking victims
- Details concerning industries in which trafficked persons are exploited
- Details concerning source countries of trafficked persons
- Law enforcement involvement
- Immigration service involvement
- Criminal justice processes
- Collaborations between law enforcement agencies and nongovernmental organizations

The guide questions were refined through discussion with the participating agencies and the National Institute of Justice. The guide questions were also used to for the analysis grids.

The September 11th Effect

The nature of this research project was altered by the events of September 11th, 2001. One the greatest methodological challenges was that law enforcement agents were rapidly re-deployed, especially FBI and immigration authority personnel.¹⁷ Trafficking cases had a significant turn-over in actors. Cases that had been adjudicated saw the people that had been important stake-holders dispersed across the country and re-assigned to new jobs. In the pressure of rapid change it became difficult to get some informants to make time to talk with our researchers.

In the same way, NGOs and advocates reported that it was very difficult to get clients to agree to be interviewed for this research after September 11th. As the U.S. began to fight its war against terror, trafficking survivors who are immigrants, refugees, or asylum seekers were even more frightened of being deported, having their legal visa status revoked, or even losing their citizenship. Survivors feared that being interviewed for this research on trafficking might increase their vulnerability.

This increased tension has an affect on the uncovering and investigations of trafficking cases. Immigrant workers are now more afraid to speak to immigration authorities with information about possible trafficking or worker exploitation offenses, even though there is a good chance that they would be protected as witnesses. They fear that by cooperating, the immigration authorities might see them as an accomplice. There is a need for more outreach to migrant worker communities to inform them of their rights.

V. The Trafficking Process and its Outcomes

Each case of trafficking is unique, but all cases share certain characteristics. At the most basic level are the common elements noted in the definition of trafficking given in the Trafficking Victims Protection Act – the action of transporting people by means of force or deception in order to control and exploit them. This chapter is the core of our report on trafficking in the United States. It takes as its format the sequence of the trafficking process itself. Each stage in the course of human trafficking, from recruitment in the country of origin to the ultimate resolution of the case through prosecution or otherwise, is examined separately. At each stage the different case studies will be compared and contrasted and we highlight the lessons learned. As we move through the stages in the trafficking process we look especially for those factors that increase the likelihood of victimization as well as those factors that foster a greater chance of successful detection and prosecution. We begin by examining the origins of those caught up in trafficking and their experiences as they are drawn into exploitation. At the beginning of each section we present a summary table showing factors in each case relevant to the particular stage in the trafficking process.

a. Vulnerability to trafficking

Table 1. Origin and Number of Victims

CASE^a	Date^b	Crime location	Origin country	No. of victims
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Guatemala & Mexico	120 - 400
<i>Mishulovich</i>	1996	Chicago	Latvia	5
<i>Paoletti</i>	1997	NYC, Chicago, NC	Mexico	74 - 1000
<i>Cadena</i>	1997	Florida	Mexico	18 - 40
<i>Cuello</i>	1999	Florida	Mexico	34
<i>Tecum</i>	1999	Florida	Guatemala	1
<i>Satia</i>	1999	Maryland	Cameroon	2
<i>Ramos</i>	2000	Florida	Mexico	700 - 800
<i>“Emilio”</i>	2000	Indianapolis, IN	Argentina	1
<i>“Ruth”</i>	2000	Maryland	Ivory Coast	1
<i>Pickle, Co.</i>	2001	Tulsa, OK	India	51 - 53
<i>Chinese sex workers</i>	2002	Chicago	China	4
			Total	1011 - 2341

NOTES:

^a The names of each case follow the name of the criminal prosecution for cases which were prosecuted. We gave the pseudonymous name of the victim for the cases of “Emilio” and “Ruth,” which were not prosecuted. We gave a generic, descriptive name for the “Chinese sex workers” case, which was also not prosecuted.

^b We use the date in which the case came to law enforcement or NGO’s attention.

Those who have access to economic, social, and political power are not likely to be caught up as victims of human trafficking. Virtually all trafficking victims have characteristics or circumstances that made them particularly vulnerable to traffickers. Poverty and deprivation are important determinants of who might be trafficked. The desire for a better life, the need to escape conflict and oppression, the hope for a new start, all bring people into contact with traffickers. For some, relative powerlessness makes them vulnerable to immediate violence and kidnapping, but forcible capture and trafficking is not the common starting point. In our case studies there was only one trafficker who kidnapped his victim. Traffickers understand that the cooperation of the victim improves the ease with which they can be trafficked, most commonly they play upon the desires and aspirations of the victims.

Perhaps surprisingly, it is not the most destitute and powerless people that are trafficked. The ill, the elderly, the severely malnourished, the disabled and infirm, are not sought out by traffickers. To the trafficker they are human commodities of insufficient value. Trafficking victims are most likely to be young and reasonably healthy people from poor, but not necessarily the poorest, backgrounds. Often, trafficking victims have a level of education that seems incongruent with their enslavement, as found in our case studies of victims trafficked from Argentina and Latvia in which the victims had university educations.

There are several factors that might “push” a potential trafficking victim into contact with traffickers. Belonging to an oppressed group, or a social category regularly discriminated against, may press a person to try her or his luck with a trafficking recruiter. Depending on the

country and culture, being a member of a particular ethnic or tribal group, or being female, or both, can be a predictor of vulnerability to trafficking. It is important to keep in mind the essential humanity of victims of trafficking. The motives that drive them into a situation of trafficking are often laudable: to escape oppression, to better provide for their children, to make a new start, or to gain new experiences and education.

There are also factors that operate to draw traffickers to certain victims. Vulnerability may be the first and key variable, but as commodities different human beings appeal to traffickers for different reasons. Traffickers will seek out those who most closely match the needs of their criminal economic activity. Those hoping to exploit trafficked persons as domestic servants or farm workers or prostitutes will seek out a different bundle of traits in their trafficking victims. Concepts of sexual attractiveness differ from culture to culture and this has an impact on what “type” of person is most likely to be victimized in sexual exploitation. Certain attributes of ethnicity and appearance are known to be worth more to buyers in receiving countries, thus narrowing the trafficker’s choice of victims.¹⁸

Factors causing vulnerability in the Case Studies

Between 1011 and 2341¹⁹ individuals are represented in the twelve case studies. The victims and cases studied for this report all began in countries that have economically and socially vulnerable populations. The countries represented are:

- Mexico (5 cases)
- Guatemala (2 cases)
- Argentina
- Latvia
- Cameroon
- Ivory Coast
- China
- India

All of these countries have suffered systemic poverty and economic disruption over the past decade. Latvia, Ivory Coast, Argentina, and the Cameroon have also experienced political disturbance. Armed conflict has only recently ended in the Ivory Coast and Guatemala. Ethnic tensions are severe and ongoing in India, China, and the Ivory Coast. A basic rule of human trafficking is that people flow from poorer countries to richer countries, clearly, the contrasting economic wealth and stability of the United States acts as a powerful “pull” factor to all points of the compass.

Both the lack of, and desire for, education is a strong predictor of susceptibility to being trafficked. The educational preparedness of the victims which ranges from illiteracy (in the *Paoletti* case) to university-level education (cases from Argentina and Latvia) is indicative of this variation. Those with the least education were most easily manipulated. For those who had some education, their desire for education, or the inability to continue education in the country of origin, was often cited as a factor leading up to the situation of trafficking:

They were told that they'd be given an education. It was made clear that they'd do some babysitting and that they do some domestic chores, that was the exchange. But they thought mainly they'd be in school. (INS Case Agent)

One young man trafficked from Mexico for forced labor in Florida's agriculture sector described a desire to help his siblings move toward education and how that drew him to try to work in the United States:

I would have gone to high school, but I had to help my father who was not earning enough money, so I couldn't go. So, in this sense, it would cost us too much if I went. So I could not go. But I really could have... If I could have worked and studied and helped my parents to be more autonomous. I could not concentrate on studying because I had to work to help the rest of the family, my brothers and sister, their children...(Tomas,²⁰ trafficking survivor, Cuello case)

In addition to their poverty and social vulnerability, though coming from a wide range of countries and cultures, these victims tended to share certain characteristics. Two of these characteristics tended to make the victims more attractive to traffickers: first, they needed work and were able and ready to move in search of work; second, they were already, or could be, socially isolated. In other words, the victims in our case studies were those who were willing to take a chance on finding work outside their own community, and who had weak links to their own community. Note how a young woman in the *Flores* case had become isolated from her family and home village:

My father died when I was just 12 years old. And we were eight children. And since we were eight kids I had to start working very young, and I was from the border of Guatemala and Mexico, so I often had to go to Chiapas [Mexico] to work and make a living. So I began, I've been working since I was 13. So there you really can't make a living, they don't pay much, so when I was 18 I decided I would try to come here to the U.S.

The factors of being a recently uprooted migrant (typically new to the wage-labor market), being socially isolated, and lacking economic capital are key vulnerabilities which traffickers exploit to hold victims in slavery.

Points of Intervention

The primary aim of this report is to look for ways in which the number of prosecutions of traffickers can be increased. Points of intervention leading to more prosecutions are difficult to discern in the opening stage of the trafficking process, but some recommendations can be made that would lessen the chances of a person being victimized. Many of these recommended actions are already being supported by the U.S. Government, but an expansion of these efforts has the potential for reducing the trafficking flow into the U.S.

Raising public awareness in countries of origin has been shown to be effective. Particularly in countries with a higher level of literacy and a widely accessible media, it is

possible to raise the awareness of potential victims to the types of enticements and recruitment methods used by traffickers. Awareness campaigns should reflect local cultures and traditions and offer information in local languages. Initially, such campaigns should target vulnerable groups, particularly women and children likely to be trafficked for sexual exploitation internationally. At present the Trafficking in Persons Office of the State Department supports the development and dissemination of such campaigns, but expansion of such efforts are needed.

RECOMMENDATION: The State Department should draw on the experience of the Department of Justice and service providers to trafficking survivors to craft strong messages and support their dissemination in countries of origin. The State Department should also assess the scale and penetration of the awareness campaigns it already supports e.g. how does the scale of these awareness efforts relate to the need to spread awareness? Would key target populations in key countries and regions have come across these messages? What can be learned from other awareness campaigns focused on behavioral change (e.g. HIV/AIDS)?

There are factors “pushing” trafficking victims that can be addressed, but which are beyond the remit of law enforcement. Significant inequalities in life-chances, employment opportunities, political stability, and levels of discrimination can all drive individuals toward taking chances with labor “recruiters” that can have potentially disastrous consequences. In some countries, such as Argentina and Latvia, there is the possibility that positive economic change can occur for large parts of the national populations within the near future. For countries such as India, Cameroon, and Ivory Coast, poverty and the lack of opportunity are much more pervasive and endemic. As long as gross inequalities exist, there will always be those searching for a better life for themselves and their families.

RECOMMENDATION: In its involvement with international institutions the United States government, especially when affecting the determination of requirements placed on countries in the developing world by financial institutions in which the U.S. has a leading voice, should ensure that social protections and education are protected and enhanced.

Also beyond the remit of law enforcement, but potentially addressed by government, is the opening of pathways of safe and legitimate migration to the United States. If there were not a demand for low-cost, low-skill labor, there would be little human trafficking into the country. Legitimate access to foreign workers by employers would tend to isolate those criminal enterprises that would continue to exploit using forced labor.

RECOMMENDATION: Lawmakers should consider ways to open safe and legitimate pathways to migration into the United States to meet the demand for foreign workers.

Many of these “push” and “pull” factors will be re-visited as we examine the Recruitment stage of trafficking in the next section.

b. Recruitment of trafficking victims

The process of recruitment also varies from case to case, but there are many commonalities which show patterns for trafficking to the United States. Trafficking in persons involves the movement of people from one place to another *with the intention of exploiting them through forced labor or servitude*. Such exploitation is essentially economic. For the trafficker, the aim of their criminal act is to make a profit. A human being that is destined to be a captive worker becomes a valuable commodity. When migrant transporters conspire to profit from supplying captive workers, they stand to earn a significant profit from the “employer” – the ultimate “buyer” and employer of the captive worker.

One-third of our case studies involved victims who were recruited within the United States. In vast and loosely monitored rural areas the nature of agricultural labor recruitment allows criminal employers to hold large groups of workers captive, and they can bring into situations of forced labor workers who were not trafficked, but entered the country by some other means. This amount of recruitment within the U.S. is an important finding of this study that we look at in-depth throughout the report.

Table 2. Distribution by location of recruitment

Number of cases involving recruitment in U.S.	4 (32.5%)
<i>Number or individuals recruited in the U.S.</i>	855 - 1235
Number of cases involving recruitment abroad	8 (67.5%)
<i>Number individuals recruited abroad</i>	156 - 1106
(Excludes unknown data from Chinese sex worker case)	(4)

Recruitment abroad

The criminal process of trafficking begins when a “feeder” or trafficking recruiter locates free workers who are potential migrants. The recruitment itself is a fraud – it is a false promise of work and opportunity in the United States. The recruiter sells the victim a dream: the opportunity to work and earn a high wage compared to what they would earn in their home country. The simple offer is hard to refuse given the victim’s circumstances. More importantly, the offer is hard to refuse because some are already looking for a chance to leave and the true nature of the work and often even their final destination is concealed.

Table 3. How recruited

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Recruitment location</u>	<u>Recruitment mechanism</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Guatemala/ Ariz.	Job offer in home town & staging area
<i>Mishulovich</i>	1996	Chicago	Latvia	Job offer in home town
<i>Paoletti</i>	1997	NYC, Chicago, NC	Mexico	Job offer in home town
<i>Cadena</i>	1997	Florida	Mexico	Job offer in home town; family involved
<i>Cuello</i>	1999	Florida	Arizona	Job offer at staging area
<i>Tecum</i>	1999	Florida	Guatemala	Kidnapped
<i>Satia</i>	1999	Maryland	Cameroon	Job offer in exchange for school
<i>Ramos</i>	2000	Florida	Arizona	Job offer at transport staging area
<i>“Emilio”</i>	2000	Indianapolis, IN	Chicago	Labor recruitment business
<i>“Ruth”</i>	2000	Maryland	Ivory Coast	Family sent for person
<i>Pickle, Co.</i>	2001	Tulsa, OK	India	Labor recruitment business
<i>Chinese sex workers</i>	2002	Chicago	(possibly China)	Unknown

The survivors of the *Mishulovich* case were recruited in their home town in Latvia. The trafficker himself recruited the women. Mishulovich cruised the streets, sizing up women and then he approached them with his pitch. One of the survivors recalled:

*He was very convincing... I'd say he was persistent because he walked three blocks down the street with me... just talking, talking, talking.*²¹

Similarly, in the *Flores* case, Miguel Flores partnered with a Guatemalan, Sebastian Gomez, who used connections in his home country to recruit. The Border Patrol investigator described Flores' Guatemalan accomplice in this way:

Gomez had connections down in Guatemala that talked these people into this real rosy picture, and say, “Hey, come on over. Just get to Arizona, we’ll pick you up, and we’ll promise you a golden life in the United States.”

Flores' use of Gomez to recruit workers was not, however, his main means of recruiting victims. In fact, Flores recruited most of his workers in the U.S. as will be explained below.

The recruiter's pitch is particularly effective when the recruiter, sometimes the trafficker him or herself, is charismatic and seems powerful and therefore convincing to the victim. In the *Mishulovich* case, the trafficker pitched a convincing offer to young women who were recruited to work in men's clubs in Chicago. The trafficker told the women he was the owner of a “sophisticated, high-end club” in Chicago. He said that he was looking to hire dancers who could make \$60,000 a year. Mishulovich assured the women that the dancing would involve no nudity and no touching.²² Some victims understood that their work would involve erotic dancing or prostitution, but were deceived as to the working and living conditions, the financial arrangements and levels of personal freedom.

Victims turned co-conspirators

Recruitment is particularly effective when traffickers rely on victims whom they have turned into loyal enforcers or recruiters. This happened in the *Cadena* case as well as the *Flores*, *Paoletti*, and *Mishulovich* cases. In the *Cadena* case, the recruiter worked in conjunction with a victim turned co-conspirator to recruit acquaintances and even relatives from their home town in Mexico. The recruiters would go out to discos, party hangouts, restaurants, and cafés. They looked for young women from poor families, but young women who were educated. According to a Border Patrol investigator:

...basically [they] walked up to them and they'd say, 'Hey, we got jobs in the United States.' Cafés, restaurants or whatever. 'If you do the waitressing bit, you can make \$200 to \$300 dollars a night on tips. We'll buy you the clothes initially..., we'll pay your transportation and smuggling fees. All you gotta do is say yes, meet us at a certain point, and we'll get on the bus.' And they'd sell it to them.

Traffickers recruited women using female recruiters to make the offers convincing. One trafficker's mother was a recruiter in the *Cadena* ring. Similarly, *Mishulovich* employed a female accomplice, who was, in turn, victimized herself. *Mishulovich* made her "turn tricks" at men's clubs and pay him all of her wages. He used this well-dressed and seemingly appreciative female accomplice to communicate the legitimacy of his offer: if she could be successful, why couldn't the potential victim?

Involvement of Family members

Recruitment is also effective when the potential victim's family members are involved. Family members and acquaintances convincingly weave a picture of wealth, comfort, sophistication, and prestige that is irresistible to someone who is poor and isolated. In three of the cases, family members helped recruit the victims to be trafficked into forced labor or domestic servitude. In the *Cadena* case, the traffickers used recruiters from the home town of the victims.

In one instance, the recruiter was a former victim, who eventually paid her debt but stayed on in Florida working as a prostitute for the *Cadenas*. She went back to her home town in Mexico and arranged through step-relatives to recruit young family members and bring them to Florida. The women, however, did not know where they were going, only that they were going to work for six months.

Family involvement in human trafficking is a particularly salient feature of trafficking in women and children from West Africa to be domestic servants. In the two domestic servitude cases studied in this research, the abusive employers in the U.S. used family members in West Africa to recruit their victims. In the *Satia* case family members in Cameroon consented to send their daughters to the United States to work as household help in exchange for education. In the other case, Ruth's step-son and daughter-in-law brought her over and allegedly abused her as a captive domestic servant.

Human trafficking is linked to existing communities of documented and undocumented migrants. In several cases studied in this research, the traffickers recruited from their own communities. One survivor recalls:

I was approached in Mexico by an acquaintance about some jobs in the United States. She told me that there were jobs available in restaurant or bars.²³

The Cadenas systematically recruited acquaintances from their own community of origin in this way.

By recruiting from their own communities, traffickers can use their social or cultural status to assert power over less privileged people. The *Paoletti* case is a good example. The ring leader, who is deaf like her victims, recruited her victims from among deaf or hard of hearing acquaintances in Mexico. She always wore fashionable clothes and she spent a lot of money on “cosmetic enhancement,” so she would appear very pretty to the victims. Then she showed them pictures with cars and property – images advertising riches and prosperity. Paoletti would shame her victims and their families with their poverty and disabilities. The director of the mental health services for the victims during the federal investigation and prosecution describes what she learned about the recruitment process:

Paoletti ‘bought’ one family. She paid for a large, brick, one-room hut in exchange for their family.... She shamed the family by making fun of them, verbally attacking them. She always targeted poor families. And she was well connected in their communities. And since nobody hired deaf people in Mexico, she offered work where nobody else would hire deaf people.

In only one case, with a single victim, was the pattern of recruitment through enticement not followed. In the *Tecum* case, a young Guatemalan woman was kidnapped and smuggled to Florida, there she was forced to harvest vegetables and act as a mistress for her captor. The trafficker seems to have been obsessed with having the young woman from his hometown as a mistress, but also sought to make money off of her as a captive worker.

Perception of recruiters within their own communities

Not much is known about recruiters’ reputation within their own communities. Nonetheless, we can infer from some of the responses of the victims and participant informants from the case studies. Victims in eight of the 12 cases are known to have been recruited by someone from their community of origin – that is, someone from their neighborhood, family, or ethnic group.

In every case where the traffickers recruited their victims from their own communities, the recruiters used their reputation as economically successful migrants to appeal to their victims or of high social standing in conjunction with wealth or political connections. Traffickers used the image of their success to make their recruitment offers attractive. An FBI agent who investigated the *Cadena* case describes the relationship between the trafficking recruiters and the victims:

Cadena used the common factor of having a family from the town as a validation of his offer to the girls. He was seen by the community as being successful – they drove nice shiny pickup trucks and had what was by the standard for that community a big house – to the locals it was big, expensive house. So the offer seemed realistic like a realistic opportunity.

In the *Paoletti* case, Adriana, the lead trafficker, similarly used her reputation as a prosperous migrant to recruit impoverished deaf Mexicans for forced labor in the U.S.

There were two basic places of recruitment in Mexico City: They recruited at a church and a school in Mexico City, a school for the deaf, basically. They would befriend kids basically; teens, young adults. They told them they could get good jobs in the U.S., it's wonderful there. It was all sort of a come on. (Assistant U.S. Attorney, Paoletti case prosecutor)

In the *Satia* case, the Satia sisters enlisted the help of their mother Magdalene in Cameroon, who is wealthy and well-known in her community. Magdalene Satia's social status and reputation helped to convince the parents of Liana and Maryse (the trafficking victims) that they could send their children to the U.S. for domestic work and the promise of opportunity. In both cases, Magdalene Satia told the girls' parents that the two would go to school and be well cared for in exchange for the minimal domestic help. In the end, the Satias, with the assistance of their powerful mother, were able to convince Liana and Maryse's parents to give their consent to their children to travel and live and work in the US under the custody of the Satias.

The trafficking victims who were recruited in the U.S. relied smugglers who were known to them from their communities. Jaime, a trafficking survivor from the *Flores* case, met a smuggler in his home town near Vera Cruz, Mexico.

The man who brought me here [to Florida] was a relative of the man who brought us over the border... One of them knows my family... He was the brother of one of our neighbors... We found out about him through the sister of that neighbor who lives here [in Immokalee]... (Jaime, Flores trafficking survivor)

Jaime worked as a farmworker in Florida to repay the debt for his smuggling fee and the cost of his employment authorization. Afterwards he met Miguel Flores who recruited him to work in South Carolina, only to be held captive in forced labor. In a similar way, Tomas came to the U.S. from Mexico, only to be trafficked into forced labor in Florida. Tomas agreed to be smuggled by a man from his neighborhood in Hidalgo, Mexico.

... the guide who brought us across the border, he was a nice person – we trusted him.... He was from our colonia... But the Chacal [trafficker] screwed him over, too. (Tomas, Cuello trafficking survivor)

In other cases, the victims believed the recruiter or trafficker to be from their home community (or at least have close connections with it), which intimidated the victims and helped to keep

them captive. In the *Flores* case one of the traffickers, Sebastian Gomez, was from Guatemala. Guatemalan victims feared Gomez for his reputed connection to the Guatemalan military (along with his violent disposition) to influence victims. Also, in Emilio's case, the recruiter claimed to be from Buenos Aires, where Emilio was from.

Recruitment in the United States

Not all captive workers are recruited in their hometown or country. Migrants often travel of their own will to the United States with the help of a smuggler or transporter, and upon arrival, isolated and penniless, find themselves the target of traffickers. In these cases, the smuggler who gets them across the border has no connection or communication with the trafficker who approaches them later. Tomas, describes what happened to him:

When we crossed from Mexico to Arizona, we were left there... we had to wait around for a few days... And the coyote [who brought us across] said he found a guy who says he'll take people to Florida... So we met with the raitero [transporter] and he told us all, we'll pick tomatoes and earn good money... but it'll cost us to get there... And I already told the coyote I didn't have any more money... So the raitero said he could bring us to Florida to pick tomatoes, earn \$150 a day... but he said we can't wait long... So we discussed it... and we said, OK let's go... But we didn't get any of that (what he described to us). We were stuck working for four months without being able to leave...

The research also found that not all trafficking victims that are recruited inside the U.S. are recruited at the border. Jaime for example, described how he was recruited to work for Flores, as a captive laborer:

When we finished the harvest in South Florida, we met a Guatemalan who invited us up to South Carolina to pick tomatoes and cucumbers. That's when things changed. We arrived at a camp in the middle of nowhere – pure wilderness. And we couldn't leave by any direction. That's where the abuse from Miguel Flores happened.

Our case studies suggest that this type of internal recruitment and trafficking is not uncommon, particularly in the agricultural sector, as well as in other low-wage labor sectors of the economy such as restaurant work, as shown in the case of Emilio. Emilio entered the U.S. legally on a tourist visa, he did not have authorization for employment. Emilio looked for a job and found a “Latino Employment Agency” that offered him work:

He said that at the moment they didn't have work in Illinois, but there were jobs in other states... And that the work was monthly; monthly work, eight hours a day, after eight hours a break, including good meals, a clean bed, and one day of rest a week. And well, in the end it wasn't anything of the sort.

Most traffickers recruit using mechanisms that *appear* legitimate to the victim. Once the offer of work is accepted, the trafficker ensures that their victims cannot change their mind and escape the agreement.

Fraud (bait and switch)

Once the victim agrees to be recruited, the trafficker works to create a situation in which it is impossible for the victim to withdraw. If the victim is socially and culturally isolated and without any money at the time of recruitment the victim feels she or he had little choice but to go along. For individuals recruited abroad, the trafficker uses “bait and switch” tactics. During recruitment, the trafficker offers work and payment to which the victim agrees, then upon arrival in the U.S. the situation changes. In a new culture, without knowledge of the dominant language, without access to family, friends, or other supports, and within a context of increasing coercive control, the victim relents. If the victim puts up resistance, traffickers put pressure on the victim with threats. In the *Mishulovich* cases, the trafficker exerted this pressure even before the victim left her country.

I asked him if it was possible for me to go later... And I thought that I was going to somehow get out of it. He said no, you have to decide now, and you have to go whenever I need you to go... He also said that my friend [another trafficked woman], in case of me not going to the States, she would have to be responsible for my actions, she would have to work twice as hard and make up for my mistake...²⁴

As the situation worsens and coercion increases the victims realize that there is something wrong and they try to resist or get out of the agreement. In Emilio’s case, the “bait and switch” tactic did not quite work, though the trafficker was eventually successful in removing Emilio to another part of the country to work in a Chinese restaurant:

I objected. I felt bad. He was pressuring me to go to Montana. I firmly said no. No I would not go to Montana. I don’t know why he was determined to send me to Montana, even though we agreed on Indianapolis.

Emilio had already called his family to tell them he was going to Indianapolis. His trafficker knew this because Emilio told the trafficker he had to pack his bags and call his family to tell them about going to work in Indianapolis. By changing the destination, the trafficker effectively isolates the victim, cutting off contact and communication with their family.

At this stage the victims are locked into the trafficking process, whether they are fully cognizant of their victimization or not. Once the victim is under control, the trafficker initiates the process of moving her or him to the final destination for forced labor or servitude.

Points of intervention

Public awareness-raising is an important mechanism for disrupting trafficking at the recruitment stage. Likewise, opening safe pathways to legitimate migration for workers can be important. **Both of these points are the subject of recommendations found on page 23.**

This research points to the recruitment of foreign workers into situations of forced labor, particularly in agriculture, after they have reached the United States and worked here for some time. This fact suggests further possible points of intervention. One would be hand-cards or other

information materials that would be handed out to all workers crossing into the U.S. Likewise, shops serving these populations could be targeted to supply such materials to each customer. At the same time, any personnel that regularly come into contact with the public in areas that might harbor migrant or trafficked workers should be both trained to recognize signs of trafficking and be provided with information materials. Telephone workers, utilities service workers, bus drivers (particularly of “labor buses”) in rural areas, medical workers in emergency rooms or public health clinics, housing or health inspectors, and police are all examples of such workers.

RECOMMENDATION: Basic information on trafficking in appropriate languages should be given to workers entering into the United States. American government and service workers that regularly come into contact with the public in areas that might harbor migrant or trafficked workers should be both trained to recognize signs of trafficking and be provided with information materials.

Case Study Example: Recruitment

An ICE agent who investigated the *Cuello* case described how the process of contracting agricultural labor feeds into trafficking in persons:

A lot of the crew leaders and the owners, like in Florida, where we are in this [the Cuello] case, they recruit from specific states and from specific countries, so there is a need [for foreign workers]. They know they're going to need 200 laborers. They speak to the crew leaders and the crew leaders speak to transporters, transporters speak to smugglers and sometimes they come from the same area. For example: Veracruz-Veracruz, Guanajuato-Guanajuato. Sometimes they're specifically recruited by area because that's where the smugglers have their contacts. OK. But illegal immigration is just people that are independently trying to come in, trying to get a job... With trafficking, they bring them specifically for the purpose of working – you know, in a poultry farm, agriculture, in nurseries, and usually they engage them in the indentured servitude and debt bondage...

A Border Patrol agent who also investigated the *Cuello* case added:

Pretty much...there's an inner-circle of people and you make a phone call and they say, 'How many guys do you need?' 'I need five or six or seven for fourteen or twenty' or whatever the case is, and they'll tell you within five or ten days have the money because there'll be somebody who arrives, gives you the directions, and certain time, and a specific place. The van will show up with fourteen, fifteen, three or four or whatever and you'd better have money because you gotta pay for the debt.

c. Transporting the victims

The trafficking operations studied in this research vary by size and sophistication. In half of the cases²⁵ studied in this research, the trafficking operations were simple links between *single individuals or agencies* providing a single service – smuggling migrants across a border in order to exploit them in the destination country. Three of the cases²⁶ were *segmented businesses* involving an interaction between a criminal network and a legitimate transportation or labor recruitment company. Three of the cases²⁷ studied involved (or appeared to involve) numerous people who provided an entire range of transport and “safehouse” services. These were relatively *sophisticated and complex networks* spanning both long periods of time and large geographical distances. The fact that two of the three cases in this latter category were not prosecuted reflects the difficulty of accessing information about such operations. Their level of sophistication allows traffickers to move victims so frequently, and hide them so effectively, that law enforcement and NGO groups alike have trouble monitoring and bringing to justice the large, organized trafficking operations.

Table 4. Trafficking routes

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Exchange or transfer</u>	<u>Origin</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Arizona (<i>recruitment</i>)	Guatemala & Mexico
<i>Mishulovich</i>	1996	Chicago	Chicago, IL	Latvia
<i>Paoletti</i>	1997	NYC, Chicago, NC	Los Angeles, CA	Mexico
<i>Cadena</i>	1997	Florida	Brownsville, TX	Mexico
<i>Cuello</i>	1999	Florida	Eloy, AZ (<i>recruitment</i>)	Mexico
<i>Tecum</i>	1999	Florida	Eloy, AZ	Guatemala
<i>Satia</i>	1999	Maryland	Washington, DC	Cameroon
<i>Ramos</i>	2000	Florida	Marana, AZ (<i>recruitment</i>)	Mexico
“ <i>Emilio</i> ”	2000	Indianapolis, IN	Chicago, IL (<i>recruitment</i>)	Argentina
“ <i>Ruth</i> ”	2000	Maryland	Washington, DC	Ivory Coast
<i>Pickle, Co.</i>	2001	Tulsa, OK	Atlanta, GA (POE) Tulsa, OK	India
<i>Chinese sex workers</i>	2002	Chicago	? (poss. CA or NYC)	China

Simple operations

We found from the case studies that some of the simplest, but most effective means of transporting trafficking victims across and within borders is to use existing, legitimate private or commercial transport services. In five of the cases, the victims flew into the United States with a legal visa, although in most cases, the documents used to gain the legal entry visa were fraudulent. Mishulovich testified in federal court that he instructed all five of his victims to tell the consular officers in Latvia that they were friends of his coming to the U.S. as tourists, that they intended to stay for only two weeks, and that they had no intention of seeking employment.²⁸

In the cases involving women trafficked into domestic service from Cameroon and Ivory Coast, the traffickers flew their victims to Washington, DC, changing planes in France. This research found that trafficking in women and children from West Africa often follows a pattern in which the traffickers use false documents, or sometimes legitimate documents (when the

victim is a relative), to procure visas for the victim to enter the U.S. legally. The visas are issued on the basis that the applicant (the victim) is a relative who is “just visiting.” Usually such visas are B-1 visas; although sometimes foreign government officials and employees of international agencies can secure A-3 and G-5 visas to bring domestic workers into the United States. They subsequently exploit these workers as domestic servants.

Most forced labor victims in the agricultural sector, and some of those in other low-wage service jobs, traveled to the United States with the help of a guide or transporter. The guide or transporter was an independent actor with no direct (if any) ties to the person who ultimately employed the laborers. An ICE Anti-Smuggling Unit agent who investigated the *Cuello* case described the independent transporter’s role in the trafficking process:

A transporter is just an affiliate member of a smuggling cell. You know, a transporter has the connections with a smuggling cell. And the smuggling cell is going to have different branches, like the safe-house operator, more drivers, more transporters, crossers, you know. And there are safe-house operators because they have to stay someplace in Mexico before crossing. And it’s the same thing on the other side of the border.

Firmly established migrant and integrated transport operations span across the United States to facilitate an ongoing supply of undocumented migrants to work in agriculture or low-wage manufacturing and service jobs.

One of these far-reaching transport operations that stretched from Arizona to South Florida came to the attention of the authorities in May 2001 after Border Patrol agents found 14 dead undocumented immigrants on the Cabeza Prieta National Wildlife Refuge near Yuma, AZ.²⁹ The federal investigation led to the prosecution of a farm labor contractor who owned citrus orchards in South Florida. This contractor had arranged for smugglers to transport migrants from Arizona to South Florida.³⁰ In part because of the deaths of the victims, it is unclear whether this was smuggling or trafficking. As we pointed out earlier, the intention of smuggling is to transport a person across a border where the relationship ends, but trafficking involves transporting people with the intention of placing them into forced labor or servitude.

Whether or not the transporters are knowingly part of the trafficking operation, they force migrants to endure grueling conditions en route to the final destination. An independent transporter, “El Chacal” (the Jackal), who agreed to bring Abel Cuello workers for forced labor, picked up Tomas, his brother-in-law, and 17 other migrants outside of Tucson, Arizona. El Chacal loaded the group into a van with the seats removed to transport them to South Florida. Tomas described:

We had to sit with our legs crossed over each others’. And those things that stick up from the floor to attach the seats, they prick you in the side or back... I just had my backpack between my legs...

El Chacal drove the 18 migrants for three days across the U.S. They stopped only to refuel and fix a flat tire. El Chacal yelled at the passengers to keep quiet and keep their heads

down so that the police would not spot them. Tomas described the worst of the conditions during the journey:

...we were hungry and all he gave us was a soda and yellow cheese from a tin. Nothing else. In three days we did not eat anything else. We were so hungry. And we could not leave the van to go to the bathroom. So when we had to urinate, the coyote passed around a jug. We had to urinate in the jug and when it was full, the driver would pour it out the window while driving and we would get splashed with the urine...

Segmented business operations

Some of the trafficking operations were integrated, in that the traffickers themselves were responsible for transport from the source countries to the country of origin, as well as providing supporting services such as food and safe houses along the way. For example, in the *Cadena* case, once across the Mexican-U.S. border:

They were picked up in the van [and everything else]. They'd stop at McDonald's, feed them, the whole nine yards. So it's not like they took the seats out and everything else. Most of them were newly remodeled vehicles. They drove down the interstate with them. (Border Patrol Cadena case investigator)

The Cadenas also had connections in Texas where they would shelter the victims in stash houses. The Border Patrol investigator describes: "they'd go in and just find a mobile home park or a [single] mobile home or maybe a house or something." So the networks were partially integrated with a combination of independent actors who were hired to provide services to the Cadenas as well as the traffickers themselves directly managing the transport process of the trafficking operation.

Similar to the *Cadena* trafficking operation, the *Ramos* trafficking operation relied on arrangements made with independent migrant transporters. The Ramoses made arrangements with transporters to bring them workers who owed money for their ride. The transporters would then "sell" the workers to the Ramoses. The *Flores* trafficking operation functioned similarly, acquiring indebted migrants from independent transporters. Flores, however, partnered with a Guatemalan who recruited workers through connections he had in his home country. Independent smugglers would transport the Guatemalan migrants from Guatemala through Mexico to Chandler Heights in Arizona. When the smuggled migrants had arrived at Chandler Heights, Gomez would send his crew enforcers and drivers to Arizona in vans to pick them up. A mechanic was hired to follow the work crews and repair the crew buses and vans. The mechanic prepared the vans for migrant transport. According to the Border Patrol agent who investigated Flores, the vans: "...had beefed up suspensions. The mechanic would walk all the way around to make sure all the blinkers worked, the windshield wipers – nothing that a state trooper or a policeman could stop you for. License plate, lights, everything was done to measure."

Complex, integrated operations

The case of the Chinese women whom law enforcement suspected had been trafficked proved to be the most difficult to research. It was also possibly the most challenging case for the law enforcement personnel in the jurisdiction where the case was uncovered. We were unable to learn how the suspected victims were brought to the United States. We did learn, however, that investigators and NGOs suspected that this was a trafficking case, based on certain “warning signs”. Local law enforcement began noticing advertisements in the Chinese newspapers in Chicago for prostitution-related massage establishments and other suspicious activities. The city police investigated, and over the course of several weeks officials identified several locations where prostitution was occurring just outside Chicago’s Chinatown. The police shared this information with federal immigration authorities, who suspected inter-state trafficking offenses. The police also notified a Chicago-based NGO that assists trafficking survivors. The NGO attempted to make contact with the Chinese women whom the police had arrested on prostitution charges. The NGO failed to gain the women’s cooperation because the women were sheltered by Chinese attorneys whom the NGO believed were connected with the prostitution operation. Finally, the most significant indicator of possible trafficking was that law enforcement agents and the NGO found that the Chinese women professed various, unlikely origins. Each woman claimed to be from a different part in the USA, and all had extremely limited spoken English.

In the case of the Paoletti trafficking operation, the traffickers’ point of entry into the country was from Mexico through South California to Los Angeles. The victims always came over with someone connected to the Paolettis. The Paolettis would smuggle in the victims using ground transportation. In one instance, the Paolettis brought eight to ten Mexicans over in a van. They dressed them presentably and told them to be still. They were waved through the immigration checkpoint. Once in Los Angeles, Paoletti had three associates who assisted the traffickers by providing safe houses to them for several nights. Then they were moved to Chicago, Texas, New York, or North Carolina.

Points of intervention

The transportation step of the trafficking process is one place where law enforcement agents can take direct action – and indeed they do in many instances of illegal border crossings. Our case studies, however, do not include examples of potential or failed intervention along the transport route. In part, this is because these are cases that were carried through into exploitation and ultimately determined to be trafficking cases. Had they been intercepted while in transit, they might never have ended up in a situation of forced labor. That said, our cases suggest the following recommendation.

RECOMMENDATION: Several of the trafficking survivors in our case studies report stops at gas stations, fast food restaurants, and discount retail stores while being transported across country. Some of these places, gas stations in particular, seem to have been used as connection points along the transportation network. Noting that, employees of such businesses should be the target of a public awareness and education campaign to help them to notice and identify possible trafficking victims. A reward mechanism would help motivate these low-paid workers. Likewise, hand-cards and leaflets in appropriate languages might be placed in restrooms and other public areas of gas stations, fast food restaurants, and discount retail stores alerting those being trafficked of their rights and giving a telephone number.

In several cases false documentation was used to gain entry into the United States. We did not collect information specifically about false documentation, but feel this should be noted. Likewise, there was little information forthcoming in the case studies about the actual events that transpired at border crossings – an area that, with hindsight, we wish we had included in our guiding research questions. For that reason we make no recommendation about documents and border crossings, but note them as areas that need further exploration and development.

d. Exploitation

Table 5. How control established

CASE	Date	Crime location	Origin country	Mechanism of control
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Guatemala& Mexico	Debt; violent threats; guns
<i>Mishulovich</i>	1996	Chicago	Latvia	Travel docs confiscated; violent threats; physical abuse
<i>Paoletti</i>	1997	NYC, Chicago, NC	Mexico	Debt; violent threats; shame
<i>Cadena</i>	1997	Florida	Mexico	Debt; initiation through forced sex with clients; guns
<i>Cuello</i>	1999	Florida	Mexico	Debt; degradation through transport; sold to contractor
<i>Tecum</i>	1999	Florida	Guatemala	Violent threats; kidnapped
<i>Satia</i>	1999	Maryland	Cameroon	Family consents custody; threats of deportation and police abuse
<i>Ramos</i>	2000	Florida	Mexico	Debt; violent threats
<i>“Emilio”</i>	2000	Indianapolis, IN	Argentina	Travel docs copied
<i>“Ruth”</i>	2000	Maryland	Ivory Coast	Family consents custody
<i>Pickle, Co.</i>	2001	Tulsa, OK	India	Travel docs confiscated; threats of deportation and police abuse
<i>Chinese sex workers</i>	2002	Chicago	China	Unknown

Establishment of control

Once transportation begins, victims are likely to have their travel and identity documents taken away. To be without documents while in transit is to be placed immediately in the control of the trafficker. Likewise, during the period of transportation, they may be subjected to harsh, even brutal treatment. They may be locked up in cramped, uncomfortable “safe-houses.” The traffickers may use these periods between actual movements to introduce a new victim to other victims, some of whom are already being exploited, to accustom them to what will come. The aim of the trafficker is to disorient the victim, to increase his or her dependence, to establish fear and obedience, to gain control. This may be the work of a brutal, violent moment, or a subtle process of degradation and subjugation. The victim may simply be sold to an exploiter who will then impose control. To return for a moment to the definition of trafficking provided in the Trafficking Victims Protection Act, this is the “scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint.”³¹ It is in this process of establishing control through coercion that the crime of smuggling becomes one of trafficking.

In the case of children being trafficked, the establishment of control occurs much more quickly. As soon as the trafficker removes a child from her or his normal environment, control is achieved. Since children are normally dependent on adults for their basic needs, and since they are often more trusting in the adults who supply these needs, they fall naturally into responses of obedience.

In many trafficking cases the establishment of control over the victim occurs on or after their arrival in the destination country or employment location. A victim's cooperation is often needed to successfully navigate border crossings and immigration controls. It is when the victim has arrived at their destination that the trafficker exercises the full power of their exploitative control and that the victim realizes the full nature of the fraud and deception. In some of the cases, the trafficker, upon arriving at the final destination, confiscated the victim's identification and travel documents. For example, Mishulovich collected the women's passports and flight tickets, "for safekeeping," he told them. When the traffickers have links to organized crime in the victim's country, confiscation of the victim's travel documents may not be necessary. In Emilio's case, it was enough for the trafficker to get the victim's identity and contact details in Argentina where the trafficker is believed to have organized crime links.

He made photocopies of everything and so he has my information, everything. It made me vulnerable because they'll know who I am in Argentina – because they have copies of the documents. (Emilio, trafficking survivor)

To establish control the trafficker builds a climate of fear to prevent the victim from escaping, as well as to gain the victim's compliance as a worker.

Once at their destination the trafficker may inform the victim of the large (fraudulent) debts they have incurred in the course of transport and employment recruitment. It is made clear that the debts are large and that the victims must do whatever is asked to begin to clear them. Maria, a trafficking survivor of the *Cadena* case, explained how this happened to her:

Once in Florida, Abel Cadena, one of the ring leaders, told me I would be working at a brothel as a prostitute. I told him he was mistaken and that I was going to be working in a restaurant not a brothel. He then ordered me to work in a brothel. He said I owed him a smuggling debt of approximately \$2200 and the sooner I paid it off the sooner I could leave.³²

As the level of control increases the worker will become fully aware of the bad working conditions and lack of freedom they face; they will suffer the threat of violent control that is the hallmark of forced labor. They will often be repeatedly told that the local police will arrest, brutalize, or even kill them if they are found. For the trafficker, the aim is a fearful and obedient worker who will do exactly as she or he is told. The *Cadena* case is an instructive example of how the victims begin to recognize their captivity. The Border Patrol investigator describes the process:

...they'd stop to buy them clothes. And that's when the women started thinking. They had a couple questions about it. But then the traffickers would say, "Well, you gotta look nice for the customers at the discos and the nightclubs and stuff like that. That's where you're going to get all these tips. You're going to pay us back for all these expenses you're incurring, but the rest of the money you can send home and spend it on yourself." Until they got to where they were going and then they said, "Well, you're going to put those clothes on and you're not leaving. And those guys lining up at the door are clients."

The use of a debt to force victims to work in captivity is a primary mechanism for establishing control over trafficked workers in the agriculture sector as well. The Ramos brothers, labor contractors in South Florida, told new workers upon their arrival: “You’ll have to pay us back. And the work is very hard,” recalled one survivor.³³ But the workers were not free to change employers: “He told us that if anyone took off before paying he’d beat the fuck out of us. He didn’t say it like he was joking... I couldn’t have gone elsewhere. I owed the money to them. If I refused, what was I going to do?”³⁴

But the debt is only part of the process of establishing control over the trafficked workers. The traffickers’ threats of violence create a climate or atmosphere of fear that keeps the workers in captivity.

There’s always something more than just the debt. Flores even took photos of everyone and told “I’ll track you down if you try to escape.” He’d show them his gun and say in Spanish, “This is your daddy now.” (Border Patrol Flores case investigator)

Mishulovich also used threats of violence to force his victims to earn money dancing and hustling. Alex Mishulovich testified,

*I told them that if they do not increase their earning potential, harm may come to them or their families in Riga... I told them that because of my organized-crime connections in Riga, I can always make a phone call and harm may come to their families.*³⁵

According to one survivor, Mishulovich’s threat was not so subtle: “He would describe it in detail... Like they would cut off her ears, and then her nose, and then just kill her.”³⁶ Mishulovich’s control over the women was complete when some of them started to drink alcohol heavily to help them accept their situation. “I didn’t feel good at all. I was constantly drinking before I could even go up on the stage and do that. I was drinking on a nightly basis.”³⁷

Another common threat that traffickers used was that immigration authorities would deport trafficked persons. The deportation threat instills fear because the victims believe the traffickers have connections to people or organizations in their home country that can seriously harm them or their family. Traffickers Louisa and Vivian Satia created a climate of fear by routinely telling the young women they would get killed if they went on the street, making them believe that the U.S. was violent and dangerous. Liana recalled:

*[Vivian Satia] said I shouldn’t think America is easy. It’s not everybody can make it in America. It’s dangerous out there. You can get killed. You could go out there and get killed.*³⁸

Louisa and Vivian told them that if they went outside, the immigration authorities would be looking for them, catch them, and deport them back to Cameroon, where the Satias had many connections and would be able find them to punish them.

Types of Exploitation

Table 6. Industries in which exploited

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Industry</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Agriculture
<i>Mishulovich</i>	1996	Chicago	Entertainment
<i>Paoletti</i>	1997	NYC, Chicago, NC	Street peddling
<i>Cadena</i>	1997	Florida	Prostitution
<i>Cuello</i>	1999	Florida	Agriculture
<i>Tecum</i>	1999	Florida	Personal sexual service, domestic service, agriculture
<i>Satia</i>	1999	Maryland	Domestic service
<i>Ramos</i>	2000	Florida	Agriculture
<i>“Emilio”</i>	2000	Indianapolis, IN	Restaurant work
<i>“Ruth”</i>	2000	Maryland	Domestic service
<i>Pickle, Co.</i>	2001	Tulsa, OK	Factory work
<i>Chinese sex workers</i>	2002	Chicago	Prostitution

Once under control, the trafficking victim begins their period of forced labor and exploitation. To return again to the definition of trafficking given in the U.N. Trafficking Protocol, this is the “exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labor, slavery or similar practices, and the removal of organs.”³⁹ The United States Trafficking Victims Protection Act defines exploitation in this way: “a commercial sex act ... induced by force, fraud or coercion...” and “...involuntary servitude, debt bondage, peonage, and slavery.”⁴⁰

The types of work that trafficking victims were forced to do in our case studies were prostitution, domestic service,⁴¹ agricultural work, entertainment, factory work, restaurant service, and street peddling (see Table 5). In every case the period of exploitation lasted much longer than that of being trafficked. The length of captivity ranged from one month to 5½ years. None of the victims in these case studies were sold to different exploiters or forced into different types of work.

Table 7. Length of time exploited

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Length of captivity</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	7 months – 3 years
<i>Mishulovich</i>	1996	Chicago	9 – 10 months
<i>Paoletti</i>	1997	NYC, Chicago, NC	1 month – 2 ½ years
<i>Cadena</i>	1997	Florida	1 month – 2 years
<i>Cuello</i>	1999	Florida	1 month
<i>Tecum</i>	1999	Florida	5 months
<i>Satia</i>	1999	Maryland	34 months, 5 ½ years
<i>Ramos</i>	2000	Florida	4 months – 4 years
<i>“Emilio”</i>	2000	Indianapolis, IN	1 month
<i>“Ruth”</i>	2000	Maryland	7 months
<i>Pickle, Co.</i>	2001	Tulsa, OK	3 – 4 months
<i>Chinese sex workers</i>	2002	Chicago	<i>Unknown</i>

The *Assessment of U.S. Activities to Combat Trafficking in Persons*⁴² makes a distinction between sex trafficking and non-sex trafficking cases. Our research suggests that this distinction is not helpful in portraying the full reality of human trafficking in the United States. We found that women who were not trafficked for the purpose of forced prostitution were nonetheless sexually exploited. Women trapped in forced agricultural labor reported either witnessing or being the victims of sexual assault. There is also the entertainment industry in which Mishulovich exploited the Latvian women. Mishulovich forced the women to hustle customers at men's clubs in order to earn more money. While this is clearly sexual exploitation, Mishulovich never prostituted the women. Finally, women trafficked into domestic service are subject to sexual assault or abuse, as was one of the West African survivors in the *Satia* case. However, federal prosecutors have difficulty charging traffickers with offences related to sexual assault. The biggest challenge is that sexually assaulted or abused women understandably do not want to communicate the details of their experiences. It is important to remember that sexual exploitation in the human trafficking process is both an aspect of overall coercion that traffickers use to demean, unnerve, and assert complete control over women, and a way to profit from exploitation.

Hours of work, type of work, living conditions, remuneration

Hours of work: Trafficking victims were made to work between eight and fifteen hours a day. Some of the victims had a day off, such as those in the *Cadena*, *Mishulovich*, and agricultural labor trafficking cases. But other victims, such as Emilio, and those in the *Satia* and *Tecum* cases, worked every day.

Kind of work: The kind of work victims were forced to do varied by the industries in which the victims were trafficked. The women in the *Cadena* and *Mishulovich* cases were forced to perform sex acts for clients and dance nude for customers in men's clubs. Maria, a *Cadena* trafficking survivor describes the work:

*We worked six days a week and twelve-hour days. We mostly had to serve 32-35 clients a day. Weekends were worse. Our bodies were utterly sore and swollen. The bosses did not care.*⁴³

The Latvian women were not paid wages at the men's clubs, but had to work for tips. To earn more money for Mishulovich, the women had to perform in ways that humiliated them. One of Mishulovich's victims explained:

*I never got naked for strangers before in my life and all of a sudden I was in a situation where I not only had to hustle, meaning talk them into having a dance with me, but actually I have to pretend that I am comfortable with the whole process.*⁴⁴

Forced to work in the kitchen of a Chinese restaurant, Emilio performed a tedious daily routine of washing dishes, cutlery, and cooking utensils; cleaning the kitchen; preparing and cooking food; cleaning the floors; cleaning the bathrooms; unloading delivery trucks; and taking out the trash. Maryse and Liana were made to do similar work only in the private residence of their employers. In addition, the young women had to care for the Satias' children and sometimes those of the Satias' friends or neighbors. The *Paoletti* trafficking operation forced

deaf Mexican victims to “collect donations” on the streets of New York City and other areas of the U.S.:

They’d be sent out on a daily basis to sell trinkets. They were basically begging and they’d get rewarded with a little bit of money. (Assistant US Attorney Paoletti case prosecutor)

Victims in the *Flores*, *Tecum*, *Cuello*, and *Ramos* cases were forced to harvest tomatoes, cucumbers, and citrus fruits. Harvesting perishable fresh produce is labor-intensive work as the fruits and vegetables must be hand-picked to be sold through major buyers who then sell to the individual American and international consumers. In every case the trafficked persons performed work that is considered the most dangerous, dirtiest, and most demeaning in the U.S. – the so-called 3-D jobs.

Living conditions: The traffickers provided housing for the victims in every trafficking case in this study. In some cases, such as with *Ruth* and the *Satia* cases, the trafficked persons lived in the private residences of the employers. In other cases, such as the *Cadena* or the *Pickle* case, the workers were housed in their workplace. In every case the living conditions were far below the acceptable standard of most Americans. The *Satia* sisters made their victims Maryse and Liana sleep on mattresses on the floors of their children’s bedrooms with the children sleeping next to them. In *Emilio*’s case, each night he was locked in an empty room in his employer’s house. Emilio slept on the floor without even a blanket. His captors let him out only to work and to use the bathroom. The Paoletti traffickers used several houses in Queens, New York City, where they housed their victims in crowded conditions:

They described how in one house where they kept more than 40 people, in Queens, there was one bathroom on each floor, so there were tons of people trying to use the bathroom. But it didn’t matter to the bosses. (Mental health service provider)

Local law enforcement reported that when they arrived at the homes they found infants on the floor, and many mattresses piled together in what appeared to be squalid conditions.⁴⁵

The victims of the Florida trafficking cases had to endure living conditions of the lowest standard throughout their captivity. The victims in the agricultural labor trafficking cases, as well as the *Cadena* forced prostitution case, were kept in dormitory-style housing similar to that of migrant farmworkers. Housing for migrant farmworkers is notoriously poor.⁴⁶ Yet the sub-standard housing conditions were another way in which trafficked farmworkers were exploited. Captive workers in the *Ramos* case were packed 40 to a house, which was a double-wide trailer. Every house had one room with at least five people who had to share beds or sleep on the floor. The trafficking survivors of the other agricultural labor trafficking cases describe the living conditions they endured:

They were the worst conditions. There were no clean beds. There were cockroaches. It was like a small trailer with four very tiny beds. There was no hot water to bathe... You could never use the bathroom because there was only one and it was always occupied. (Jaime, Flores trafficking survivor)

There was no hot water, the housing was terrible, the kind of bathrooms they had were the kind you – like Port-a-Potties that you see out in the fields. (Elena, Flores trafficking survivor)

The trailer had two rooms... the kitchen had an old, broken-down stove... You couldn't cook on it... We got a room got a really tiny room and there were five of us.... And the bed – it wasn't a bed; it was for a dog... it was a trailer owned by the rancho... (Tomas, Cuello trafficking survivor)

The women trafficked by the Cadenas experienced similar poor living conditions. Worse yet, the women were made to sleep on the same mattresses on which they serviced customers.

Patterns of remuneration: For all of their work, victims received little, if any, remuneration. Some trafficked persons were paid, but the workers received far below the legal minimum wage after their captors took out money for smuggling debt, rent, food, and other costs. Those who were not paid at all were Emilio and the *Satia* victims Maryse and Liana. The federal courts estimated Maryse's unpaid work to have been worth \$105,306.64, which the judge ordered *Satia* to pay in restitution.⁴⁷ The Paolettis made their victims fill quotas. The trafficked deaf Mexicans got \$1 "donations" for each trinket they sold. The federal judge ordered Adriana, the lead trafficker, to pay a total of \$1 million in restitution to 60 victims.

The Cadenas "paid" their victims for each client they serviced. The client bought a condom which was their "ticket" for service in a Cadena brothel. A Border Patrol case investigator described the process:

...if the guy paid, say, ten bucks to be with a girl, it was like \$2 for the condom that she, the victim, would have to pay for, not the guy. The john would pay ten bucks. Out of that ten dollars there was two bucks deducted from her pay for the condom, I think a bottle of hydrogen peroxide to clean up with – [they'd charge] like seven bucks a bottle when it's 89¢ at Wal-Mart. You know, sanitary napkins if they needed them were like three bucks a piece... by the time it was over, out of the \$10, if they got a buck-fifty it was too much... So she had to still pay rent, eat, and send money home. Well, at that rate, [to repay] \$700, you're probably going to take a year-and-a-half of prostitution to take care of [the debt.]

In the agricultural labor trafficking cases, a common pattern was for employers to pay trafficked workers a paycheck for work paid at legal minimum wage rates, but employers would cash the check and take a majority of the wages as debt repayment. In some cases, employers underpaid their workers. They also took out money owed for transport, housing, work equipment, food, and other costs. For example, Miguel Flores paid his workers, after debt repayment, about \$80 a week:

But out of the \$80 they took out payment for the ride, so in the end they left \$20 to \$30 for food at the end of the week that you also had to buy from them. (Elena, Flores trafficking survivor)

But not every trafficked worker had a transport debt to repay. Nonetheless they did not receive even minimum wage:

Well, for some of us it was different because we didn't have a debt [to repay] to the transporter. But they gave the rest about \$20-30 a week. Really it was just about no money at all. We earned about \$80 every eight days; about \$8 a day for us. It really wasn't much money. Because I and another friend, we didn't owe any money to any transporters, they paid us about \$80 – it never was never was even \$100. The others they paid about \$20. (Jaime, Flores trafficking survivor)

Tomas, who worked for Abel Cuello, was underpaid in a similar way:

...what they paid us, at the end of the week, was about \$90. And then they took out \$25 for the ride and \$15 for the rent. (Tomas, Cuello trafficking survivor)

Trafficker Ramiro Ramos took money from their workers in a similar way. The captive farmworkers labored eight to ten hours a day picking oranges and grapefruit. They received about \$40-\$50 a week after Ramos deducted over 50% of their wages in repayment of a transportation “debt” and other deductions such as work equipment and rent. Ramos made a large profit on his workers – an estimated \$3 million over 18 months (January 2000-June 2001).

Hazards they were exposed to: Victims of human trafficking are exposed to hazards beyond the violence and threat of violence that occurs from trafficking. There are occupational hazards associated with the work trafficked persons are made to do. Also, women who are trafficked for sexual exploitation face lasting injuries to their physical and mental health. The women whom Mishulovich forced to dance nude developed drinking problems. They relied on alcohol to cope with their ordeal. The Mexican women whom the Cadenas trafficked were exposed to health risks associated with sexual assault. They faced the risk of contracting HIV because they lacked the power to insist on the use of condoms if clients refused. Maria, one of the trafficking survivors, described:

We worked no matter what. This included during menstruation. Clients would become enraged if they found out. The Bosses instructed us to place a piece of clothing over the lamps to darken the room. This, however, did not protect us from client beatings. Also, at the end of the night our work did not end. It was now the Bosses turn with us. If anyone became pregnant we were forced to have abortions.⁴⁸

The lasting impact of such abuse is discussed below.

Trafficked farmworkers were exposed to the health hazards which most agricultural workers face. Farmworkers in general are at high risk for disabilities such as musculoskeletal conditions, accidents involving machinery or tools, and sickness from pesticides.⁴⁹ In the Flores case, victims also faced physical harm from their captors:

They didn't make threats to me, but to other people, yes. One time they beat one worker, they hit him in the head with a pistol. He was bleeding a lot. He hit him in the head like

this... And he did it for trying to help another man they were beating. At that moment, no one could help because they were so afraid. (Jaime, Flores trafficking survivor)

Impact of trafficking on their physical and mental health: The experience of being trafficked has a lasting impact on the physical and mental health of victims. Under the control of their traffickers or employers, victims experienced feelings of isolation, shame, and betrayal. They feared being sent home without any money, especially if deceived by a promise of bona fide employment.⁵⁰ They experienced or witnessed repeated threats and verbal abuse, involuntary confinement, torture, and sexual assault.

Louisa Satia and her husband used techniques of disempowerment and disconnection to create dependency among the teenager they trafficked into the United States. The couple denigrated and isolated 16-year-old Maryse in their Washington, DC apartment. Maryse's employers forbade her from leaving the apartment complex, warning that they would deport her if she did. One morning, as Maryse was sending the children off to school, she stopped to talk to a man at a bus stop near the apartment complex. Louisa happened to see the encounter and later beat Maryse. On other occasions, Louisa would forcibly cut Maryse's hair, put glue and soft drink in her hair, and spray cleaning liquid in her eyes. Louisa's husband also sexually assaulted Maryse by exposing his genitals to her, attempting to take off her clothes, and trying to touch her breasts. In an effort to disconnect Maryse from her parents, her employers confiscated Maryse's letters and tried to convince her that her parents were indifferent to her situation.

Trafficked persons are isolated and removed from their social support networks. The victims of the *Cadena* and *Mishulovich* trafficking rings, turned to alcohol as a coping mechanism. "I would go to bed drunk because it was the only way I could fall asleep," one *Cadena* victim said. *Mishulovich*'s victims started drinking heavily to "loosen up and sort of just get over it."⁵¹ One testified that when she was forced to dance nude, "I didn't feel good at all. I was constantly drinking before I could I even could go up on the stage and do that. I was drinking on a nightly basis."⁵² Survivors of the *Cadena* and *Mishulovich* cases suffered lasting mental health damage: long-term addiction to alcohol, self-esteem problems, and depression (some of the survivors had considered suicide, while another attempted it).

Trafficked persons have no control over their physical and mental health. Traffickers usually deny their victims access to medicine and health care. The trafficked women who suffered beatings, forced abortions, and repetitive sexual abuse faced severe physical health consequences. Their traffickers prevented them from visiting hospitals or doctors, except in a few instances where the traffickers accompanied the women. In one instance a *Cadena* trafficking victim was suffering from complications from an attempted abortion. One of the other women persuaded a brothel client to take the two to a hospital for medical care. The client agreed and the two received medical assistance. The two women, however, did not speak about their circumstance because they were afraid of what law enforcement might do to them. The women feared deportation and punishment from their bosses. A similar incident occurred in the *Mishulovich* case. One of the women received a severe head injury after *Mishulovich* slammed her against a wall. The victim passed out and became bed-ridden for four days. *Mishulovich* refused to take her to the doctor for fear of being discovered, "which was truly the overriding factor," *Mishulovich* testified.⁵³ Other times the women had gynecological health issues that the

traffickers were reluctant to acknowledge. Mishulovich's accomplice Vadim Gorr accompanied women to the doctor. Women can suffer severe consequences as a result of undiagnosed and untreated gynecological infections and complications, including pelvic inflammatory disease, chronic pelvic pain, ectopic pregnancy, and sterility.⁵⁴

Forced labor victims working in agriculture, construction, manufacturing, and service work are at risk of developing Repetitive Strain Injuries (RSI), chronic back pain, and visual and respiratory problems if they fail to receive proper medical care.⁵⁵ For example, Emilio suffered extreme weight loss, poor nutrition, and exhaustion from sleep deprivation. He complained of lower back pain from constantly standing and stooping at work. Emilio's captors did not allow him to see a doctor. "I cut myself and burned myself and lost a fingernail because it got infected: I cut myself and was bleeding, and they poured water, hot water on it, and they gave me glove to wear and keep working. I had to work in those conditions," Emilio, said. If injuries or illnesses remain untreated, they can become debilitating and require long-term treatment and rehabilitation.

Maintaining Control

This section looks at the methods traffickers utilize to maintain their victims in captivity. Despite the different industries in which trafficked persons are enslaved, there are commonalities in the physical and psychological manipulation used to maintain control of trafficking victims. Those who have been trafficked are likely to know that their enslavement and exploitation is illegal. Force, violence, and psychological coercion are used to convince them to accept their situation and this establishes the mental bonds that make slaves so much easier to control. When captive workers begin to resign themselves to their role and sometimes even identify with their master, their enslavement is mental; constant physical bondage then becomes unnecessary. total.

Constant vigilance

A tactic traffickers use to assert control over their victims is to employ enforcers to keep constant watch over their victims. In Emilio's case, a transporter took Emilio to the Chicago Greyhound bus station for his trip to a new workplace in Indianapolis. The transporter stayed with Emilio until he got on the bus. Then when Emilio arrived at his destination (with nowhere to go or no one to contact but his new employer), he had to call his new employer who came to get him at the bus station. From then on, he was under the constant surveillance of his new employers. His new bosses kept Emilio in a house, locking him in an unfurnished bedroom at night. The other residents were Chinese restaurant workers who prevented him leaving. Every morning the bosses shuffled Emilio through the garage to a van and drove him to the restaurant. Emilio recalled:

When I left, I had to go through the garage. They drove me in a van... We always left from the garage and went straight to the restaurant. I never went any of the way myself from the restaurant to the house.

And then at the restaurant the bosses continued their constant vigilance over Emilio.

They were all there, they watched me when I left (to take out the trash), they had the door open. They were always watching me. Permanent control.

In Emilio's case, the restaurant was small and Emilio was the only captive worker. The small size made it easier for the employers to keep watch over Emilio, and to maintain a climate of fear. On a much larger scale, the forced agricultural labor operations also involve constant surveillance over captive work crews. The Ramoses, citrus harvesters in South Florida, were proven to have held about 700 workers in captivity. They maintained control by employing enforcers with cell phones who would call the Ramos brothers when workers tried to leave. When not working, the forced laborers were housed in barracks near the citrus groves. The constant surveillance plus the threat of violence precluded the workers' escape.

When the trafficker's control over the victim is total and complete, victims can be released in public and still be confined since the trafficker's psychological grip is so strong. Mishulovich and his associates brought the women to grocery stores, tanning salons, cheap clothing stores, and even allowed them to go jogging. But the women were always aware that they were being watched and felt powerless to escape. One survivor said, "There was somebody always following us, even to the tanning booth... When we were jogging, Serguie [one of Mishulovich's associates] was standing on the balcony watching us."⁵⁶

Purposeful isolation and disorientation

Every one of the cases examined in this study entailed carefully planned and systematically executed actions to isolate and disorient the victims. By purposefully isolating and disorienting victims, the traffickers enhance the victims' vulnerability and dependence on their captors. Isolation and disorientation also serves to trap the victims: it acts as a mechanism to prevent their escape. Our case studies show that human trafficking operations in the U.S. are not just the result of an unscrupulous employer taking advantage of a migrant worker's desperate need for employment. Human trafficking operations in the U.S. are carefully planned and orchestrated to *make* victims vulnerable and *maintain* their vulnerability and dependence. The premeditation and organization needed suggests that most instances of human trafficking and forced labor should be considered as *organized crime*, not simply the opportunistic exploitation or coincidental negligence of an employer.

The *Cadena* case is a good example of how traffickers disorient victims effectively isolating them and making them dependent on the trafficker.

What they would do is move them from place to place every seven to ten days. They'd put them in the back of a van, move them in the middle of the night, go from town to town, to different areas and stuff, and keep moving them, and they'd move the groups from house to house to different areas in the state of Florida. And basically, what that would do is... keep them guessing where they're at. They don't know the name of the town; they don't know where they're at. And a lot of these mobile home parks or trailers are out in the middle of nowhere – they didn't know where they were at, so they didn't know which way to run or whatever the case was... Keep moving them around or take different avenues back to where you were coming from, from town or whatever the case was... the

*movement from house to house was a conspiracy to keep these people in the prostitution ring and to keep them going, but they didn't know where exactly where they were.
(Border Patrol Cadena case investigator)*

This systematic isolation and disorientation of victims occurred in every case researched for this study. In the agricultural farmworker cases, victims were transported to farms and back to labor camps using different routes each time. A Border Patrol investigator of the *Cuello* case described:

...when they did take them into town, it was on the labor bus, two enforcers would go to the back of the store, or wherever the exits were at, they'd escort the rest of them in there, watch them, let them buy whatever they needed to buy, put them right back on the bus, and straight back to the camp. But they took different routes, too, to keep the aliens guessing where are the camps, so they couldn't formulate a visual picture where [they were located]. What they do is ride around the town, zigzag back and forth and then take another farm-to-market road connecting to the other one, and then come back to the camp or come back from the back way of the camp. Basically they did that on purpose just to keep them confused.

The victims never knew the way or had any sense of space, direction or distance. Tomas, a survivor from the *Cuello* case, described his seclusion:

The labor camp was far from the road. Really far [lejisimo]. Plus we could never see where we were – we couldn't recognize any of the surroundings. When they took us [to the fields] it was never during daylight. It was always dark.... They took us out to work at night when it was dark and brought us back at night so we could never understand where we were going. We could never know the way. Plus all around us was just wilderness.

In Indianapolis, Emilio was isolated in a similar way. The traffickers drove Emilio to his workplace in a van with blacked-out windows. He never saw where he was going and so had no idea where he was.

I always sat in the back, never the front. And when they drove me home it was always at night. And I always exited the van in the garage and had to go right into the house.

Isolation was exacerbated in agricultural forced labor cases through the sheer remoteness of the farms and fields. The Border Patrol investigator of the *Cuello* case described:

...the highway from the compound was probably about three quarters of a mile to a mile to the highway. There were no street lights out there, it was all dirt roads and there's a lot of empty areas because there was just sporadic housing. One guy tried to walk out, but he got lost and came back because he couldn't find his way. So that goes to show the element was there of them being secluded in a compound that lent credence to that part of it especially when the guy escapes and he has to go back because he can't even find his way out of the place.

In other cases the disorientation was less extreme, but present nonetheless. In the Maryland domestic servitude cases, the young West African women were never left unsupervised and never allowed to travel outside their homes except to pick up children from school. By limiting mobility and putting the victim under constant surveillance, the victims' escape routes were effectively cut off. Similar actions were taken against the Indian workers forced to work in a factory in the Oklahoma *Pickle* case.

Debt bondage

Around the world debt, the perception of debt, and the enforcement of false debts are used to control exploited workers. In the United States trafficked people are often told that they have acquired debt and must work for little or no payment until the debt is paid off. This is both a form of psychological manipulation of the worker and a rationale for violent control exercised by the trafficker or exploiter. The psychological manipulation occurs because the worker, often disoriented, acquiesces and assumes the debt thereby acceding to the control of the exploiter. If the trafficked worker resists control, the trafficker will use the "outstanding debt" as a rationale to impose physical control. Use of a debt in this way is illegal under US statutes.

Employers using forced labor often keep two separate bookkeeping records: one a legal employment ledger for tax purposes and the other a "coyote book" to record the debts owed for transport and other items. For example:

The Coyote Book is where, you know S. [a worker] was bought from Chandler, Arizona and he was supposed to pay \$700, but I bought his debt, and now it's \$1100; [for] room and board, rent, you know, gloves, buckets – whatever you use to pick the product or whatever case is, and at the end he was doing all this deducting from the wages; well you would end up with about five bucks a week. Well, you didn't have enough, one, to send home to your family, two, you couldn't escape with \$5 because you had to use that \$5 to eat with. So basically it goes just a vicious cycle of going around: "I'll pay you but I'm going to get the money back from you." Well, that debt that you incurred normally is paid up within six to eight months of hard work in the field, but it was going to take you years at that rate. So what he had was a captured group of workers that were in that vicious cycle that they were never going to get out of. (Border Patrol Flores case investigator)

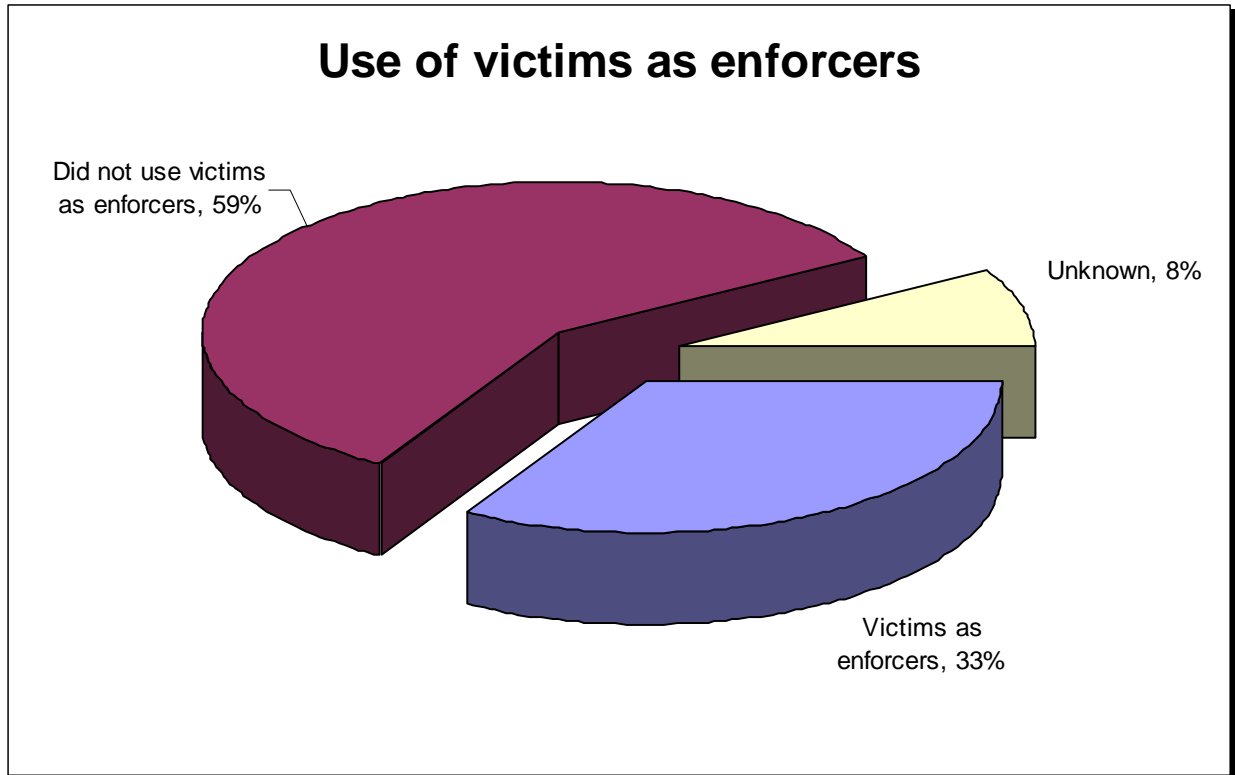
Above all, pure violence is the most powerful means traffickers used to control trafficked workers. Most of the traffickers had a reputation for being capable of killing people. In some instances, the traffickers did kill or are suspected of having killed. The same traffickers also violently assaulted workers, or complete strangers, to keep their workers captive. Tomas, a trafficking survivor, described threats from his trafficker Abel Cuello:

He said, "if you try to leave, you have to stay and work until you pay me. If you go, I'll fuck you up... I'll really fuck you up..." And we heard about a guy who tried to escape... They took him away and left him in the wilderness [el monte]... So we discussed it. We wondered what might really happen if we tried to escape... We believed if you escaped they would catch you then beat you. So we were afraid, if we escaped they would catch us

and beat us. Or kill us. Or abandon us in the middle of nowhere where no one would ever find us.

Use of victims as enforcers

In four of the cases the traffickers used victims as enforcers to intimidate and control the victims. Not surprisingly, traffickers used this tactic with groups of victims, not with single victims.



In most of the cases, the law enforcement agents discovered the disguised enforcers during the initial interviews of the victims. In the *Cadena* case, the immigration authorities interviewed the trafficked women in a detention center. The women were confined together in a large cell, which meant that the enforcer could blend in with the victims. Through the interview process the true victims alerted the investigators to the imposter.

...Basically, within the victims themselves, they started pointing fingers at this girl.... I think she ratted on them, basically for favors, you know... they used her as a, not as an aggressive enforcer: [for example, saying] "tell us what the girls are talking about. Are they planning on escaping?"... basically. But as far as taking any physical action, she never did that. We knew that." (Border Patrol Cadena case investigator)

In a similar way, investigators found victims-turned-enforcers in the *Cuello* case. There were

...Two people actually intimidating the victims. But then they were portraying themselves to be victims and witnesses, and we later we found out and excluded them... (Border Patrol Cuello case investigator)

In the *Cuello* case, the traffickers manipulated trafficking victims to assist in watching over the newly arrived trafficked workers. It appears that the tactic was also a way for the traffickers to cut costs – part of the larger scheme to push workers to do more for less.

He had people babysitting them; [Cuello] had people in the group that were working for [him] that were posing as immigrants that were within the group. So they were getting intimidated while they were being detained by Cuello's aids. There were two or three of Cuello's aids in the group. Once we learned who they were and we separated them people were able to talk more openly. But they would say, "No, we cannot talk to you because that guy works for Cuello, he's one of them." [But we learned about them because] the people that were being interviewed would point to them. [And from] their demeanor; their story. "Oh, I have no problem, he's been so very good to me." And once people started talking we knew what the story was, what the real story was. (Border Patrol Cuello case investigator)

But traffickers only offer a false sense of independence or freedom to victims who act as enforcers. The truth is, traffickers continue to exploit victims by manipulating individuals as enforcers. The victim's situation of identifying with the trafficker and obeying them to control fellow victims is similar to that of torture victims that experience Stockholm Syndrome.⁵⁷

...two of the defendants were really victimized themselves: A. and also S. A. was really manipulated by Adriana [the lead trafficker], turned into an enforcer over the others. He beat up his best friend V. as part of that role, he had to hunt him down and beat him up. He ended up paying for it; he did prison time here and then was sent back to Mexico. Also S. became Renato's [another trafficker] girlfriend. Yet her sister was one of the most abused of all the victims. So these two were themselves really victimized, but you see how some of them identified with the traffickers. (Dept. of Justice Criminal Section Attorney, Paoletti case prosecutor)

Sadly, victims' cooperation with traffickers as enforcers are survival tactics. Trafficked persons who fear their captors may try to decrease the violence against them by complying with perpetrators.

Violence

The threat or use of violence is at the core of all cases of human trafficking. While a case may begin with trickery and deception, it is violence that will enforce the control over the victim. Mishulovich had 11 guns which he brandished in front of the women he trafficked. Mishulovich testified:

I would disassemble them and dry-fire them in the general direction where the ladies were at... It was designed to let them know who the boss was, that they are dealing with a very serious guy. It was designed to control the women.⁵⁸

He frequently threatened them with harm to them personally or to their families, which he described in detail. Mishulvoich would also assault the women. Mishulovich testified that he slapped and pushed the women, and that he pulled one of the women's hair because, he claimed, she was drinking too much and messing up his house.

Mishulovich and his associates beat the women as punishment on various occasions. One woman was locked in the bedroom and beaten up as punishment for straying away alone from the apartment for several hours. She was punched in the face, resulting in a bloody nose and black eye. The same woman also regularly talked back to Mishulovich and was, consequently, often beaten for it. After threatening another woman to make her earn more, Mishulovich became violent. The woman explained, "he said something to me and I said something back to him and he slammed me into the wall and I passed out... I guess I had a brain concussion, and I was in bed for about three days. I was not able to even stand up, I was feeling dizzy."⁵⁹

Emilio's employers also used violence to threaten him and prevent him from escaping and seeking help. "Groups of Chinese guys would come in and intimidate me. They made fun of me, stared at me, played with knives. They had an intimidating attitude..." The Chinese men also pushed Emilio, punched him and even pressed their knives against him to threaten him. "I was always scared..." Emilio said, "the mistreatment wasn't just verbal; it was a problem of physical mistreatment and it was grave."

In the *Ramos* case, traffickers Ramiro Ramos and close relatives assaulted the drivers and owner of a small van taxi service which catered to farmworkers. Ramos and his associates, armed with pistols and a four-foot metal pole, pulled a fellow van driver from his vehicle and proceed to interrogate him. Ramiro Ramos stuck a handgun into the driver's side and demanded to know who was in charge of the van service. When Ramos' henchmen began to beat the driver and smash out the windows of the vans, the van owner identified himself and tried to stop the men beating the driver. Ramos pistol-whipped the van owner across the forehead then kicked and beat him into unconsciousness. Ramos accused the van owner and driver of "stealing" his workers.

Shielding the operation from authorities

Most trafficking operations were successful in shielding themselves from law enforcement authorities. Traffickers used a number of techniques to hide their operations such as:

- Moving or rotating victims to different locations
- Using enforcers and lookouts
- In the forced prostitution operation – controlling clients (not allowing troublemakers to draw attention to the operation)

Moving victims around not only conceals the operation, but disorients the victims and changes the clients, it is particularly applicable to forced prostitution.

...They never stayed in one place too long. They kept moving... These guys were in town five, seven days and then they'd move. The houses might remain the same, but there were always different girls and different people working in the organization working there, so I don't think they had enough time to really have any permanent ties to the community so to speak, other than with the workers. But the clientele, that fluctuates with the season. So basically they were pretty much nomads running around. (Border Patrol Cadena case investigator)

Corruption: local authorities act on behalf of traffickers

The hidden nature of human trafficking crimes makes it a challenge for law enforcement agencies to investigate. One reason human trafficking is so well hidden is because traffickers are sometimes affiliated with people in powerful or influential positions.

But then we found out in the investigation, that there were dead bodies all over the place. When we went down to C. County, we met with a lieutenant from the sheriff's office there and I said, "Well, you know it's awfully funny or strange, that nearly all the deaths are accidental in C. County." He said, "Well, you've got to be careful who you talk to." And I said, "Why is that?" And he said, "Well, the medical examiner is a business partner of Miguel Flores. (Border Patrol Flores case investigator)

Agricultural labor trafficking cases often occur in remote rural areas where public officials have a vested interest in the local agricultural economy. Such institutional arrangements may pose challenges for federal investigators and prosecutors to gain cooperation from local authorities. Federal authorities have historically had difficulty investigating and prosecuting civil rights crimes in Southern U.S. states.

Points of Intervention

The period of exploitation is one that is rarely completely hidden. Victims trafficked into domestic servitude may be the most difficult to discern, other trafficked people, by the nature of their work, come into occasional or regular contact with members of the public. One recommendation concerning the training of service workers, such as health inspectors, whose work may take them into situations where people are being exploited in forced labor, is given above at page 31. The following recommendations are based upon the idea that every possible avenue of intervening into the exploitation of trafficking victims should be pursued.

RECOMMENDATION: Some industries and economic sectors are more likely to use trafficked workers than others. Increased regulation and official inspection of these industries and economic sectors would both locate trafficked workers and deter "employers" from their use.

RECOMMENDATION: For illicit or informal businesses using trafficked workers the most effective point of intervention may be undercover investigations. There are now some law enforcement personnel who have gained experience in such investigations. These

officers should be called upon to help prepare and deliver training to law enforcement personnel tasked with rooting out trafficking.

RECOMMENDATION: Some businesses and employers are indirectly “purchasing” trafficked workers, such as agricultural businesses or restaurants, by obtaining labor through sub-contractors. Since the trafficked and exploited workers are employed on the premises of the contracting business, policy makers should make the sub-contracting of trafficked workers a violation. A potential fine or other punishment would make contracting businesses more careful about and watchful over the workers they use. Likewise businesses could be rewarded for detecting and reporting the use of forced labor in sub-contracted labor services.

RECOMMENDATION: Customers of businesses that are sexually exploiting trafficked men, women, or children in prostitution are not normally liable for any legal violation except “patronizing a prostitute” or similar charges. The use of a trafficked person forced into a situation of sexual exploitation should be made a separate and serious offence.

e. Exposure, discovery, liberation

Table 8. Exposure, discovery and liberation

CASE	Date	Crime location	Exposure/Discovery	Liberation
<i>Flores, et al.</i>	1992	Florida/ SC	Victims escape	NGO brings in law enforcement
<i>Mishulovich</i>	1996	Chicago	Victims begin to date	Some leave, others sent home
<i>Paoletti</i>	1997	NYC, Chi., NC	Good Samaritan helps out	Police raid
<i>Cadena</i>	1997	Florida	Victims escape	Victims report/Police raid
<i>Cuello</i>	1999	Florida	Victims escape	NGO brings in federal agents
<i>Tecum</i>	1999	Florida	Police notice victim on visit	Pick up by Family Services
<i>Satia</i>	1999	Maryland	Good Samaritan helps out	Contacts Legal Services
<i>Ramos</i>	2000	Florida	Through NGO outreach	Escape with NGO workers
<i>“Emilio”</i>	2000	Indianapolis, IN	No exposure/discovery	Forced his way out/Escape
<i>“Ruth”</i>	2000	Maryland	Good Samaritan helps out	Goes to police
<i>Pickle, Co.</i>	2001	Tulsa, OK	Good Samaritan (Church)	Calls in police, helps to flee
<i>Chinese sex workers</i>	2002	Chicago	N/A	N/A

The experience of being trafficked can end in many ways. Though there are no measures, it is safe to assume that the mortality of trafficking victims is high. Trafficking victims are known to have died in many ways: when a fire swept through the house where they are locked in; in accidents on building sites; of disease in rural work camps; and murdered by their exploiters. Others will be discarded when, through injury or illness, they become useless to their exploiter. For women forced into prostitution HIV infection can mean the end of their exploitation and the beginning of their physical collapse.

Some victims of trafficking escape. When they do, their situation is often very precarious. Without the needed languages or contacts, they are at the mercy of whomever they encounter. This dependence can lead to re-enslavement, or rough treatment at the hands of officials who should be protecting them, but see the escaped victim only as an illegal immigrant. Sometimes they will find their way to communities of people from their own country or culture. In such immigrant communities they may find support and care, or they may be ostracized. If they are fortunate they will find sympathetic individuals who recognize that they are crime victims and work toward their rehabilitation. Trafficking victims may also be rescued or apprehended by state agencies. Around the United States few are brought out of trafficking in this way, though the numbers are increasing. When state agencies find them their rights may be protected, or their rights may be ignored or violated as will be seen later in the report.

It is a sobering fact that law enforcement played a role in the exposure and discovery of trafficking victims in only one of our case studies. A lack of intelligence flowing to law enforcement may be the most serious barrier to the discovery of trafficking cases by the authorities. Given that the majority of victims either escaped or were helped by a “good Samaritan,” the case studies suggest that many more cases go undetected.

Escape

In four of the eleven case studies on which we have sufficient data, the trafficking victims came to freedom by escaping their exploiters. These escapes often involved serious danger. In the *Flores* case the escape attempt led to violence.

Four of us from our trailer [made the decision to leave the camp.]...The one day we tried to leave – we went through the fields. It was raining, raining very hard that day. We left early in the morning when it was still dark. They chased us, firing shots at us and threatening us. One guy got hit in the stomach [pointing to his gut]. He said to call the police, to get help. I never saw that guy again. He’s disappeared... The victim’s last words were a plea to “please get justice for my death, they’ve killed me.” (Jaime, Flores case trafficking survivor)

The early morning escape attempt drew the guards away from the compound where the workers were being held. The shooting alerted and frightened the workers. In the confusion one worker managed to call the police, who diverted the enforcers and further workers made a run for it. One escaped worker described the scene:

What had happened that night was A. had escaped during the day because it was daylight and we were all there, but a man who had tried to escape at night, and this time it was raining, and when we showed up somebody had seen he had been shot by the people who had been keeping us captive. Jaime [who came to the camp with Elena in the same group] came and told us that he had seen this man shot by Gomez. Somehow in the commotion, one of our people managed to go and call the police. And when the police came, there was a lot going on – the commotion – we were all able to escape. Because Gomez and Flores were speaking with the police with all the guards, so we took the opportunity to escape. It was a terrible night of mud and rain and the milpa, the corn, was already this high, so we were able to run into a corn field and that’s where we hid ourselves... And that’s when we managed to escape. We found our way to a normal camp...(Elena, Flores case trafficking survivor)

In spite of Jaime’s concern that the worker that was shot was not seen again, a Border Patrol agent later told us that:

Yeah, there were bodies all over the place; there was one that one of the victims actually spoke to that was shot in the stomach by Sebastian Gomez. (Border Patrol Flores case investigator)

In the *Cuello* case the trafficked workers were extremely fortunate to find someone to help them. Taken to buy food and toiletries on a Sunday, five of the workers seized the opportunity to escape.

We were already planning, “Let’s escape. Some Sunday. Some Sunday we’ll escape when he brings us to the market – the flea market. When they bring us there we can escape.” But they changed the plan. They didn’t bring us to the flea market; they brought us to the Winn-Dixie [supermarket]. So they brought us there in the bus. So we went to shop and, Abel Cuello said to his brother-in-law and his brother, “Watch them.” And Abel stayed

on the bus. And we went to shop and we went – I had brought my boots and my clothes, I carried them in my backpack, because I figured if we went to the flea market, I would run off with my stuff. But since they changed the plan and went to the Winn-Dixie, we decided we would try to escape from the Winn-Dixie.... And I heard from the other aisle, other compañeros also planning to escape – from the Winn-Dixie. And I thought, it would be better not to escape alone. So I went and asked them, “What are you talking about?” “We’re planning to escape.” “Let’s do it then.” ‘But one said, “No, no. You’re crazy.” ... But we decided we would do it – my cousin, our friend, and the couple. We were five. The others said, “We’ll wait to escape tomorrow.” And we said, “Why? How are you going to escape tomorrow? We’ll escape right now. We’ll come back with help and rescue you.” Another said, “But what about my clothes, my shoes...” “Leave the damn shoes! You can always buy others... Our lives are more important than our clothes.” So one said, “OK, you go make it look like you’re buying things... Let’s buy four, best if we buy four packets of soup and a can of beans, as a distraction.” So one went towards the front of the store to look out the window to see if anyone was in the bus and who was watching outside, to see if we could escape running. We went to the cashier and paid and we saw that outside, Abel was in the bus, but he was sitting back with his feet up and his hat tilted down over his eyes. He looked like he was asleep. When I went to the bus to check, he sat up quickly and asked what was going on. I said, “No, we aren’t finished shopping, I have to get a couple more things.” He said, “Hurry up and get back here.” And he pulled his hat back down and went back to sleep. So I went back in to the Winn-Dixie and told the others, “That fucking bastard is asleep! When I went over to the bus he was asleep. Then he woke up and asked what was happening. Then he pulled his hat back down and went back to sleep.” So I said, “We can run from the Winn-Dixie like this; we leave, run down past those shops there, and there’s the main road, we can hide over there. So we should run out that way toward that corner of the road.” We went out running and as soon as we hit the highway we just started running. (Tomas, Cuello case trafficking survivor)

Away from the captivity, the experience of the five workers shows their vulnerability: With the little money they had, they managed to get a ride to the local airport. Once there, they tried to get tickets for Mexico, but soon discovered that no one could understand them. When they finally found a Spanish speaker it was clear that there were no direct flights and they could not afford tickets in any event. Unsure of what to do, they returned to hide near the shop they had fled. After time passed, they were hungry and went in to buy food in the shop. This was when they struck lucky:

When we were paying we spoke to the cashier. We asked her if she knew of any hotel nearby where we could stay, something cheap. She said no, I don’t know of any. Then she asked why. We said we didn’t have a place to stay. We said we could just stay outside, hide out near the road. She said, no, I can help you find something. My father works in oranges; he’s a contractor for orange harvesting. He can help you. I’ll talk to my father. So she called him... (Tomas, Cuello case trafficking survivor)

The cashier’s father was allied to a local NGO that works with the migrant worker community. He fed the escapees, let them bathe and rest, and offered them work. Learning of

their experience, he reported their situation to the NGO who in turn made contact with federal agents. Had the escapees not found a person willing to help them right away, it is hard to know what would have happened to them.

Emilio, the Argentine man held alone and working in a Chinese restaurant, brazened his way to freedom:

When the night before I had an argument; almost a bad fight with those Chinese. I saw that it was going to be bad, very bad with knives, so it was at that moment... So I decided to work no more; this was the third fight and I couldn't go on. Now it was really bad. So when they locked me in the room to sleep... in the morning when they opened the door I was with my bag all ready to go, and I told them, "I'm going." I don't believe they expected that. They started talking to each other, made some phone calls. They called the agency in Chicago, Felipe [the trafficker]. Then they said, "OK." I said, "I need some money to travel." And well, that's when they gave me the \$30. One of them told me, "Come with me." He took me in the van to the Greyhound bus station and he was there until I bought my bus ticket and he waited there until I got on the bus... I left under their control.

Emilio had been carefully controlled by the Chinese restaurateurs, but perhaps because of the friction, they felt it was easiest to just let him go as long as he represented no threat. Seen off at the bus station with a one-way ticket and no money, it is likely they assumed they would never see him again.

If our case studies are a guide, then escape would seem to be more possible when the trafficking victim is being exploited in work that allows them some movement, such as agricultural labor. The studies also point to the tension between worker and exploiter, and the difficulties faced by the criminals attempting constant surveillance. It is important to note that all of the escapees had nowhere to escape to – they were fleeing but had no point of safety as their goal.

Good Samaritans

Those working in the field of human trafficking around the country often refer to private citizens who report cases of trafficking as “good Samaritans” after the Biblical story of a man from Samaria who helps a person who has been robbed, beaten, and abandoned on a highway. Escapes led to freedom in four case studies. In four more, strangers took an interest and helped secure liberation of the trafficking victim. In the *Paoletti* (“Deaf Mexicans”) case the victims were isolated by their disability as well as by language and culture. Because they could not communicate with members of the public, the traffickers felt secure in putting them in public places to sell trinkets. Their disability also served as a selling point, eliciting sympathy from passers-by. In one of the country’s most crowded cities, the victims worked long days surrounded by people, but cut off from help. It is unlikely that the traffickers considered that a member of the U.S. deaf community would encounter and take an interest in their victims:

Anyway, there was an older deaf guy at Newark Airport where some of the Mexicans were peddling, and he knew something was up because he saw these deaf people and they were Mexicans and they were peddling and for someone in the U.S. deaf community that was a sign that something was going on. So he helped them write a letter, he wrote it for them in English, which they took to the police. (Department of Justice Criminal Section Attorney, Paoletti case prosecutor)

In the case of Ruth, a woman trafficked from the Ivory Coast to a Washington, DC suburb, concerned neighbors found Ruth stranded outside of her apartment. The neighbors called the police, but neither the neighbors nor the police could communicate with Ruth. The neighbors put Ruth in touch with a local resident of the same ethnic background:

I could tell she was captive because she said she can't go out. I said that's wrong. I said to [the neighbor], she wants to go home, then [so] help her go home. I said to Rose, if you want the police to arrest the family, then get [the neighbor] to help you call the police to arrest them. It's wrong to be held to work and not allowed to go out or to do what you want. (Good Samaritan interview)

In touch with the police, Ruth was protected and an investigation begun. Similarly, in the *Satia* case, a similar situation occurred. Eventually a middle-aged Cameroonian computer technician heard about Liana's situation and decided to help. He called Liana when she was home alone and encouraged her to leave. At first, the Good Samaritan could not convince Liana to leave. Her fear of how she might be punished was much too strong. After several secret calls at different times, Liana gained the courage to flee. While her trafficker was away Liana fled to an agreed meeting with the Good Samaritan. He took her to a legal services center that contacted the Department of Justice and the INS.

An important point is that individuals who help trafficking victims to discovery and escape are often from a similar ethnic background. This is not surprising in that they may be the only people in the community that speak the languages needed to make contact. But it does suggest that ethnic communities could be an important focus for awareness-raising and victim identification.

Official Intervention

For a crime of such extreme severity, it is noteworthy that victims in our cases studies were not being discovered or liberated by law enforcement personnel. In fact, there were a number of missed opportunities for intervention by law enforcement that will be discussed later. In the *Tecum* case the county sheriff's department ultimately liberated the trafficking victim – "Celia," but there was uncertainty and confusion that took time before she was freed. Celia had been trafficked into the U.S. and was held as a captive mistress by her trafficker. Mr. Tecum lead his wife to believe that Celia was a relative who was staying as a domestic worker. In truth, Mr. Tecum was sexually assaulting Celia. Mrs. Tecum discovered Mr. Tecum in a compromising situation with Celia. The resulting confrontation led to a domestic violence report to the police. The investigating officer noted in his report the frightened young woman in the Tecum's house, but took no action. The next day a victim-witness officer did a follow-up:

Usually with domestic violence cases I do follow up home visits... So when I went the next day to visit Mrs. Tecum, as she opened the door I immediately noticed this female sitting by the window. She was dressed in her native clothes and she appeared very sad – a very sad female. So I immediately remembered what I had read in the report and I identified or saw that she was the same female that was talked about in the report. Then after I spoke with Mrs. Tecum she pointed at that point at Celia and said that it was all her fault – for sleeping with her husband. And so at that point I took Celia outside – Mrs. Tecum was kind of hesitant for me to talk to Celia, but then I told her I had to interview everyone. And I had talked to her [Mrs. Tecum] about, you know, how many kids she had, you know, the ages and things like that. So then I went outside and I was talking to Celia and Celia starts crying. Then Celia was telling me that she felt like a slave, that she was working all the time and that she was not getting paid any money but that she owed – she couldn't leave because she owed Mr. Tecum 8,000 quetzal. And that she felt like a slave, she wanted to go back... (C. County Sheriff's Victim Advocate)

In spite of these rather clear warning signs, there was real indecision about the proper response. It seems from our case study interviews that the Sheriff's Department officers were not sure that they had the power to remove Celia from the house. A deputy was sent to the house and tried to get Celia to come away with the victim-witness officer, but Celia was too frightened. The Victim-Witness Deputy stated that:

I left. At that point I told her [Celia] that I was going to go back to my office, but I would be back to talk to her later. When I left I left kind of concerned about her statements so then I went back to my office, I went back to her place five times... to her house. Every time I would go I tried to convince her again that I wanted her to come with me, that she didn't have to pay to Mr. Tecum the 8,000 quetzal, but she was very afraid. She was very afraid. (C. County Sheriff's Victim Advocate)

After these visits the deputy still felt unable to intervene directly and asked for advice.

Because she said that she was fifteen years old, what I did was, I went ahead and I went back to my office and I kind of talked with a Sergeant and a Lieutenant that was in my office and explained to them my situation and they basically told me that they couldn't do anything that, "Just go ahead and call Border Patrol and have her deported" they said. But then I immediately I thought that that was not the solution for this situation, that there was something more to it. So, then I went ahead and called Children and Family Services since she told me she was fifteen years old. (C. County Sheriff's Victim Advocate)

It was at this point that Celia was finally rescued, with the law enforcement personnel taking a backseat to the worker from Children and Family Services.

Finally I got a response from Children and Families that they had received a report and that they were – that the investigator that was assigned to the report was given instructions to remove Celia from the apartment. So at that point I went back with the

Children and Families investigator and we told Celia that she was going to go with us. She asked both of us how much money we were going to pay her if she went with us. We told her nothing; that she was going to a safe place and again she said that she was afraid because she had to pay Mr. Tecum. We told her that she didn't have to pay anything to Mr. Tecum and just to get her things. And Mrs. Tecum became very upset. She kept talking in her dialect to Celia, intimidating her – we could notice by the body motions. At one point I went ahead and called for a deputy to respond and once the deputy responded I told the deputy what was going on and she basically told Mrs. Tecum to back off or she was going to be arrested for interfering with our investigation. So, at that point he was keeping Mrs. Tecum on one side while I went with the investigator from Children and Families to assist Celia thinking that she had a bag of clothes and everything.... So we were finally able to get her out of the residence. Once we got her out of the residence and I told her that she was going to go with this lady, that this lady was going to help her, reassuring her that she was going to be fine and everything, she gave me a hug and she thanked me for taking her out and for taking care of Mr. Tecum. (C. County Sheriff's Victim Advocate)

Celia's captivity ended happily, but had the deputy taken the advice of her superiors, or simply followed-up with the domestic violence case, Celia might have continued in forced labor and sexual abuse.

Points of Intervention

Once again, we see the need for increased public education and awareness as well as increased awareness on the part of law enforcement. The repeated experience of cases in which police made contact with trafficking victims but did not immediately recognize their situation demonstrates this need. The role of "Good Samaritans" is also instructive. An important, unanswered question is what proportion of all those who notice that "something seems to be wrong" turn into Good Samaritans. The further question is how do we turn those who notice a potential trafficking situation into citizens who take action?

RECOMMENDATION: Every police officer needs basic training on trafficking and how to recognize the warning signs of a trafficking case. The Department of Justice or a similar federal agency should invest in the development of a training video/DVD that can be disseminated to all police departments.

If there is an existing citizen organization with a propensity to active response it is Neighborhood Watch. This association recently commissioned research on their members,⁶⁰ a key finding was that:

...many respondents indicated that they wanted to receive additional training and more materials, including manuals, videos, brochures, and training sessions. Respondents' comments also suggested that there was also a need for local training.

RECOMMENDATION: Neighborhood Watch is currently expanding the number of groups with a goal of having 15,000 Neighborhood Watch groups in the United States. Each of these groups should be provided with materials that will sensitize members to the

warning signs of human trafficking and train them in the appropriate actions to take if they suspect a trafficking case.

f. Arrest of perpetrators

Once investigators have brought their evidence of charges to the federal (or other) prosecutor, the decision will be made whether or not the case can be pursued. In most cases, the suspected trafficker will need to be arrested. In some cases, the arrest of the trafficker involves a search warrant to be able to raid a compound, brothel, or private home where trafficking victims are held captive. This section looks at the lessons learned from the execution of search and arrest warrants in the case studies.

Table 9. Arrest of perpetrators & police interventions

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Federal arrest of perpetrator(s)</u>	<u>Prior police intervention</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Yes	Yes
<i>Mishulovich</i>	1996	Chicago	Yes	Yes
<i>Paoletti</i>	1997	NYC, Chicago, NC	Yes (some fugitive)	Unknown
<i>Cadena</i>	1997	Florida	Yes (some fugitive)	Yes
<i>Cuello</i>	1999	Florida	Yes	No
<i>Tecum</i>	1999	Florida	Yes	Yes
<i>Satia</i>	1999	Maryland	Yes	No
<i>Ramos</i>	2000	Florida	Yes	Yes
<i>“Emilio”</i>	2000	Indianapolis, IN	No	Unknown
<i>“Ruth”</i>	2000	Maryland	No	Unknown
<i>Pickle, Co.</i>	2001	Tulsa, OK	No	Unknown
<i>Chinese sex workers</i>	2002	Chicago	Unknown	Yes

Police intervention prior to federal action

We found that in six of the twelve cases, local law enforcement had intervened or arrested an associate of the trafficking conspiracy prior to the federal action being taken against the trafficker’s forced labor operation. In some of the cases the intervention was a response to a disturbance call that ended in no arrests. In other cases the police secured warrants against the traffickers and took action that resulted in the traffickers’ arrest, although the action did not result in shutting down the trafficking operation. In many cases the police missed opportunities to discover the trafficking operation. Two examples, however, demonstrate that when police are well informed about the elements of trafficking, they detect those signs and promptly alert federal authorities.

In the case studies, when police intervention was in response to a *disturbance call*, police were in contact with the trafficker or an associate, and often in the presence of the victims, without noticing the signs of trafficking. In *Mishulovich*, one of the trafficker’s associates, a Russian national in the U.S. with fraudulent travel papers, was arrested at a supermarket for shoplifting while taking the victims to buy toiletries. It was a missed opportunity because the police were unable to question the young women. The Russian trafficking associate was later deported.

In the *Cadena* case, police missed two clear opportunities to discover the trafficking operation. The first was in response to 911 calls. Three months after the Cadenas brought one

group of four captive women to Florida, the women found a telephone which was not in service in a closet, although it was connected to a phone line. (Any connected phone may be used for emergency calls.) Apparently the traffickers were unaware of this phone. One of the women remembered seeing in Mexico a television program about a Hispanic child in the U.S. who dialed 911 and got help. So the young women dialed 911 repeatedly with a successful result. Ambulances, firefighters, and the police came. But the two Cadena guards – who spoke English – kept the women in the house and spoke to the emergency responders. They told them it was a mistake and that there was no one hurt in the house. The Cadena guards were baffled. They did not know about the phone in the closet, so they did not understand why the ambulance and police came to their house. The women tried this two more times with successful results. The third time the police insisted on entering the house to check, but the Cadena guards dissuaded them from entering. After that, the women stopped trying to call because they feared that the Cadena guards would find out about the phone calls and punish them.

The second “missed opportunity” for police intervention in the *Cadena* case was when police responded to a shooting in one of the prostitution houses. One of the traffickers shot a trafficked woman in the foot. Neighbors heard the shot and heard the screaming and had called the police. A Hispanic neighbor who was an acquaintance of the traffickers came and spoke to the police as a translator. The shooter claimed it was a mistake and that everyone in the house was married (three married couples) and not to worry because it was an accident. The Hispanic neighbor spoke on behalf of the shooter to confirm that he must have meant no harm and that it was an accident. Although one officer spoke Spanish, the police did not speak to the trafficked women. The police left the incident as a domestic dispute and failed to take further action. There was a similar delay in the arrest in the *Tecum* case, described earlier.

In the ongoing *Chinese sex worker investigation*, the case came to the attention of federal authorities after the Chicago Police Department conducted raids on Chinese-operated houses of prostitution. These raids resulted in the arrests of women who were charged with prostitution, as well as several people who were charged with operating houses of prostitution, pandering for prostitution, or patronizing a house of prostitution.

In discussions with an advocacy agency, and also in discussions with the INS Anti-Smuggling Unit, we then began to learn and appreciate the fact that what we were dealing with at some of these locations was possibly more than your traditional prostitution operation, and in fact, there might be some interstate trafficking involved and federal offenses in regards to the immigration of the women. (Chicago Police Dept. interview)

The police took the next step of sharing information about the arrests with the INS Anti-Smuggling Unit and FBI Asian Organized Crime Unit. They also alerted an immigrant advocacy agency when the arrested Chinese women were to appear in court enabling the advocates to reach out to the suspected trafficking victims. Other examples of police involvement which resulted in successful arrests and indictments of traffickers include the *Paoletti*, *Cadena*, and *Cuello* cases. In the *Paoletti* case, the police raided the work houses, arrested the traffickers, and secured the victims. In the *Cadena* case, the police investigated some of Cadena’s prostitution houses and, in collaboration with FBI, raided one of the houses, arrested suspected traffickers, and secured some of the victims. Agents were able to learn from victims the whereabouts of

other Cadena prostitution houses. The arrest warrant execution in the *Cuello* case is discussed in detail below.

Not every federal arrest and search warrant execution was successful in the case studies. The following are two examples, one illustrating a successful attempt, and one an unsuccessful attempt, to securing victims and arresting traffickers.

Failed intervention: the Ramos case

The federal law enforcement effort in the *Ramos* case to arrest traffickers and secure the victims was not a complete success. For reasons that are not clear, the Department of Justice prosecutors and FBI investigators did not treat the case as human trafficking when they learned of the assault on farmworker transport service operators, but as a Hobbs Act (extortion) violation. The Department of Justice failed, at first, to see the assault as an extension of the trafficking operation and missed the opportunity to focus on the assault, and an earlier murder allegation, to build a case against the Ramoses. Instead, the Justice Department raided Ramos’ camp in order to secure witnesses. Unfortunately, the raid failed and the Justice Department lost their best opportunity. Even though the prosecution was ultimately successful, we highlight factors that added to a failed intervention in the following table, in comparison to factors that contributed to a successful law enforcement intervention in the *Cuello* case.

<u><i>U.S. vs. Ramos (unsuccessful)</i></u>	<u><i>U.S. vs. Cuello (successful)</i></u>
Controllable factors	Controllable factors
<ul style="list-style-type: none"> - Planned raid without consulting NGO - Used marked INS buses - Drove marked INS buses through raid location a full 12 hours before the operation - All agents stayed at the same hotel over night before operation - No undercover or inconspicuous agents 	<ul style="list-style-type: none"> - Raid planned with NGO consultation - Used unmarked vehicles - Drove unmarked vehicles to location and executed raid without waiting - Used county sheriffs to block possible exit roads and ordered to stop and check all vehicles
Uncontrollable factors	Uncontrollable factors
<ul style="list-style-type: none"> - Large victim cohort (100+) - Perpetrators known to have guns - Large enforcer cohort with cell phones - Numerous possible escape routes over large, open terrain 	<ul style="list-style-type: none"> - Small victim cohort (29) - Perpetrators suspected to be violent, but not known to have guns - No enforcer cohort with cell phones - One escape route in enclosed location

It is also worth noting about the *Ramos* case that FBI and INS declined to investigate leads from two witnesses to the 1997 murder allegedly committed by Ramiro Ramos. In that crime the body of a farmworker transportation service driver was found dead, execution-style – face down with a gunshot to the back of the head. Leads to the evidence were available: a farmworker NGO that had learned of the murder from county sheriff’s deputies tracked down a family member of the murder victim and found witnesses to the murder.

Successful intervention: the Cuello case

By contrast, in the *Cuello* case, law enforcement personnel took a number of steps to overcome the challenges faced in investigating a trafficking operation. First law enforcement agencies did surveillance:

...we actually took one of the [escaped] victims and put him in an unmarked vehicle. He showed us exactly where the location of the camp was. He told us how many people, how many of the victims were residing in either one of the trailers. We did surveillance, we did video footage of it, we took digital photographs of it. We did a little bit of surveillance but it was kind of tough because it was at a dead end street and you just can't set up because you're pretty much noticeable, so we did a couple drive-bys... (Border Patrol Cuello case investigator)

Then law enforcement agents got the search and arrest warrants. Border Patrol investigators also filed a criminal complaint against the Cuellos, which led to prosecution of the traffickers:

...then we did the affidavits for the search warrants and submitted them to the magistrate. He issued the search warrants. We put an operation together to go ahead and liberate the victims and obtain any type of incriminating evidence there may have been left behind at the site or the compound. And at the same time we also filed criminal complaints against the three Cuello brothers. (Border Patrol Cuello case investigator)

Then Border Patrol agents executed the warrants, raiding the Cuello's compound:

We started out at three in the morning then we waited until sun-up... We had unmarked vehicles. Everything that we took was unmarked. So we had the primary road in and out covered. We had the compound covered, the residence across the street covered. One other residence covered – two other residences covered. And as soon as they started moving we started picking them off and we targeted the compound first so we could go ahead and make sure we got all the victims first. And then the prime- the principal subjects started coming out. One came out to see and saw what was going on and tried to make a run for it but he was apprehended and another one was caught driving into the area, towards the compound. Got him on the road and the other one was apprehended coming out of his residence... The FBI was involved in the planning, but... Mainly we utilized Border Patrol agents and Anti-Smuggling agents because they had a bunch of unmarked vehicles. So we utilized them and we didn't take any kind of marked vehicles. The Border Patrol bus was actually left on the highway, 35 miles away. So nobody knew we were actually – we drove right in to town, nobody knew we were there because it was all unmarked cars. (Border Patrol Cuello case investigator)

A second lesson is that the planning must involve agents with the skills specific to the raid location. A Border Patrol agent explained:

Layouts of farms, you know the FBI does good tactical stuff, their tactical units and everything else, you know, you can't put them down. They do excellent work. Neighborhoods and stuff like that it'd probably be the FBI. For farm stuff it would

probably be best the Border Patrol or somebody that does a lot of farm and ranch type of work because there are inherent dangers you know. Open septic tanks, you know, most ranchers and farmers have large amounts of dogs – big dogs, stuff like that. Either agency could actually plan one of these things, it's just that there are certain things that go hand in hand with farm and ranch – you got pesticides, you got poisons, where normally if you did a residential tactical entry, basically what you got is a dog, a lot of people, but you're not going to have large amounts of pesticides or fertilizers or whatever the case may be. Open septic tanks, canals, stock ponds, stuff like that. (Border Patrol Cuello case investigator)

Both the *Ramos* and the *Cuello* cases show how important the context can be to gathering criminal intelligence and to taking swift, effective action. In each case, the involvement of the farmworker NGO was necessary to assist law enforcement personnel orient themselves to the migrant agricultural setting. In the *Cuello* case, insight from the NGO helped the Border Patrol plan a swift and effective arrest warrant execution. In the *Ramos* case, the Border Patrol and FBI agents excluded the farmworker NGO and were not sufficiently briefed on the location of *Ramos*' work camps. The federal agents did, however, have farmworker NGO staff accompany them to the arrest scene so the NGO staff could help assist victim-witnesses. Such assistance would have been needed had the raid been successful.

Human trafficking cases require law enforcement agents to work in unfamiliar settings for investigations, particularly if they normally work in urban areas. Rural areas require law enforcement agencies to navigate long distances and maneuver among mainly immigrant workers. NGOs experienced working with law enforcement agents are a beneficial resource when working in such settings. As the *Cadena* and *Satia* cases (described above) also show, the nature of the trafficking crime – usually involving immigrants and a victim needing assistance – requires social and cultural orientation in order to effectively gather criminal intelligence and swiftly arrest perpetrators. These cases show how important ethnic community groups, or immigrant and workers' rights NGOs, are to effectively gaining information from victims and witnesses.

Points of Intervention

A repeated theme in these cases is that in circumstances that appear to be domestic disputes, especially when there is evidence of the use of violence, or repeated but confusing approaches made to law enforcement (e.g. 911 calls), law enforcement should always take the effort to speak to each person, regardless of what some individuals may say on behalf of the whole group. Each person should be spoken to separately and in confidence, and further contact information should be left with each individual. Learning to respond in this way would be part of the training for law enforcement personnel that has already been recommended.

Additionally, two further recommendations emerge. One concerns the fact that trafficking is a complex and organized crime normally involving more than one perpetrator. As such it requires an “organized crime” response.

RECOMMENDATION: Successful arrest of trafficking perpetrators will normally require good cooperation between more than one law enforcement agency as well as with other agencies. The successful arrest plan will recognize that a trafficking operation may have several members and that some of these perpetrators will be enforcers tasked with hiding victims, warning of approaching law enforcement, and facilitating escape. Careful planning and coordination should focus on the fact that most trafficking operations are an organized crime group.

Local NGOs and service providers also have a role to play in mounting successful arrests of traffickers. They may provide needed intelligence facilitating the arrest. Additionally, it is important to remember that a raid on a trafficking operation will normally yield a number, sometimes a large number, of victims that need immediate care and processing. As demonstrated by recent cooperative operations in San Diego, as well as the arrests documented in the *Cuello* case, when NGOs are included the victims move quickly into a situation of safety and cooperation with the investigation.

RECOMMENDATION: Whenever possible local NGOs and service providers should be included in the arrest process in order to provide immediate assistance to the victims, thus lessening the task faced by law enforcement and providing a method to bring the victims into rapid cooperation with the investigation.

g. Stabilizing victims presence in the U.S. – the role of immigration authorities

For immigration authorities⁶¹ the Trafficking Victims Protection Act presents a departure from what may have been usual practice when dealing with non-citizens. While many law enforcement personnel would expect to detain, and ultimately deport, illegal immigrants, the Trafficking Act requires illegal immigrants caught up in human trafficking to be treated as victims of crime until identified as otherwise. This victim-centered approach has yet to be fully integrated into law enforcement training. Prior to the Trafficking Act, law enforcement personnel used detention, parole, and material witness warrants in order to retain victims needed as witnesses in forced labor cases.

It is important to note that while most trafficking victims are immigrants without legal status in the U.S., some trafficking victims are immigrants who do possess legal status. More rarely, but no less significantly, U.S. citizens have been known to be trafficked or caught up in forced labor. In cases where the victims are U.S. citizens or have legal status, victims can be moved more quickly into emergency social services.

Table 10. How victims were retained for interviews

CASE	Date	Crime location	INS detention	Arrested and imprisoned	Placed in secure shelter
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	No	No	No
<i>Mishulovich</i>	1996	Chicago	No	(Paroled)	No
<i>Paoletti</i>	1997	NYC, Chicago, NC	Yes (initially)	No	Yes
<i>Cadena</i>	1997	Florida	Yes	(Some)	Yes
<i>Cuello</i>	1999	Florida	Yes (post-raid)	No	Yes (3 escaped)
<i>Tecum</i>	1999	Florida	No	No	Yes
<i>Satia</i>	1999	Maryland	No	No	Yes
<i>Ramos</i>	2000	Florida	No	No	Yes
“ <i>Emilio</i> ”	2000	Indianapolis, IN	No	No	Yes
“ <i>Ruth</i> ”	2000	Maryland	No	No	Yes
<i>Pickle, Co.</i>	2001	Tulsa, OK	No	No	Yes
<i>Chinese sex workers</i>	2002	Chicago	Unknown	Yes	No

Immigration authority treatment of victims after their rescue from situations of forced labor varied greatly between the case studies. For example, in the *Cadena* forced prostitution ring – a case that was discovered before passage of the Trafficking Act – the victims were held in a detention center while their perpetrators remained free. Federal agents began raiding the Cadena brothels in November 1997, arresting both victims and perpetrators. Agents then held the victims in a detention center, while many of the criminal ring leaders evaded arrest. An FBI agent involved in the case explained: “We couldn’t let the witnesses loose because they want to go home – we’d lose them all... It just happened that way.” To ensure that the victims were not deported, the investigating Border Patrol agent had to call immigration authorities every day to ensure the witnesses would not be deported. The FBI agent recalled: “Had we missed a day, we would’ve lost them.” This detention was bad for both the victims and law enforcement. The prosecution team needed to earn the trust of the women freed from forced prostitution so they would testify against their captors. Yet their detention confirmed to them what the perpetrators

had always told the women: that if they were caught by the authorities, they would be “imprisoned for the rest of [their] lives.”⁶² Alternatives to detention of victims are clearly vital to achieve the both the humanitarian and law enforcement goals of the Trafficking Act. So what are these alternatives?

Immigration authorities used a secure but not incarcerating facility to hold trafficking survivors in the *Paoletti* case. The City of New York dedicated funds to convert a hotel into a secure shelter for the trafficking survivors. The INS first supplied agents from a detention and deportation center to guard the hotel. Unfortunately, these guards were not sensitive to the needs of the victims and some of their behavior was inappropriate:

There were INS agents in full uniforms and guns all over. And there was a bad incident: The INS started rotating the INS staff from the Varick center (a detention center for criminals waiting for deportation – these are all criminals, and the guards are used to them all acting out). So they had these guards without one ounce of sensitivity who would act the same way with these sweet, gentle Mexicans. We got some guards pulled off because of their behavior. (Mental health service coordinator)

This case was one of the first trafficking cases that the U.S. Department of Justice handled. The Department has since then learned to address more appropriately and sensitively the shelter and security needs of trafficking victims.

Table 11. Temporary change of immigration status for victims

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Mechanism</u>	<u>Received T visa</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	N/A ^a	No
<i>Mishulovich</i>	1996	Chicago	Parole + EAD ^b	No
<i>Paoletti</i>	1997	NYC, Chicago, NC	Parole	No
<i>Cadena</i>	1997	Florida	Stay of removal & parole	No
<i>Cuello</i>	1999	Florida	Special temporary status permit + EAD	Yes
<i>Tecum</i>	1999	Florida	Special temporary status permit + EAD	Yes
<i>Satia</i>	1999	Maryland	Deferred action	Yes
<i>Ramos</i>	2000	Florida	TVPA continued presence provision	Yes
<i>“Emilio”</i>	2000	Indianapolis, IN	None	Application pending
<i>“Ruth”</i>	2000	Maryland	None	No
<i>Pickle, Co.</i>	2001	Tulsa, OK	N/A ^a	Yes
<i>Chinese sex workers</i>	2002	Chicago	None	No

NOTES:

^a Victims already had temporary authorization visas (H-2A or B-1) or as Guatemalan nationals were either in the process of applying for asylum or had already been granted refugee status.

^b EAD is Employment Authorization Document.

With the passage of the Trafficking Act, immigration authorities can use certain mechanisms of “continued presence” to prevent the deportation of victims that are illegal immigrants. Temporary status measures include “stay of removal,” “deferred action” and “public interest parole.” In most cases, immigration authorities also grant Employment Authorization Documents (EADs or “work permits”) to victims so that they may be able to find employment

and begin to re-take control of their lives. Temporary status measures are granted for 90 days up to one year, but can be renewed per request by federal prosecutors.

Immigration authorities used the temporary status measures to prevent the deportation of victim-witnesses in several cases (see Table 10, above). The cases investigated prior to the Trafficking Act, however, used stays of deportation, material witness warrants, and parole status to retain victims as witnesses. While arresting victim-witnesses may have been necessary to ensure that they did not disappear during the investigation and prosecution, it is unlikely to be the best solution. Arrested trafficking victims may feel that they are returning to captivity and fear abuse from the authorities.

Once victims' temporary status is stabilized, victim advocates can assist trafficking victims to find a long-term adjustment to their status which can better help them recover from their experience of exploitation and abuse. The U.S. Government has created the T and U visas, which are long-term visas specifically for trafficking victims. The Trafficking Act allows for victims to apply for T and U visas in order to remain in the U.S. for three years and receive refugee benefits such as work authorization, employment assistance, food stamps, and social services. The main condition for the T and U visa applications is that the victim cooperates with law enforcement in a criminal investigation or prosecution of a trafficker. Also, at the time of this research project, regulations implementing the U visa had not yet been issued. Since eight of the 12 cases occurred before the Trafficking Act came into effect, not all of the trafficking survivors could apply for T visas. That said, some of the victims from the pre-Trafficking Act cases did qualify to apply for T visas. Of the 12 case studies, five involved survivors were granted T visas.

The T visa is not the only long-term solution available for trafficking victims. In some cases, the victim may not want or be able to denounce their trafficker to federal authorities. In such cases, victim advocates assist trafficking victim seek other possibilities including asylum, temporary residence or employment through a family or employer sponsors, Special Immigrant Juvenile Status (for children under the age of 21), or even repatriation.

If the client is really terrified, and we think that there really is a case to be made that the U.S. can't protect the relatives back home, we might choose, in consultation with the client, to go with asylum instead [of a T visa]. We don't choose, the client may choose. We will discuss it with the client and if the client has a viable asylum case and the client is scared, then we will defer to the client and go forward with asylum. (NGO victim advocate interview)

Besides security issues preventing victims from applying for T visas, trafficking victim advocates cited a perceived lack of interest on the part of federal authorities to investigate or prosecute clients' perpetrators. Another challenge to T visa application is proving the exceptional hardship criteria, which has a strict standard comparable to that required for asylum applications.

Because we have to document and prove a case to such an extent of exceptional hardship if the person is sent back, it puts it on parity with asylum. If we have to do as much work and expend as much resources and do as much research to document the T visa's

exceptional hardship criteria as to put together the asylum [application], it makes the two more equal. If there's a reason to go with asylum, we'll go with asylum. (NGO victim advocate interview)

Ultimately, the victim's decision whether or not to apply for a T visa depends on a number of factors which pertain to their safety; their experience of exploitation; their willingness to cooperate with federal law enforcement; their health; their emotional and social stability; and their ability to access documented information to support their claim.

Problems with T visa provision

The research found that the provision of T visas is inconsistent and fraught with challenges. Immigration advocates that helped trafficking victims file T visa applications found that processing time at the Vermont Service Center took four to nine months. ICE investigators voiced similar complaints about the T visa application process:

The T visa is convenient, but there is nothing rapid about it. There is still a process that you have to go through. There is still the visa package that has to be submitted to Vermont and through different INS branches. There is still a process, there is nothing rapid about it, I assure you. (INS Anti-Smuggling Unit agent, Cuello case investigator)

Immigration advocates also cited the difficulty of contacting officials at the Vermont Service Center. Officials are not accessible by email, fax, or phone. Instead there is a general phone number which is not helpful: "you wait forever trying to get hold of anyone," said one victim advocate.

In some cases, the T visa application process was truly problematic. The USCIS (previously INS) office that processed the T visa applications mixed up the ID photos of two of the *Cuello* case survivors. This invalidated the initial applications. The two survivors had to re-submit their applications and wait two more months for the applications to be re-processed. The survivors' immigration advocate said:

We believe it was the Vermont center, but they claim not to be responsible. It will always be a mystery. It wasn't us; we have photocopies of all the paperwork with the right photos with the right applications when we sent them to Vermont. (Immigration advocate interview)

Trafficking survivor access to immigration protections has some notable shortcomings. As in the case of Emilio – the Argentine trafficking survivor – victims must show they would face extreme hardship and severe harm if returned to their home county. Because Emilio's case was not prosecuted, immigration advocates believe that Emilio's T visa application may not be granted despite a supporting law enforcement letter of cooperation. Finally, trafficking survivor advocates cited the problem of the highly stringent evidence requirements and difficult filing procedures as challenges to trafficking survivors applying for a T visa. Applicants are required to send fingerprints to immigration authorities with the T visa application. If family members are included in the application, acquiring the fingerprints of those living in rural areas abroad is a

particular challenge. If successful, families of trafficking survivors may obtain temporary legal status in the U.S., but they are not eligible for benefits such as employment authorization or social service assistance.

Points of Intervention

Alternatives to detention for trafficking victims need to be part of the planning of each law enforcement agency. This recommendation follows on from the suggestion for greater NGO and service provider involvement in addressing cases. Across the country, service provision agencies are preparing secure and safe housing that can be used for trafficking victims when they are found, thus enabling a rapid movement toward meeting their immediate medical needs and speeding their transition to both reintegration and successful participation as witnesses in prosecutions.

RECOMMENDATION: Law enforcement agencies at all levels should build a response protocol with local service providers that will ensure that trafficking victims receive safe and secure housing and care immediately upon their release. This will improve their ability to act as witnesses, thus increasing successful prosecutions.

Following the passage of the Trafficking Act there has been a tension between the needs of trafficking victims, the needs of law enforcement pursuing trafficking cases, and the requirements placed on immigration authorities to process T visa applications. It was the aim of the Trafficking Act to provide T visas so that victims could be supported and retained in the U.S. and take part in, and thus increase the number of, prosecutions. At times the T visa process seems to have operated in opposition to this aim. The recent amendment of the Trafficking Act that allows local and state law enforcement agencies to supply supporting documentation for T visas is an important improvement. But the length of time needed to obtain a T visa, and the legal and service provision “limbo” in which this leaves the victim, is not conducive to successful prosecutions.

RECOMMENDATION: The T visa system is not working as smoothly as it might. Delays in the provision of T visas leave victims, and the law enforcement agencies relying on those victims as witnesses, in a state of uncertainty. There is currently no threat of the maximum number of visas being awarded each year (this is capped at 5,000 per year), so emphasis needs to be placed on rapid and efficient provision of T-visas with an eye to enhancing and speeding prosecutions.

h. Victim-Witness protection

Trafficking survivors and their families are at risk both before and after the arrest and conviction of the perpetrators. Fear for self and one's family is a factor that determines victim behavior throughout the experience of being trafficked – and unless fear of repercussions to family is addressed as soon as authorities make contact with the victims, it can severely affect prospects of success against trafficking operations. Even after conviction of perpetrators, human trafficking survivors and their families may remain in danger, whether they return to their home countries or remain in the United States:

- Several of the perpetrators charged in the *Cadena* forced prostitution ring escaped to Mexico. There they live in the same town as victims and their families, and they continue to threaten and harass their former captives. One witness testified: “They have even threatened to bring our younger sisters to the United States and force them to work in brothels as well.”⁶³
- Witnesses living in Florida who cooperated with authorities to prosecute the *Ramos* case remain insecure. A witness to the attack on the van drivers still feels that his life could be in danger. He believes there were more perpetrators involved than the three men arrested for the attack, and who are now free. The witness explained to us in an interview: “I still don't like to go out, like at night to the dances in town. I think that someone could be one of the Ramos guys looking for revenge. I live with that fear.”

Trafficking victims' family members who remain abroad are also vulnerable to traffickers, causing anxiety to trafficking survivors in the United States. Unfortunately, the U.S. is not able to provide effective protection for such family members. To trafficking victims, the threats of perpetrators – often powerful members of their origin communities – are credible. Despite this danger, it is difficult for officials to protect family members from acts of retribution. United States law enforcement has no authority to intervene directly abroad. The primary remedy is to relocate family members to the United States, a cumbersome and costly proposition. While it is possible to reunite the family through the T visa program, this is not responsive to a sense of immediate threat since the petition process for relatives can take years.

Help and protection in the country of origin, where it could be most effective, is unlikely to be an option. Corruption or indifference on the part of local police and government authorities means family members and repatriated survivors have nowhere to turn for help. The threat of the trafficker may hold sway over survivors across international borders and across the span of years. The inability to meet a global problem with a global response may leave forced labor victims reluctant to step forward and thus jeopardize future arrests and prosecutions.

Why victims choose to get involved with prosecutions

Now I know to call the police if I find cases like this or if this were to happen to me. The NGO helped me a lot. No one else listened to me about my experience. They were the ones who made the investigation successful. (Jaime, trafficking survivor, Flores case)

People trafficked from other countries usually do not know that there is help available. Sometimes they do not understand their rights and are fearful. An example is Tomas, a victim in the *Cuello* case. His traffickers chased Tomas to the Good Samaritan's house where Tomas was given shelter. The Good Samaritan called the police to report the incident. Tomas relates,

I told the police what happened. The deputy said he would contact the immigration authorities. Also, the Good Samaritan called the farmworker NGO. They arrived and we started talking and I told them what happened. So after we talked about everything... I was worried. I thought they were messing with me because of the immigration. I was afraid of talking to the immigration. But the outreach workers said not to worry, "they only want to talk to you..." Later on we [the NGO people and I] talked and we talked and we talked. They showed me photos and asked me to try to identify them. Then the photos of Abel and Basilio Cuello came up... (Tomas, trafficking survivor, Cuello case)

Tomas feared contact with the immigration authorities and he did not, at first, trust the NGO outreach workers who offered to help. In time, the NGO was able to gain Tomas' trust and encourage him to denounce his traffickers.

Some victims denounce their traffickers and cooperate with prosecutors because they want justice. In rare cases the trafficking victim has the strength to ask for help without encouragement, although they still fear retribution from their traffickers:

For me it's important that someone puts this person in jail. ... What seems to me to be a bit tough is that they could deport me... And if this person does go to jail, then his wife, his son or daughter, his parents... they know who denounced him. His lawyer will know who I am; they will know from my name used in court. So they know who I am, they're in communication with the mafia there in Buenos Aires, and they can do something to me. Because if they deport me from here, I'll have to go to Argentina. And that's where Felipe lived and was part of the Chinese mafia there. (Emilio, trafficking survivor)

Yet the desire for justice overrides the fear in Emilio's case and in other cases where victims' denounced their traffickers:

At first I thought, "You know, I'm worried that maybe they'll do something to me or my family if I speak, so I'll think about it first." But I saw that other people were being reluctant, so I decided to speak. And so I testified, I gave my interview to them. (Elena, trafficking survivor, Flores case)

An NGO or advocate can encourage victims and make them feel safe to take part in the case:

The decision [to denounce the traffickers] was also by the victims. Normally we tell them that now they're free and "now you decide." They want to help the other fellow workers that are still trapped inside. When we started with the first four, "If you want to help them, the workers who are in the same situation, well, you have to speak with the authorities so that they can go investigate..." And they made the decision from that point

*whether they wanted to be witnesses and make it a federal case. So, now it happened that we put them in touch with federal agents so that they could speak with them.
(Farmworker NGO outreach worker, Ramos case)*

Points of intervention

Nongovernmental organizations can be an effective tool to address the critical need for witness protection. NGOs in origin countries could provide an early warning system by monitoring families of witnesses as well as survivors who return home. Such groups could alert both U.S. and foreign government authorities to threats or abuse. Calling attention to problems early would send an important message to traffickers. It would also signal to victims and their families that the United States values their safety and would help gain victim trust and cooperation. This can also be extended into the efforts of the State Department in both monitoring trafficking worldwide and training diplomats.

RECOMMENDATION: Links should be fostered between the Department of Justice and other agencies, American NGOs, and those NGOs with the capability to help protect trafficking survivors and their families abroad.

RECOMMENDATION: U.S. diplomats should be trained in how to work with local officials in specific cases to make arrangements for the protection of victims of trafficking who have been repatriated and their families. The annual TIP report on trafficking could also include comments on efforts made by national governments to protect families of victims in cases where prosecution was taking place in the U.S. They could give examples where governments had intervened effectively and examples where cooperation was not forthcoming. Law firms or Federal prosecutors involved in prosecuting cases should be given guidance about how to secure protection for their clients' families using U.S. representation abroad – what methods can be used and what help can be expected.

i. Investigation of cases – lessons from case studies and victims

Trafficking in persons is a crime that requires the coordination of multiple law enforcement agencies. In a single case there could be as many as seven different agencies investigating (not counting all other agencies providing services and assistance). This confluence of jurisdiction represents a departure from the typical law enforcement experience. Most agencies do not have to rely on the cooperation of other agencies as the crimes they investigate fit neatly under their jurisdiction. Trafficking in persons never fits neatly under any single agency’s jurisdiction. Inter-agency cooperation is vital to successful investigations and prosecutions as well as to identifying victims and assisting them.

The first response to a trafficking case is the most crucial step in the law enforcement and victim assistance processes. For law enforcement, the successful identification of victims and the following actions taken will determine the speed, ease, and, ultimately, the success of prosecution of the traffickers. As seen in the previous section, this challenge of prompt identification of victims is not always being met. Normally, federal agents are not the first to respond to a trafficking matter. Private citizens, local police, NGOs, and social service providers are much closer to trafficking and were in every case the first to respond.

Table 12. First responses

CASE	Date	Crime location	First response	Subsequent Response
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Police/NGO	DOJ
<i>Mishulovich</i>	1996	Chicago	U.S. Embassy	FBI
<i>Paoletti</i>	1997	NYC, Chicago, NC	Good Samaritan	Police
<i>Cadena</i>	1997	Florida	Mex. Consulate	Police/FBI
<i>Cuello</i>	1999	Florida	Good Samaritan	Police/NGO
<i>Tecum</i>	1999	Florida	Police	INS/FBI
<i>Satia</i>	1999	Maryland	Good Samaritan	NGO
<i>Ramos</i>	2000	Florida	Police/NGO	FBI
<i>“Emilio”</i>	2000	Indianapolis, IN	Survivor/NGO	FBI
<i>“Ruth”</i>	2000	Maryland	Good Samaritan	NGO
<i>Pickle, Co.</i>	2001	Tulsa, OK	Good Samaritan	DOL
<i>Chinese sex workers</i>	2002	Chicago	Police	NGO/INS

In most cases the first responder is the intervener who assists the trafficking victim to freedom and safety. It is at this stage that both detailed documentation of evidence and rapid subsequent response to mobilize federal investigators are crucial. When a Good Samaritan is the first on the scene they may feel the need for an urgent response, but are unlikely to begin assembling the documentation and evidence chain needed for subsequent prosecution.

The great weight and responsibility is on the first responder. How they respond will make a difference on what you know and what you have left over to evaluate. Whatever the first responder comes out with will determine [how the case unfolds.] It really comes down to the first responder. (FBI, Satia case investigator)

A police investigator that passed on to federal authorities information about suspected Chinese sex trafficking victims echoes the above FBI comments.

As the preliminary investigator, a lot of times you have the opportunity of gathering information that three days later when this stuff goes to the federal authorities, they might not be able to go back and get it. So, you being the front line, you've got the first crack at it. So you really have to be mindful to do a good job that first time around. (Chicago Police Dept. detective, Chinese sex worker case)

In most cases, NGOs and service providers assist forced labor survivors before law enforcement get involved. Local police or sheriff's deputies, however, can be the first to encounter people in situations forced labor. In seven of the 12 cases the first responders were not law enforcement. In six of the seven cases the victims escaped from captivity themselves and encountered private citizens or NGOs that helped them. Local police were the first responders when they intervened to access both criminals and witnesses, often following the lead of service providers. In these law enforcement interventions, the local police detained victims, prepared police reports, and assessed local and state charges. It is after the local police interventions that federal authorities should be alerted to a potential case of trafficking. Not every police response, however, "connected the dots" successfully and alerted federal authorities. In most of the case studies we found that it was an NGO that contacted federal investigators or the U.S. Department of Justice to report the suspected trafficking matter.

Subsequent response – federal investigations

The U.S. Department of Justice has responded in a variety of ways to reports of suspected trafficking cases. The most successful investigations, usually resulting in prosecutions, involved a rapid response, in which a federal investigator was able to interview the victims within 24 hours of the call. For example, in the *Paoletti* case the U.S. Department of Justice reacted immediately after the police arrests. Immigration and FBI agents responded within 24 hours to conduct interviews, determine victims and perpetrators, and establish charges. In other cases where the Justice Department reacted immediately, for example in the *Cuello* case, an Assistant U.S. Attorney or Criminal Section prosecutor accompanied the agents. The investigating agency varied by case. No matter which agencies are investigating, a determining factor for a successful investigation is leadership by an aggressive prosecutor. The investigations that moved quickly into prosecution involved prosecutors who were willing to follow up every lead to see if it led to corroborating evidence or not.

Table 13. Lead investigators

CASE	Date	Crime location	Lead agency	Additional agencies
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Border Patrol	Labor Dept., FBI
<i>Mishulovich</i>	1996	Chicago	FBI	*
<i>Paoletti</i>	1997	NYC, Chicago, NC	INS	FBI
<i>Cadena</i>	1997	Florida	FBI	INS
<i>Cuello</i>	1999	Florida	Border Patrol	FBI, Labor Dept.
<i>Tecum</i>	1999	Florida	FBI	INS
<i>Satia</i>	1999	Maryland	INS	FBI
<i>Ramos</i>	2000	Florida	FBI	INS
<i>“Emilio”</i>	2000	Indianapolis, IN	FBI	*
<i>“Ruth”</i>	2000	Maryland	FBI	*
<i>Pickle, Co.</i>	2001	Tulsa, OK	Labor Dept.	*
<i>Chinese sex workers</i>	2002	Chicago	INS	Unknown

In most cases where the Department of Justice responded immediately, their action was *reactive*: the victims had already escaped from captivity and had access to assistance services. In those cases the federal investigators first approached the matter as human trafficking. In fact, federal investigators considered the matter human trafficking in 9 of the 12 cases. Federal investigators did not approach three cases as suspected human trafficking. These took longer to investigate, and case study informants reported the greatest frustrations and challenges with these cases.

The following example from the *Ramos* case instructively demonstrates the challenges which federal investigators faced when they did not “connect the dots” when confronted with clear signs of a forced labor operation. Federal investigators first approached the matter as a Hobbs Act (extortion) violation, based on the trafficker’s assault of a van service that transported farmworkers. In May 2000, a Florida farmworker NGO received an urgent call from a van driver who had watched helplessly as Ramiro Ramos, boss of citrus harvesting company R & A Harvesting, and his associates, armed with pistols and a four-foot metal pole, beat van drivers and smashed the windows of the vehicles. Ramos pistol-whipped the van service owner across the forehead then kicked and beat him into unconsciousness. Ramos and his associates beat the other van drivers. Ramos accused the van owner and driver of “stealing” his workers. The witness also called the police who arrived in time to arrest Ramiro Ramos and two associates, but not the remaining assailants.

The farmworker NGO learned that Ramos was holding citrus harvest workers captive. The NGO sent a farmworker member undercover to investigate Ramos’ harvesting crew. The NGO learned that the captive workers were forced to work eight to ten hours a day picking oranges and grapefruit. Ramos took more than 50% of the workers’ wages in repayment of a transportation “debt” and other deductions such as work equipment and rent. The workers were left with barely enough to buy food each week.

The farmworker NGO, working with farmworkers, urged the Department of Justice to investigate what they saw as clear signs of forced labor by Ramos’ citrus harvesting company, but investigators did not have the resources to gather the criminal intelligence needed for a human trafficking case. Seven months into the investigation into the Hobbs Act violations, the farmworker NGO provided the Department of Justice with witnesses and other evidence of

Ramos' forced labor operation. The federal authorities, however, felt they could not put together a successful case for forced labor without victims who would testify. It was not until the farmworker NGO rescued four captive workers from Ramos' camp that the federal authorities were able to build charges of forced labor.

Another barrier to successful prosecution that occurred occasionally was the federal agents' lack of motivation to investigate forced labor and trafficking. Many FBI agents traditionally investigate victim-less "white collar" crimes. A farmworker NGO provided investigators of the Ramos trafficking case with potentially important leads to corroborating evidence. Yet, the NGO became frustrated when investigators failed to investigate the leads. A farmworker NGO member commented:

We dug up all kinds of leads by ourselves, but the federal investigators didn't follow up on them. Like, when Ramos brothers, the traffickers, attacked the van drivers, they took the owner's cell phone. The Ramoses made calls with it. We got a listing of those calls – all to places associated with their smuggling. We brought it to the FBI agent and asked him to investigate it, but he declined to do so. (Farmworker NGO staff, Ramos case interview)

FBI agents are used to dealing with criminals, not victims. An FBI investigator complained of lacking training in how to handle trafficking victims when he investigated the *Cadena* case:

I didn't have any focus of trafficking to benefit from on this kind of thing. I think this case was a learning experience for a lot of people... I didn't have x-ray vision to guide me in this case. I took the steps logically as they came – step by step. I had no great insight into this sort of thing.

And while the ICE and Border Patrol agents may be better trained to deal with human subjects as they regularly deal with foreign nationals who are violators of immigration law, agents find it difficult to differentiate victims from criminals. In the *Ramos* case, one of the prosecutors criticized the ICE (then INS) agent: "The Border Patrol agent didn't really know what to look for—he was trained to interview about an immigrant's status for deportation. That's not where you want to start on a slavery investigation."

The cases that were most quickly resolved involved agents experienced in conducting trafficking investigations. These agents were more sensitive to the needs of the victims, they knew how best to handle them, and they knew the best sources of information to corroborate evidence. The prosecuting federal attorney at the U.S. Department of Justice Criminal Section commented on the success of the *Cuello* case:

In Cuello, the INS and DOJ were involved at the outset. Because the Border Patrol agent was called in pretty quickly and made themselves available within a week of the phone call, we all worked together, brought the FBI in but the INS was the lead and they were the ones that got the people out of the labor camp. Our operation went well.

A member of the farmworker NGO that provided assistance to the victims observed:

The Border Patrol agent and the Dept. of Labor investigator did good interviews – they had already worked on the Flores case. It’s not just a matter of being bilingual, but also being able to know how to talk to people and ask questions in a way the witnesses can understand – not just in the phrasing of the questions, but also in an order that makes sense to the witnesses.

The *Satia* case is another example of a successfully prosecuted case that benefited from the assignment of experienced investigators to the case. Both the INS and FBI agents had experience interviewing victims of trafficking and had gathered evidence for involuntary servitude charges

Length of investigation

We measured the length of time for each investigation, from the initiation of federal involvement to either the indictment of the perpetrator or closing of an investigation that did not result in prosecution. The investigation times varied from as short as one month (the *Paoletti* case) to three years and seven months (the *Flores* case).

Table 14. Investigation time

CASE	Date	Crime location	Length of investigation to indictment or ongoing
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	3 years, 7 months
<i>Mishulovich</i>	1996	Chicago	2 years, 1 month
<i>Paoletti</i>	1997	NYC, Chicago, NC	1 month
<i>Cadena</i>	1997	Florida	1 year, 1 month
<i>Cuello</i>	1999	Florida	4 months
<i>Tecum</i>	1999	Florida	5 months
<i>Satia</i>	1999	Maryland	10 months
<i>Ramos</i>	2000	Florida	8 months
<i>“Emilio”</i>	2000	Indianapolis, IN	1 year, 6 months
<i>“Ruth”</i>	2000	Maryland	1 – 2 months
<i>Pickle, Co.</i>	2001	Tulsa, OK	1 year, 6 months
<i>Chinese sex workers</i>	2002	Chicago	Ongoing

The length of time for the overall case from the time the matter was discovered to when the perpetrators either pled or sentenced, or the investigation was judged ongoing, varied from as short as four months (the *Cuello* case) to five years and eleven months (the *Cadena* case).

Table 15. Case longevity from discovery to sentencing

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Longevity from discovery to sentencing, plea, or drop</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	5 years
<i>Mishulovich</i>	1996	Chicago	2 years
<i>Paoletti</i>	1997	NYC, Chicago, NC	1 year
<i>Cadena</i>	1997	Florida	5 years, 11 months
<i>Cuello</i>	1999	Florida	4 months
<i>Tecum</i>	1999	Florida	1 year, 6 months
<i>Satia</i>	1999	Maryland	2 years, 4 months
<i>Ramos</i>	2000	Florida	3 years
<i>“Emilio”</i>	2000	Indianapolis, IN	1 year, 6 months
<i>“Ruth”</i>	2000	Maryland	1 to 2 months
<i>Pickle, Co.</i>	2001	Tulsa, OK	Ongoing
<i>Chinese sex workers</i>	2002	Chicago	Ongoing

Our case studies suggest that the Department of Labor (DOL) is particularly effective in investigating and prosecuting traffickers when paired with other federal criminal law enforcement investigators. Since the DOL is tasked with investigating violations of labor laws, it is not surprising that the DOL is effective in investigating forced labor perpetrators. Most trafficking cases occur in low-wage sectors with very low levels of labor law compliance. The DOL has increased their investigations of low-wage service and production sectors,⁶⁴ so the DOL investigators have more experience and insight into what to look for, how to interview, and how to handle victims.

INVESTIGATION CHALLENGES

Corroborating evidence

Forced labor cases are extremely time- and labor-intensive criminal investigations, requiring careful management of victims and witnesses upon whose testimony the case is dependent. Congress designated the Trafficking Act for the purpose of facilitating victim assistance services so that trafficking survivors can cooperate with law enforcement in the investigation of trafficking crimes.

Human trafficking investigations present further difficulties when they are domestic servitude cases, where the exploitation is well hidden and difficult to prove since the evidence relies solely on the testimony of the victim herself. The concealed nature of the crime necessitates collecting information, often fragmentary, that corroborates the victim’s testimony. In the *Satia* Maryland domestic servitude case, the public prosecutor described the investigation as “very victim-based” where there were “no guidelines that prosecutors can go by.” The prosecutor commented:

You never want the jury to just have to judge one person’s word against another’s. Fortunately for us, in this case there was a neighbor who saw Maryse be struck once who

was able to corroborate her testimony. To get corroborating testimony and evidence we dug up every corner of the neighborhood... So having good investigators is important. (Asst. U.S. Attorney, Satia case prosecutor)

In this case, Federal agents subpoenaed maintenance employees from the apartment complex as they were the only ones who saw the victim working. Federal agents also subpoenaed neighbors who saw the victim and thought that she looked of school age. The prosecutor even subpoenaed the records of the elementary school to check if the victim was on the list of people who were allowed to pick up the employer's children from school, as the victim said she was required to do. Initially there was a concern that there would not be enough evidence for the Justice Department to bring a prosecution. The FBI agent was concerned that the case against the Satias would not be strong enough to prosecute. The federal agents, however, felt that the case was ready when they connected evidence of Louisa's marriage and passport fraud to the forced labor case.

The *Satia* case is a good example of a thorough investigation. The investigators and prosecuting attorneys demonstrated a commitment to "doing the footwork" that a human trafficking case requires:

We sent people around to talk with others in the community, though they didn't end up testifying. We sent State Department interviewers to Cameroon to talk with their family and there were people we considered having here as witnesses but we ended up not using them.

Even though the prosecution did not require the witnesses from Cameroon, the prosecutor nonetheless went the extra distance to verify whether or not potential witnesses could corroborate the victim's story.

Accessing victims and witnesses in cases where victims have already escaped their traffickers or captors is particularly challenging for investigators because the victims are likely to have fled. Most trafficking survivors are immigrants with few economic resources, and are relatively excluded from mainstream society. For that reason escaped trafficking victims and witnesses can be difficult to locate and interview. This was true in both the *Flores* and *Cuello* agricultural forced labor cases:

...catching the people who were all over the migrant farmworker world – a world that's the hardest understand and most difficult to locate people, all of whom had to be located by word of mouth. That's the biggest problem with working on these cases. It's not as if you can just pick up the phone and call people or mail a letter to them. (Farmworker NGO outreach worker, Cuello case interview)

This was also a challenge in the investigation of the Chinese restaurant employers who enslaved Emilio in Indianapolis. Investigators were unable to find witnesses or past victims to corroborate Emilio's testimony.

Some of the best sources of information for corroborating victim and witness testimonies are the employers' own documents. In many cases where victims were told they owe a debt, investigators also found a record of the debt repayment. Sometimes victims themselves kept similar records. This documentation was often essential to proving the debt bondage element to the trafficking charges. The *Flores* case participant interviews are instructive: Before arresting trafficker Miguel Flores, the Border Patrol executed a search warrant on Flores' residence in South Florida, in which "...four firearms and a couple hundred counterfeit immigration documents and social security cards were seized."⁶⁵ The investigating Border Patrol agent also described the evidence: "when we had executed a search warrant on Miguel Flores' house, we picked up 20,000 documents on that search warrant, and it had payrolls, field picking records, you know, a couple fraudulent I-9 immigrations cards, a couple of guns and some other stuff." But it was the discovery of the "coyote book" (the record of the worker's debts) which broke the case:

... now that we had it in writing on the picking list, it actually had the link that we needed to Miguel Flores and his operation. And then we found some other documentation that pretty much sealed it up and they had I-9's with the AKAs with the aliens' social security numbers, numbers for immigration which were all fraudulent... (Border Patrol, Flores case investigator)

The documentation of the debt bondage confirmed the witnesses' testimonies.

Corroborating evidence is, however, difficult to access from employers or traffickers' associates in economic sectors that are not well regulated or monitored. The FBI investigator of the *Mishulovich* case cited barriers to gaining documentation or corroborating evidence from club owners due to their "independent contracting" practices (of dancers), not keeping employment records, and having obstructive attorneys. Investigators of trafficking cases in the agriculture sector had difficulty talking to witnesses in the fields. Crewleaders were often uncooperative when agents or NGOs tried to interview their workers who were potential witnesses. One INS agent explained,

It was quite intimidating when the foreman came over and he was driving around in circles around my car because he didn't like the fact that we were talking to the workers. They always want to know more. They are inquisitive. You know, "Who are they? Are they Department of Labor?" And they don't like anybody enquiring into what's going on with their workers." (INS Anti-Smuggling Unit, Cuello case investigator)

Victim-witness cooperation

Law enforcement personnel from different agencies remarked on the challenge of dealing with trafficking victims as both victimized individuals and potential witnesses:

You want to make them feel comfortable. You need to be professional, but you get personally involved of course... You have to build trust, especially being an INS agent. (INS agent, Satia case investigator)

It's hard because they are hesitant, they don't trust law enforcement at first. But we told them we just wanted to hear their stories, we didn't want them to exaggerate them, or minimize them or embellish them. And they didn't balk or anything. I was impressed with them. (Asst. U.S. Attorney, Satia case prosecutor)

I would be sympathetic, demonstrate concern, and demonstrate what I could do for them. I was trying to sell them on the fact that I was trying to make the bad guys pay and help them the get justice. But I had to be careful with the help I offered them. You can't make promises you can't keep. It's incumbent upon the investigator involved to do everything they can to overcome the victim's concerns. And in the end, hope they have the gumption to do what's right – to testify, or to be willing to testify. (FBI agent, Mishulovich case investigator)

Gaining the cooperation of victims as witnesses is a further challenge to gathering evidence. Trafficking survivors usually fear U.S. law enforcement agents because victims come from countries where law enforcement agents are often corrupt and because their traffickers lie to them about police brutality and deportation. In their home countries, trafficking survivors often distrust law enforcement agents and other officials. Furthermore, most law enforcement agents (especially state and local police) are not trained to be sensitive to the cultural, social, educational, and linguistic differences that characterize most trafficking survivors. Finally, since forced labor survivors often do not self-identify as victims, law enforcement agents lack the training needed to identify victims and separate them from criminals. Without such training, law enforcement agents often treat trafficked persons as illegal immigrants, undocumented workers, or prostitutes. Assigning such criminal identities can lead to incarceration and deportation. Ultimately, the investigating agents and prosecuting attorneys must gain the trust of the victims to gain their cooperation. “You can't manufacture evidence – witnesses have to go to trial. It was very difficult gaining the cooperation of the victims so they would testify.” (FBI agent, *Mishulovich* case investigator)

If the victim does not trust the investigator they may never tell their story in a single interview. Repeat interviewing was necessary in 5 of the 12 cases. Victims had to be interviewed over and over to verify the elements of trafficking. In *Emilio's* case, handled by the FBI, the lead investigator was changed three times. Each change meant a new in-depth interview for the victim. The lack of continuity and consistency hindered the investigation and failed to build trust in the trafficking survivor. The investigation into Emilio's trafficker was closed two years and five months after Emilio reported his complaint. The case was not prosecuted.

Investigators also had to conduct repeat interviews because inexperienced investigators were not familiar with the criminal code. In early cases, immigration authorities interviewed suspects or victims about alien harboring and smuggling charges, while FBI agents interviewed them about civil rights violations and organized crime charges. Subsequent cases, such as the *Cuello*, *Tecum*, and *Satia* cases, built on prior work with trafficking investigations. Experienced agents familiarized themselves with criminal charges that were not part of their regular line of work, establishing as many charges as possible in the fewest interviews. The most effective interviews occurred when the federal prosecutor, an immigration agent, and an FBI agent were all present.

The lesson to be learned is that different charges require input from different agencies, for example, ICE for smuggling charges; FBI for forced labor, extortion, conspiracy; and Department of Labor for Migrant and Seasonal Agricultural Worker Protection Act, Equal Employment Opportunity Act, or Fair Labor Standards Act violations. Prosecutors and investigators alike recommended having agents work together when interviewing victims. One prosecutor suggested:

First of all, if you go to trial, you want as few statements from witnesses who testify as possible. Sometimes you could have another agent recording the interview [i.e. with recorder and taking notes]—that’s OK, but it needs to be clear who is recording and who is interviewing. It’s important to try to limit the number of interviews. Ideally you should have one recorded interview and share it with the other agencies. To do that you need to interview the victim with one agent and have another recording so you don’t get multiple interviews from different agents and then conflicting stories. (Dept. of Justice Criminal Section attorney, Cuello case prosecutor)

Another suggestion was to have one agent or the federal prosecutor do a thorough interview which captures the elements for all the various charges. One ICE agent commented, “Interview, interview, interview, interview away because different people are going to get different information and at the same time you can confirm it. And there are different perspectives.” This means that federal agents assigned to a trafficking investigation need to make themselves well-versed in all the possible charges which may be brought against a trafficker, whether the charges are violations of the Trafficking Act, National Labor Standards Act violations, racketeering violations, or immigration law.

Interviewing challenges

Interviewing is one of the aspects of criminal intelligence and evidence gathering which consistently proved to be a challenge for federal agents. Interviewing is the process whereby the federal agent or even the prosecutor questions victims and witnesses. There are several challenges to successfully interviewing victims and witnesses:

- Socio-cultural differences
- Language
- Gender difference
- Experience of trauma
- Respondent’s perception of law enforcement
- Fear of reprisal
- Interviewer’s lack of training

The issues of socio-cultural difference, language, gender, and the agent’s experience are covered below. The other challenges are discussed elsewhere in this report.

The analysis of the case studies revealed gender-specific cultural barriers to accessing victim cooperation. Women from some cultures may be reluctant to seek assistance in cases of

sexual abuse or violence. Women who have been sexually assaulted or abused in the trafficking process and/or forced servitude fear shame and stigmatization that may come from disclosing their experience. Also, men from some cultures may be reluctant to admit that they have been victimized or felt fear. Men from cultures with a very strict or rigid concept of masculinity may believe they will risk diminishing their manhood if they admit to losing control over their lives or being unable to fight back. Likewise men and women may be more able to talk to someone of their own gender about sexual or other violations.

In the most successful cases, to address the language barrier, agents fluent in the victim or witnesses' language were assigned to the interview. It is important to note that not only did the agents speak the victim or witnesses' language, but they also spoke the *same version or dialect* of that language. Despite bilingual abilities of investigators and prosecutors, cultural differences create communication barriers between people that speak the same language, but who have different levels of formal education and who use a different local idiom. For example, cases which relied on agents who spoke Cuban-Spanish to interview victims and witnesses who spoke Mexican-Spanish resulted in confusion and miscommunication hindering the intelligence and evidence-gathering process. More specifically, trafficking victims from less-developed countries often have little formal education and their first language may be a rural indigenous dialect. In this situation investigators must translate from dialect to the dominant language of the victims' country of origin, before it is possible to translate into English. In cases where the federal agent was not bilingual, it required two interpreters to conduct the interview. This was also the case in the *Paoletti* case, the challenges being compounded by the fact that the victims and perpetrators were deaf or hearing impaired, so sign interpreters were required.

A Hispanic bilingual Border Patrol agent experienced in interviewing trafficking victims points out how socio-cultural and linguistic differences pose a challenge to which the investigator must be sensitive:

One thing I learned when interviewing Guatemalans is they think in their Indian dialect. They listen in the Indian dialect. You are speaking Spanish to them, they are processing this, and a lot of times what comes out is not what you are looking for. What you have to do is rephrase your questions to where they'll actually understand them and they know where you are coming from. And that's one of the things I think that most investigators are going to have to understand: They are going to have to be very patient with these people because the dialects are different and their educational levels ... It's pretty much a word game. They don't understand your question, so you have to rephrase the same question maybe 3 or 4 times to arrive at the answer.

This will also be true in cases where children are involved and they don't have words or language to express what has happened to them – especially where it involves sexual abuse.

Interviewing trafficking victims with hearing disabilities or low formal education from less developed countries has special communication challenges. Some trafficking victims are unfamiliar with abstract concepts that are taken for granted in developed countries. Investigators found they had to communicate visually using references to concrete images:

Law enforcement agents need to learn the role of the interpreter and what their rights are – how to interact with the interpreter. For example, an attorney may ask, “Did you see any weapons?” The sign interpreter can translate it, but the victim may not understand the abstract concept of “weapon.” But the victim will understand “gun,” “fist,” “knife.” The interpreter, however, can’t lead the victim... So, the interpreter needs to learn how to interpret to translate questions in the way that’s helpful to the attorney. (Sign interpreter, Paoletti case)

The challenges of interviewing trafficked persons and witnesses can be overcome with specific remedies. The research found various approaches which agents themselves used to successfully interview the victims and witnesses.

Again, the Border Patrol agent offers an example of how to ask the questions needed to identify elements of forced labor:

We learned to, if we responded to a call from another agency in one of those agricultural areas, to ask certain questions and say, “Hey, were you mistreated? Could you come and go as you please? Were you locked in a room?” Just the basic ones just to cover and, say, “Okay, he answered no to everything,” you read his body language and feel pretty comfortable that he was speaking the truth, he just pretty much discounted then that this guy is at the same kind, the same labor camp that the other guys are at, he’ll answer the questions, but if everybody comes up with the same answers, he pretty much discounted. But if somebody said, “No, by the way they locked us in a trailer” or whatever the case is, and then you corroborate him with one or two other individuals then you got the starting elements of one [a trafficking case]. (Border Patrol interview)

Agents experienced in interviewing and investigating human trafficking learned that the line of questioning was very important. Agents relied on responses to determine which questions should be asked next:

The Border Patrol agent and the Labor Department investigator did good interviews – they had already worked on the Flores case. It is not just a matter of being bilingual, but also being able to know how to talk to people and ask questions in a way the witnesses can understand – not just in the phrasing of the questions, but also in an order that makes sense to the witnesses. (NGO staff, Cuello case interview)

The Justice Department has issued an interview schedule⁶⁶ to assist agents in assessing human trafficking and gathering evidence from victims, but many agents were not aware of this guide. Successful interviews occurred when a careful perception of the victim and witnesses’ responses was combined with the flexibility to deviate from set questions for the sake of exploring emerging issues. The lesson learned is that agents must pay close attention to the responses of the victims and witnesses so they do not miss important evidence of a criminal act.

Institutional limitations

The investigators interviewed for this research repeatedly cited the bureaucratic limits that prevented them from taking immediate action to secure needed evidence.

What's really frustrating is not being able to get more agents or a travel budget and things like that which allow us to move quickly on a case. (Dept. of Justice Criminal Section attorney, Flores case prosecutor)

Labor Department investigators of Wage and Hour Division can just walk up to a farmer or crew leader and say, "Give me your books. Give me your I-9s (immigration form for employment). And they have to surrender them to them. [But] on the Border Patrol side we have to give an administrative subpoena and allow 72 hours for [employers] to produce the records. By that time the records have changed or lost or "mysteriously" they were "eaten by a dog" ... (Border Patrol agent, Flores case investigator)

There were major institutional barriers which hindered the investigation and prosecution of the *Tecum* case. Although the case against *Tecum* was successfully prosecuted, institutional barriers, beyond the control of individual agents, hindered inter-agency cooperation.

The first barrier in the *Tecum* case was the limited resources available to investigators. Every federal investigator has more than one case open at any given time. In rural areas such as South Florida, however, the limits of human resources are felt more acutely.

...the INS is taxed in South Florida. Sometimes there's nobody to call and every time they're called it takes about two hours to get here... It's just that the difficulty is that they don't have offices in Southwest Florida. (FBI agent, Tecum case investigator)

The next institutional barrier in the *Tecum* case was the complicated bureaucracy that appeared to prohibit federal investigators from bringing foreign witnesses – the victim's family members – to the U.S. for the trial. A Border Patrol investigator observed:

The bureaucracy, what you have to go through, just to get the family members into the country, to get them their passports and to get them visas approved to come here, that was rather difficult. (Border Patrol agent, Tecum case investigator)

The task force approach to investigation and prosecution may be a way to overcome institution limitations. It follows that a key *point of intervention* recommendation would be to team criminal investigators (FBI, ICE, Border Patrol) with a Department of Labor investigator.

Enforcers among detained group of victims

A major investigation challenge in the multi-victim cases was the presence of trafficker enforcers mixed in with the victims. This happened in three⁶⁷ of the twelve case studies. When the Border Patrol arrested traffickers Abel and Basilio Cuello, they also detained 29 workers found at the Cuello's labor camp in South Florida. The Border Patrol lodged the workers at an immigration detention center in order to conduct the initial interviews. In the detention center,

the investigators found enforcers disguised as victims. The enforcers hindered the interviews with the victims:

[Cuello] had people babysitting them; he had people in the group that were working for Cuello that were posing as immigrants that were within the group. So they were getting intimidated while they were being detained by Cuello's aides. There were two or three of Cuello's aides in the group. Once we learned who they were and we separated them, people were able to talk more openly. (INS Anti-Smuggling Unit agent, Cuello case investigator)

The Cadena traffickers used a similar tactic to monitor the forced prostitution victims. The Border Patrol investigator recalled discovering the enforcer:

There was one that we found out mid-stream that was actually [an enforcer]. She didn't care, she was a prostitute in Mexico, we found out from one of the other victims. She was very nonchalant and [her attitude was], "Who cares what they did, I was making good money, I was in the United States, I'm sending money home..." I asked one of the victims and she said, "Oh yeah, she told us that she's not going to testify, she didn't do anything wrong..." So basically, within the victims themselves, they started pointing fingers at this girl. I think she ratted on them, basically for favors. [The traffickers] saw that so they used her, not as an aggressive enforcer. Basically, "tell us what the girls are talking about. Are they planning on escaping?" (Border Patrol agent, Cadena case investigator)

Federal investigators learned from such cases that separating the victims was safer and more effective for interviewing.

Points of Intervention

This section has demonstrated that human trafficking investigations are long and tedious. The key to a successful human trafficking investigation is persistence and following all the leads, no matter how obscure or distant they seem. The following vignette shows how tedious this process can be. In the *Cuello* case the investigating officer followed a lead from the NGO about a potential victim-witness. The lead did not result in a successful witness. It is impossible to predict what portion of the evidence collected will actually be used in the charges, but if leads are not followed, then a case may fail due to lack of evidence. The Justice Department prosecutor in the *Cuello* case summarized the lesson learned:

They [trafficking cases] are hard. They require perseverance. You know someone's holding victims who are vulnerable but must understand that and not judge them. You have to think outside the box. There's no time to go through bureaucracies. You have to act quickly and often on your own time and you have to work in places that are not ideal to be working in.

The FBI agent who investigated the *Tecum* case, and other forced labor cases, confirms the challenge:

...the experience is very time consuming. You get one of these cases and you live with it for months as opposed to a case you can pick up and put down like white-collar crimes. If you have a victim you can't just put them down and deal with them later.

Our case studies show that trafficking cases are time-consuming and expensive. Pursuing trafficking cases may mean that other types of cases get fewer resources.

It's a question of how much money and manpower to commit to developing an intelligence base. That's not happening in this area. No one has the money and/or manpower to commit to investigating trafficking. Until that criminal intelligence base is created we have to rely on domestic disturbance calls or public disputes. (Asst. U.S. Attorney, Cuello case prosecutor)

RECOMMENDATION: Out of the estimated 20,000 people trafficked into the United States each year; fewer than 1,000 are liberated through the actions of law enforcement. If the prosecutions of traffickers and the rescue of their victims are to be increased to a level that reflects the size of the problem, then policy makers and legislators must make the investigation and prosecution of trafficking cases a priority and provide sufficient resources.

As is often the case, fighting crime is a question of resources. At present, in the United States, there are insufficient resources to adequately address the crime of human trafficking. That said, there are a number of recommendations that are immediately apparent from these case studies.

RECOMMENDATION: Following on from previous recommendations calling for increased training of law enforcement personnel, the case studies point up the importance of three areas of needed training: firstly, the ability to recognize the signs of a human trafficking case; secondly, sensitization training that allows officers and agents to deal both humanely and efficiently with trafficking victims; thirdly, the need for language skills to be available to facilitate the interviewing of trafficking victims.

It would seem from the case studies that law enforcement can more effectively investigate trafficking cases by mobilizing or appointing investigators with experience from prior cases. Department of Labor investigators have extensive experience in situations of exploitative labor, if not actual trafficking. To ensure knowledge progression, agents with little or no experience investigating human trafficking should be paired with an experienced agent.

RECOMMENDATION: Law enforcement agencies should keep in mind that Department of Labor investigators have extensive experience in situations of exploitative labor, if not actual trafficking. Bringing such investigators onto an ongoing case can improve collection of evidence.

RECOMMENDATION: Cases that have had the benefit of law enforcement personnel with trafficking experience are more likely to lead to successful prosecutions. To ensure

knowledge progression, agents with little or no experience investigating human trafficking should be paired with an experienced agent.

Successful prosecutions of traffickers demonstrate that labor violations are much easier charges to substantiate. Because victim characteristics coincide with the type of industry in which the victim was exploited, it makes sense to appoint the agency best suited for the investigation. Although human trafficking crimes have the most in common with civil rights violations, the FBI may not always be best suited to the investigation. Border Patrol agents are often better equipped to handle a victim that is a foreign national. The most successful outcomes were based on the right combinations of agents from ICE, Border Patrol, FBI and the Labor Department.

RECOMMENDATION: The case studies suggest that a multi-agency approach is most likely to lead to a successful prosecution. Emerging information points to the formation of local and regional task-forces as the most efficient way to bring about multi-agency cooperation on trafficking cases.

Finally, the complexity of trafficking cases comes out in the case studies. Investigations are longer and more varied than with many crimes.

...law enforcement should take the initiative in a way that when they respond to a case they should take a little bit more time in identifying, especially when they're responding to cases where migrant workers are involved or where illegal aliens are involved. Because if they go to a case and they notice that something is not right, there should be some type of tool for them to immediately make contact with someone that is involved, that has the knowledge of dealing with these kinds of cases just in case. (C. County Sheriff's Victim Advocate, Tecum case interview)

RECOMMENDATION: Investigators must be aggressive in collecting corroborating evidence, and should pay particular attention to records kept by the "employers." Corroborating witnesses can be difficult to find and maintain contact with since they are often from the same migrant and transitory community as the trafficking victim.

Case Study Example: Victim Cooperation

A federal agent talks about his approach to gaining victims' cooperation: empowering the victim with ownership of the case (From Border Patrol interview, *U.S. vs. Cadena*)

"A couple of [the victims] were apprehensive. One of them even told me, she said, 'Why should I tell you?'

So I told them about [a previous trafficking case I investigated]. I said this one was totally different than the other one I did before, but I let them know a little bit about it.

And they asked me, 'Well, what was the outcome of the case?'

And I told them, I said, 'Well, two individuals are doing fifteen years for their participation in it.'

And they said, 'Well, you're serious about these cases?'

I said, 'Yeah, we're dead serious about it.' I said, 'You know, these people did something wrong and the worst thing is, they took advantage of your bodies and forced you to do things that you normally wouldn't have done.'

And they said, 'Yeah.'

I said, 'Everybody likes revenge. Revenge is against the law.' I said, 'But if you use the law, you could go ahead and in turn pay back the person that took advantage of you.' I said, 'It's legal. I'm the machine that you're going to go through to get to that point.'

I sold them the ownership of their own case and they jumped on board... If you sell ownership to them, they're more readily available to say, 'OK, I'm going to charge.'

And you tell them, 'You're in charge of it. You make it or break it. If you don't testify, the case goes nowhere. Without victims, there's no case. There's no violation. So, if you want this guy to walk, don't say anything.' And basically you persuade them.

They take the ownership and then you run with it.

But, it's one of those things that you've got to tell them that, 'If you do do this, you're in for the long haul. It may be months. And you may have to testify and face that person face to face in court. Point the finger at him and say 'that's the guy that did it.'" And if they're willing to do that and you sell it to them in the proper way, they'll take ownership of it and jump on board.

j. Investigation of Cases – Lessons from Law Enforcement Professionals

I would say three methods:

1) *Undercover work – have somebody go with a group to gather intelligence. Of course, that’s tough, but it’s the most effective way to investigate. That’s also the most time- and manpower-expensive method.*

2) *Use confidential informants – pay some migrant people, coyotes, to give up and set up surveillance, locate work camps, find out which growers hire the contractors who enslave and their coyotes.*

3) *Develop a better relationship with people in the community where there’s a lot of distrust of law enforcement. Ask who are the growers using slaves, etc. I think one reason we don’t have more cases to prosecute is because they [the migrant worker community] just haven’t been asked.*

The FBI would have to make the commitment. The FBI is the agency I would choose to spearhead investigations. I don’t know where the money would come from – probably the feds.” (Asst. U.S. Attorney, Cuello case prosecutor)

The key guiding question that drove this research was: how do we effectively increase the prosecutions of perpetrators of human trafficking? The case studies were constructed by beginning with a victim and working outward to all agencies and individuals that in some way were involved in the case. For that reason the case study materials tend to be victim-centered and slightly less useful for generating answers to our key aim of increasing the prosecution of traffickers.

To better address that aim of increasing prosecutions we have also called upon law enforcement professionals with experience investigating human trafficking who were not related to our case studies. This section of the report concentrates on the information collected from these professionals. In particular, it draws on the *Manual for Investigators* compiled by the INTERPOL Working Group on Trafficking in Women for Sexual Exploitation. The *Manual for Investigators* goes into much greater detail than is possible to convey in this report. Law enforcement personnel should contact⁶⁸ INTERPOL directly to obtain a full copy of the *Manual for Investigators*.

General Investigative Principles

When confronting trafficking in persons, the investigative options must reflect the geographical, structural, and commercial components that make up the crime of trafficking in persons.

Geographically and structurally, these can be expressed as follows:

- ***Country of origin – recruitment and export***
- ***Country of transit – transportation***
- ***Country of destination – reception and exploitation.***

Within these three divisions, the commercial characteristics inherent in this type of crime mean that the traffickers are compelled to become involved in one or more of the following activities at any or all of the three phases shown above:

- ***Advertising*** – as part of the recruitment or exploitation process
- ***Renting of premises*** – “safe houses” and/or brothels, sometimes workshops
- ***Transportation*** – identity and travel documents – transit process
- ***Communications*** – organizing the recruitment and exploitation
- ***Financial transactions*** – applicable to all of the above.

The “Achilles Heel” of the traffickers is the evidence that will be created within these commercial imperatives. Trafficking of persons tends to function by utilizing these processes to some degree, and each process creates three types of evidential opportunity for the investigator:

Exploitative Work – as a domestic servant, as an agricultural worker, a restaurant worker, or sweatshop worker. This might also include prostitution in all its known forms – street walking, private apartment or private house brothels, sauna and massage parlors, hostess or lap-dancing bars, and escort or “call-girl” agencies. Whatever the form of exploitation, the victim may at sometime be in contact with or observed by people other than the trafficker.

Personal contact – not just with the victims and associated employees such as farm owners, hotel or bar receptionists, but also professionals such as advertising agents, leasing agents, port and airline officials, health care workers, telephone company employees, and bank officials.

Documentary records – the personal contacts above also result in the creation of independent documentary records that can be retrieved, analyzed, and adduced in evidence such as leasing agreements, travel tickets, identity documents, entry landing cards, itemized telephone bills, and bank deposits and transfer documents.

Evidential material may exist at any one of these stages in the trafficking process, and this section seeks to provide guidance to enable investigators to fully exploit these evidential opportunities and thereby secure the rescue of the victims, the apprehension and conviction of the traffickers, and the confiscation of their criminal assets.

The Investigative Options

In effect, there are three counter-trafficking investigative options:

- ***Re-active investigation – victim led***
- ***Pro-active investigation – intelligence generated, police led***
- ***Disruptive investigation – police led option in cases where the other two options are not appropriate.***

The reactive victim-led investigative option

For a variety of reasons, re-active investigations are the least favored option for investigators because they will not always lead to a successful conclusion. For instance, a victim may initially provide a statement and promise to testify in judicial proceedings and then withdraw her cooperation with terminal consequences for the on-going investigation. Alternatively, a victim who is not prepared to give a statement may supply intelligence about a violent or coercive trafficking network that demands an immediate intervention by investigators in order to rescue other victims. The officers will then be required to intervene in the knowledge that successful prosecution of the traffickers they may detect will be unlikely because any additional victims will follow the same course as the original informant and refuse to talk.

Because the need for an immediate intervention to protect the victims has afforded no time to implement a pro-active investigation to obtain independent evidence, the investigator will be left with suspects but no viable evidence upon which to prosecute them. These problems highlight the fundamental weakness inherent in re-active investigation – that, in reality, the investigator is at a disadvantage and finds it difficult to catch up with the trafficking suspects. Conversely, this weakness also highlights why the pro-active investigative method can be so effective; the investigator starts with the advantage and is in control of the investigative agenda from the outset. The traffickers are at a disadvantage because they can never be sure from where, when, and by what means the investigators may decide to intervene.

In all cases, where victims come to notice, the following responses may be applicable:

- Immediate intervention against the traffickers in order to rescue other victims or to prevent further potential victims from being entrapped; or to secure evidence that may otherwise be lost; or both
- Utilization of the intelligence or statement of the victim or third party as the basis for developing and conducting a pro-active or disruptive investigation into the traffickers
- Utilization of the intelligence or statement as the basis for an in-depth, intelligence gathering operation into the traffickers.

Where the risk assessment clearly indicates the need for immediate intervention, the following action should be taken:

- In cases involving joint operations, co-ordination with the other agencies to ensure the maximum opportunity to simultaneously arrest the key players in each of the countries.
- Coordination with the arrival of any anticipated controlled delivery
- Coordination with the deployment of any test purchase deployment of controlled payment or undercover employment interview.

- Coordination with the financial investigation so as to ensure that the assets sequestration orders can be simultaneously put into place at the same time that the arrests are being made.
- Coordination with the known movements of the main players so as to ensure as many as possible are located and arrested.
- Coordination with the known movements of the prostitute victims and the business hours of their prostitution so that as many as possible can be located and taken into custody by law enforcement officers.

Where time permits and the intervention requires the raid of brothel premises, it is worth considering the deployment of a covert test purchase officer into the address before launching the raid and arrest operation. This will provide an opportunity for a reconnaissance of the premises to estimate the number of persons of present and the layout of the address such as means of entry, reinforced doors, numbers of rooms etc. The risks posed by the arrest operation and the resources required to overcome them can then be properly assessed.

Where the level of risk to outstanding victims or the need to secure vital evidence demands an immediate intervention, the case must move to the arrest phase, where these guidelines should be followed:

- Every suspect against whom there is sufficient evidence to justify the action should be arrested, no matter how minor or peripheral his or her role. The reason for this recommendation is that experience has shown that the major players in any network will often take full precautionary measures to conceal their part in the crime. They will be extremely unlikely to retain possession of any incriminating documentation and are likely to remain silent throughout any interview process.
- There will always be a possibility in this type of case that an arrest will need to be implemented at very short notice, for example, following the compromise of the surveillance or undercover officers or the sudden increase in the risk level to the victims. Therefore, it is advisable to have a skeleton arrest plan prepared and ready to go from an early stage of the operation, a plan that can then be refined as the operation progresses.
- The arrest phase should be timed and coordinated so as to maximize the opportunity to simultaneously arrest as many of the suspects as possible and to rescue as many victims as possible. In addition, the objective is to execute the plan at a time that will offer the best prospect of securing further evidence as the arrests are made.

Where time permits and the intervention requires the raid of premises, it is worth considering deploying an undercover or covert test purchase officer into the address before launching the raid and arrest operation. This will provide an opportunity for a reconnaissance of the premises to estimate the number of persons present and the layout of the address such as

means of entry, reinforced doors, numbers of rooms etc. The risks posed by the arrest operation and the resources required to overcome them can then be properly assessed.

The Safety of the Victim

While the most effective response to trafficking victims is a multi-agency one, the issue of safety remains with the law enforcement investigator – it should not be delegated to other agencies.

- The investigator has a clear duty to conduct a continuous process of risk assessment with respect to the safety and welfare of the victims and their families at every stage of the investigative and judicial process and beyond.

Safety and the possibility of reprisals against the victims and their families will always be a feature of trafficking crime, and it will never be possible to completely eradicate the risk factors. However, the duty of the investigator is to ensure that the risks in each case are assessed from the outset and that the assessment is continuously reviewed and updated. Moreover, where the victims have testified, the duty of care does not end with the conclusion of the trial.

- The investigator has a clear duty to be open and honest at all times with the victims so that they are made fully aware of the issues, responsibilities, and potential consequences and risks attached to any decision that they may be called upon to make.

Cooperation with law enforcement officers will always involve an element of risk for the victims of trafficking and possibly their families. The critical point is that the victims are made fully aware of all the issues and risks attached to any decision they are asked to make by the investigator so that they can reach a fully informed decision. Deception of the victims is a constant theme in trafficking crime; the situation should never arise whereby trafficked victims can justifiably claim that they were deceived for a second time by law enforcement officers.

- The investigator has a clear duty to ensure that the victims are made fully aware of all available support measures and services that exist to help them overcome their ordeal and that the victims are able to establish initial contact with them.

Trafficked victims may never recover from the physical, psychological, or sexual damage that they have suffered. It is vital that they are given access to the full range of support and care services that exist to aid them in the recovery process. It is not the role of the investigator to provide this care and support; other agencies exist to provide these services and do it far better than law enforcement officers. The critical point is that it is the duty of the investigator to ensure that the victims are fully informed of the help that is available to them and can get in touch with the relevant organizations. To facilitate this, investigators should develop a network of contacts with the relevant governmental and non-governmental organizations that provide such support services.

The pro-active investigative option

What is the pro-active option and why use it? For the purposes of this report, the pro-active option in the context of human trafficking means the investigation, arrest, and successful prosecution of traffickers without having to rely upon the cooperation and testimony of the victims.

By using a combination of intelligence, human and technical surveillance, undercover deployments, and standard investigative techniques, investigators can identify the traffickers and prosecute them for the offenses that are most appropriate to the circumstances of the case. The use of this option is simply an acknowledgement on the part of law enforcement agencies of the real and often insuperable difficulties confronting the victims of trafficking crimes who may wish to testify against their exploiters but who are prevented from doing so for fear of reprisals against them or their loved ones.

The pro-active option provides the means whereby law enforcement agencies can take steps to combat the traffickers without the complaint and evidence of the victims. It is not intended to disenfranchise the victims from the prosecution process – far from it, the testimony of the victim will always remain the prime source of quality evidence; this option simply acknowledges the current reality that such testimony is sometimes difficult to obtain.

It has to be acknowledged that pro-active operations can require heavy investments of resources, time, and money. However, given the gravity of the human impact upon the victims of trafficking and the global strategic threat it poses to civil society, the expenditure of the resources is justified and prudent. Trafficking in persons can and should be considered similar to terrorism and drug-related crime and subject to the same investigative options. Experience has shown that the pro-active investigation is an effective weapon that should be considered wherever possible.

The “Achilles Heel” of commercial and other records

Experience and best practice have shown that the pro-active option is a very effective method of combating traffickers. The explanation for this can be found by considering the crime from the same commercial perspective as that used by the traffickers. Traffickers regard men, women, and children as commercial commodities to be recruited, transported, and exploited for profit – it is criminal business and, as with most crime, it is ultimately all about money. The traffickers may vary their modus operandi, alter the routes, switch their identities, and use a range of other tactics to maximize their profits and avoid detection. But there is one feature of the crime that they cannot disassociate themselves from if their business is to be profitable: the need to market the “product.”

As with all commercial activity requiring the sale of goods (in this case the goods being trafficked are the victims) it cannot operate without those goods being marketed and advertised to potential buyers. This commercial imperative creates the “Achilles Heel” that traffickers cannot escape. There is no commercial point in trafficking new victims into a country unless the clients are made aware of their arrival and availability, and this can only be achieved by some form of advertising, irrespective of whether the marketing and advertising is simply by word of mouth on the street or a sophisticated Internet advertisement site. It is true that some forms of trafficking in persons lend themselves to public advertising and others do not. The woman

trafficked into domestic service may reach her “employer” through the commissioning of a trafficker, though she may be ultimately sold on to another “employer.” She may not ever be advertised to the public, but she will come into contact, sooner or later, with some member of the public.

What this means in terms of law enforcement is that, provided an investigator knows where to look, the exploitative work or prostitution that is the basic foundation of the crime, can always be identified and located – and if you can locate the victim you can locate the traffickers.

The Investigative Focus – the Example of Sexual Exploitation

Since the pro-active option makes sense, what offenses should be targeted and where should the pro-active investigative effort be focused? For reasons set out below, the focus in this section will be on the pro-active investigation of offenses related to the sexual exploitation of the victims, but the techniques are applicable to most forms of exploitation of trafficked persons.

It would be just as accurate to refer to traffickers for sexual exploitation as international “pimps” because that is exactly what they are. They exploit their victims through prostitution and live on the earnings generated by it. The component parts of the crime of “pimping” remain the same in principle whether the trafficker moves a victim from one city to another within the borders of the same country or to another country altogether – the only basic difference in the second case is that the criminal and the victim cross international borders.

Clearly, traffickers are likely to commit a range of associated offenses such as physical and sexual abuse of the victims, the facilitation of illegal immigration, production and possession of forged documents etc., and these offences may be committed in any of the three locations of origin, transit, and destination. However, it is necessary to consider in which location is the investigative effort most likely to discover the best evidence and prove effective and fruitful in terms of successful prosecution. The logical answer is within the countries of destination for the three reasons set out below.

Firstly, traffickers are clever, cunning criminals who go to great lengths to conceal their criminality. During the origin and transit stages of trafficking and the associated offenses, the crime is more difficult to identify and investigate because it is not, of itself, easily visible, and the traffickers are very good at concealing it from view. However, for the commercial reasons stated above, they cannot conceal the marketing and supply of the prostitution services, and these are located in the countries of destination. The prostitution and the profits derived from it have to be managed, controlled, and laundered at source by the traffickers and they are at their most vulnerable to effective investigation while they fulfill these functions in the destination countries.

Secondly, at the origin and transit stages, it is likely to be difficult to obtain a conviction for committing, attempting to commit or conspiring to commit trafficking crime, or “pimping”, or many of the other associated offenses, without the cooperation and testimony of the victim, because in the majority of cases the sexual exploitation has not yet occurred. Given this scarcity of victim testimony, the pro-active option provides the means of response, and it has maximum potential for success in the destination countries.

Thirdly, although the situation is changing, the current position of resources means that the law enforcement agencies in the wealthier countries of destination are in a better position to deploy the full range of human and technical investigative features of the pro-active option because they have the capacity and resources to do so.

For these three reasons, logic dictates that the destination countries offer the best potential for collecting quality evidence against the traffickers. However, that does not mean that the investigative effort should only be focused in the countries of destination. It means simply that the best chance of gaining the best quality evidence upon which to base a trafficking prosecution is likely to exist in the destination countries, where the traffickers are most vulnerable to investigation. The most effective manner in which successful prosecution can be achieved is by coordinated, pro-active investigation in each of the three stages of origin, transit, and destination, and investigative experience to date shows that the best way of attaining this objective is the use of joint investigative operations.

Parallel financial investigation – the Example of Sexual Exploitation

It would be difficult to overstate the critical role of financial investigation in the successful investigation of trafficking crime, continuing with the example of trafficking into sexual exploitation. There are two principle reasons for this:

- The crime itself is all about money – the initial investment to create the infrastructure and deliver the personnel to provide the prostitution; the ongoing management of the proceeds of the prostitution and, finally, the laundering and movement of the profits.
- Trafficking for sexual exploitation is a crime that takes time to establish and develop – therefore it becomes a “lifestyle” crime. Such lifestyle topics such as the mode of travel, expenditure on luxury items such as cars and jewelry, leisure activities such as restaurants and casinos, etc. all require means and methods of purchase.

All of the activities within these two categories require some form of financial transaction and the pro-active financial investigation of these areas will always produce results. Fortunately, most versions of asset confiscation legislation contain punitive provisions for any individual or institution that discloses the fact of a financial enquiry to the account holder and this reduces the security risks that are always attached to pro-active enquiries in the pre-arrest phase.

Financial investigation during the pre-arrest phase is, however, of particular value for two further reasons. Firstly, the investigation of financial transactions and the analysis of the results will often provide important information that can be used to ensure that the operation progresses in the most efficient manner. For example, investigation of the purchase of travel tickets might reveal details of future travel arrangements which can then become the focus of surveillance activity at the exit and entry points; analysis of credit card expenditure may reveal details of the airline, hotel, restaurant, or casino used by the trafficker in any of the country locations of origin,

transit, and destination, and this intelligence can again be used in the allocation of surveillance resources

The second reason is that, as far as is possible in the circumstances of the case, pre-arrest financial investigation is designed to identify the amount and location of the criminal assets derived from the crime. Provided that this has been achieved, it is then possible to coordinate the arrest phase with the financial sequestration procedures in order to arrive at the optimum position – simultaneous arrest of the traffickers and sequestration of their assets.

There are yet two further benefits to be gained from the parallel financial investigation of traffickers: The first of these is that investigators get double value from the same evidence; first, the evidence of large-scale financial gain and expenditure, far in excess of any legitimate source of income that the trafficker may claim to engage in, supports the prosecution case in a way that is almost impossible for the trafficker to rebut – the evidence is in the form of documentary financial transactions, usually computerized, that are extremely difficult for defense lawyers to challenge; and, second, the same financial evidence forms the basis of the post conviction assets confiscation proceedings.

The second benefit is that the ability of law enforcement agencies to identify, investigate, sequester, and confiscate the assets derived from trafficking sends a powerful symbolic message to the criminals. This is particularly important in the current climate where trafficking for sexual exploitation is perceived as a “high profit – low risk” crime and where traffickers may regard the prison sentences handed down for this crime as simply a “business risk.” The situation is immediately transformed once the successful financial investigation means that the equation reads – “term of imprisonment – release – no profits – all confiscated.”

Joint pro-active operations

As with any form of international organized crime, the successful investigation of trafficking in persons depends on the ability of law enforcement officers to investigate it while they identify and gather evidence from other jurisdictions. The best practice points that are set out below address the subject of pre-agreed, pro-active operations conducted simultaneously by two or more countries. Experience has shown that pro-active operations can be an effective counter-trafficking option for law enforcement. Moreover, experience indicates that ***joint*** pro-active operations can be the most effective and productive option that is currently available to counter-trafficking investigators.

There are several reasons for this: 1. Traffickers commit the crime in more than one jurisdiction, and joint investigations reflect that situation. 2. Joint operations allow for the collection of evidence in each of the jurisdictions involved in the crime. 3. While traffickers are more vulnerable while present in the countries of destination, they also tend to be surveillance-conscious and more cautious in their activities while they are present in the destination country. They are often less concerned to conceal and protect themselves from investigation in the countries of origin or transit because they feel safer; joint operations mean that investigators in the origin or transit countries can exploit these evidential opportunities and gather valuable corroborative evidence of the recruitment and transportation phases of the crime. 4. Joint pro-

active operations increase the ability of law enforcement agencies to combat traffickers because they allow the investigators to agree in advance on the overall strategy best suited to convicting the suspects. 5. This includes not only agreement as to where the main investigative effort is to be focused but also decisions as to the method of coordination, the tactics to be employed to collect the evidence, the offences being targeted, and the best location for the prosecution that will arise from the investigation.

The point at issue here is which offense and which location offers the best prospect of securing sufficient quality evidence upon which to base a trafficking prosecution, and the logical answer is the country of destination. Where that prosecution is located is another matter. It does not necessarily follow that the prosecution must take place within the jurisdiction in which the best evidence was secured. In normal circumstances, this will be the case, and the trial will take place in the same location in which the evidence was obtained, particularly in the case of reactive investigations. However, given the flexibility of the pro-active option, it is possible to consider a number of other factors that may arise when deciding where the prosecution will be based. Subject to the existence of appropriate extradition and judicial cooperation agreements, it is possible for two or more law enforcement agencies to develop joint operational investigative strategies that would allow for the prosecution to be exclusively based in either of the origin, transit, or destination countries or for simultaneous investigation but separate prosecution of traffickers in each of the jurisdictions. It is a case of deciding which of the options offers the best prospect of success.

For example, subject to extradition law and the circumstances of the case, investigators from the origin and destination countries could implement a pre-agreed, pro-active joint operation whereby the evidence would be simultaneously collected in each country with the objective of mounting the prosecution of the traffickers in the country of origin. This might be because the origin country had specific legislation prohibiting trafficking that carried more severe penalties upon conviction and would therefore offer the best chance of successful prosecution and punishment. The origin country might be the best venue for the trial because it would be easier to persuade the victims to testify there. Depending upon the circumstances, the same factors could equally apply in respect of the destination country.

The more likely scenario is that the investigators in the origin country could gather only a limited amount of corroborative evidence against the traffickers that in itself would not warrant prosecution for trafficking in their own jurisdiction, but which would be of great value to the prosecution of the same suspects for trafficking in the country of destination or transit. The key point is that because the pro-active investigative option has this in-built flexibility, it is the investigators that are deciding the strategy and tactics and setting the agenda – not the traffickers.

A number of important points will need to be considered before carrying out a joint investigation: The law enforcement agency seeking to establish a joint pro-active operation with another country must first identify an investigative counterpart in that country who does not pose a security risk to the operation or to the victims involved and who has the capacity and ability to conduct the type of investigation that is being proposed. At the legal level, extradition provisions must exist that allow for the extradition of the following:

- The suspects that are the target of the operation

- To the country that has been identified as the optimum location for the prosecution
- For the offenses that are being targeted by the investigation.

Mutual legal assistance provisions must exist between the countries that allow for the collection and transfer of supporting evidence from the other country to the country where the prosecution is being conducted

Additionally, the operational strategy and tactics should be clearly defined and agreed to by all the parties involved - before the operation is launched; a review mechanism should be agreed to allow for review and revision of the operational objectives if it becomes necessary; and the method of coordination and communication should be agreed and established. The key to success with joint pro-active investigation is close coordination from the outset, and the secret to achieving that is early contact with the liaison officer networks.

There are other issues that will need to be considered in this situation. Procedures regulating joint operations vary from country to country; in some states, the decision to conduct a joint operation is taken by the police officer in charge of the squad concerned; in other venues, the decision rests with the prosecutor or examining magistrate. In some countries, it may require a formal Letter of Request before a joint operation can commence. It is not possible within the scope of this report to cover all of these variations. The essential factor is for the investigator to establish early liaison prior to taking action.

It may be that the pro-active investigation under consideration is bi-lateral only and can be efficiently coordinated between counter-trafficking units in both countries. It may be that the proposal is multi-lateral, involving a number of countries in a particular network. Whatever the situation, the “golden rule” is to establish early contact with the liaison officer network that is the most effective in the country concerned. It might be a police, customs, or immigration liaison officer network - it does not necessarily matter – the important point is that liaison is established before anything is done. Coordination is the key function of liaison officers and the reason why they exist. They will have current knowledge of all of the legal and operational issues relevant to this topic in the countries concerned, and they can not only facilitate the progress of the operation but also ensure that serious errors are avoided.

Finally, prior to the commencement of a joint pro-active investigative operation, it is vitally important that the counter-trafficking investigators ensure that the intelligence and operational plan has simultaneously notified Interpol. Investigators of international crime know that direct bi-lateral or multi-lateral contact is an efficient method of conducting international enquiries because it works and is usually quicker than routing enquiries through the international police agencies such as Interpol or Europol. However, professional investigators should also know that traffickers usually operate in a number of countries and that high-grade intelligence may already exist in relation to them in a country other than the ones involved in the joint operation. More importantly, they may already be the subjects of police investigation in a country other than the ones involved in the joint operation. For these reasons, the professional investigator should ensure that Interpol has been consulted on these issues as they are in the best position to eliminate these risks and provide co-ordination support. An important by-product of

this exchange of intelligence is that Interpol will be able to produce more accurate and detailed threat assessments and analyses.

Disruptive Investigative Option - General principles

The use of the disruptive option may be appropriate for a variety of reasons: 1. Where the level of risk to the victims demands an immediate response that precludes the pro-active option but may require an immediate intervention and disruption thereafter; 2. Where the pro-active option is not viable for operational reasons, such as where geographical and/or topographical features make surveillance on target premises impracticable, or where it is impossible to achieve undercover penetration of the network; 3. Where legislative, procedural or resource implications preclude the use of pro-active tactics; 4. Where the disruptive option provides a faster response to specific complaints from local residents or other interested groups.

Irrespective of why the disruptive option is more appropriate, two key points should be noted: Firstly, disruption is simply that; it may temporarily relieve the situation; it does not provide a solution and will only displace the problem to another location. Secondly, the key to success with the disruptive option is the use of creative and innovative multi-agency tactics to create so many daily problems as to make it virtually impossible for the traffickers to continue to operate in their current format and location.

The Multi-agency approach

There are a variety of measures that can be considered to disrupt trafficking networks and, depending upon the circumstances and the level of intelligence available, they may be applicable in the countries of origin, transit, and destination. A key factor in the use of the disruptive option is that the effectiveness of the disruption will depend upon the quality of the available intelligence which itself may have emanated from a number of sources: informants, victims, other agencies, intelligence, monitoring activity, or residential complaints. For example, it could be assumed that disruptive methods would always be more effective in the countries of destination where the crime may be more visible and vulnerable to disruption. This may prove to be the case, but it may also be possible that the most effective efforts could be taken in the country of origin if the recruitment method and transportation route were known from intelligence sources. The key objective is to analyze the intelligence so as to target the disruptive tactics at the weakest points in the trafficking structure where they are likely to be most effective and then select the agencies best placed to carry out the disruption.

There are a number of multi-agency partners that can be harnessed to the disruption effort. The following list is not exhaustive: local police agencies; immigration services; customs agencies; ministries of foreign affairs, health, environment and labor; fire services; local municipal authorities; airlines and other carriers.

Areas for Disruption

Whatever type of disruptive tactic is deployed, the following four important points should be made here in respect to this type of activity: 1. Disruptive tactics are aimed across a wide

front and it is possible that complaints will be made by individuals (such as advertisers, property agents, or travel agents) of intimidation or improper use of legislative powers. This may occur because the net effect upon them of compliance with law enforcement instructions will be an economic one – it may cost them business. The response to these complaints if they arise is straightforward: trafficking crime is a grave abuse of the human rights of the victims of it and it is the duty of law enforcement agencies to utilize all possible legal means to disrupt and reduce it. Comment may also be made that it was anticipated that law-abiding citizens would support such activity, not complain about it. 2. If time permits, disruption activity should be conducted on an incremental basis. It is usually better to seek co-operation in the first instance. If this fails to produce the required result, the disruption can be increased incrementally to reinforce the message. 3. Disruption does not always achieve the desired outcome on the first occasion and may have to be repeated. It is important to have detailed records of what has already taken place in order to strengthen the message if it has to be repeated. 4. Disruptive activity always creates intelligence opportunities, so it is important to ensure that all available intelligence is captured and properly recorded. It may become the basis of pro-active operations at a later date.

As was the subject of recommendations earlier, a further measure that can lead to disruption is the use of education programs. As such, education campaigns are purely preventative measures designed to achieve long-term benefits by educating potential victims of the risks inherent in trafficking crime. That being said, they can also play a vital role in disruptive activity in certain circumstances. It may be possible to establish liaison with the organization conducting the program (usually a non-governmental organization carrying out a campaign on behalf of a governmental agency) in order to include current thematic intelligence and facts in the program content.

For example, if the intelligence indicators showed that victims were being induced to travel to a particular country where the visa regime clearly meant that the victims could never remain there legally and therefore any promise of residency and/or employment there must be false, this fact could be included in the educational material in order to disrupt and reduce the rate of flow. Similarly, if the trafficking *modus operandi* involved deceptive advertisements of well-paid non-existent employment abroad in secretarial or domestic work, the program could include thematic warnings about such deceptions.

This type of disruption allied to preventative education program has to be handled sensitively, particularly if it is intended to include material beyond impersonal, thematic advice. With all such initiatives, it is vital that the material is based upon verifiable intelligence. The most careful consideration would be needed before any material could be used that would identify an individual or specific organization or company, since this could result in legal action. Prior to any such action, close consultation would have to take place between lawyers representing the law enforcement agency and program agency and would have to be based upon irrefutable evidence of the facts to be broadcast.

Intelligence Exchange with Inter-governmental and Non-governmental Organizations.

It is a fundamental truth that to be effective the counter-trafficking effort has to be multi-agency and multi-disciplinary and that close cooperation between law enforcement agencies and inter- and non-governmental organizations is an indispensable part of the response.

Both groups share the desire to combat and reduce the crime, and both regularly gather vital intelligence that could be useful to the other. Cooperation between the two has undergone immense change in recent years, and many law enforcement agencies now enjoy the closest of cooperation and exchange with relevant inter and non-governmental agencies. However, in other instances, the relationships are not nearly as well developed or they are virtually non-existent.

Moreover, there are natural tensions in the relationship between law enforcement agencies and the inter- and non-governmental sector. While both have responsibilities to comply with data protection and confidentiality legislation, the non-law enforcement group is often suspicious of close contact with counter-trafficking investigators or police generally and are concerned that to be seen as being too closely aligned to law enforcement will compromise their independence and undermine their relationship with their clients, namely the victims themselves. For law enforcement agencies, there are always concerns over the disclosure of personal and thematic data and the security and capacity of some of the non-governmental organizations that wish to operate alongside the investigators.

There is a clear *quid pro quo* in the relationship that should be acknowledged and utilized to good effect. Law enforcement agencies must accept that the essential, holistic response needed by trafficked victims cannot be provided by them alone and that the non-governmental sector is much better suited to fulfill that role. Furthermore, investigators should realize that the non-governmental sector works closely with the victims and receives much more detailed information from them than investigators may. Conversely, the non-governmental sector wishes to be a formal part of the law enforcement response to trafficking crime and must accept the responsibilities that come with that role. While the non-governmental sector must be included, it must acknowledge its responsibility to pass intelligence to the law enforcement agencies in order to assist in the combat of trafficking.

RECOMMENDATION: Human trafficking is, by its nature, an international crime. While American laws and procedures are unique, there are law enforcement professionals in other developed countries who have extensive experience in investigating and prosecuting traffickers. The Department of Justice, and other agencies, should identify such professionals and bring them to the United States to help develop training for law enforcement personnel here.

k. Prosecutions

As human trafficking is a federal crime, it is the responsibility of the U.S. Department of Justice to investigate and prosecute trafficking cases. As a criminal phenomenon, however, human trafficking entails the violation of laws from a variety of U.S. Codes. In the case studies, federal prosecutors used a variety of U.S. criminal statutes to prosecute exploiters of forced labor. These included statutes against involuntary servitude and conspiracy to violate the 13th Amendment. Prosecutors also sought to strengthen sentences against traffickers by including charges of extortion, alien smuggling, kidnapping, Mann Act violations, and violation of the Migrant and Seasonal Agricultural Worker Protection Act. When perpetrators have used firearms, sentences can be increased by an additional seven years.⁶⁹ (See Table 16 below).

Table 16. Cases that went to trial or plead out

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Went to trial</u>	<u>Pled out</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Yes	No
<i>Mishulovich</i>	1996	Chicago	Yes	No
<i>Paoletti</i>	1997	NYC, Chicago, NC	No	No
<i>Cadena</i>	1997	Florida	Yes	No
<i>Cuello</i>	1999	Florida	No	Yes
<i>Tecum</i>	1999	Florida	Yes	No
<i>Satia</i>	1999	Maryland	Yes (Louisa)	Yes (Vivian)
<i>Ramos</i>	2000	Florida	Yes	No
“ <i>Emilio</i> ”	2000	Indianapolis, IN	N/A	No
“ <i>Ruth</i> ”	2000	Maryland	N/A	No
<i>Pickle, Co.</i>	2001	Tulsa, OK	Yes	No
<i>Chinese sex workers</i>	2002	Chicago	N/A	N/A

Most trafficking cases taken up by federal prosecutors will go to trial. In this study, seven of the nine prosecuted trafficking cases went to trial. (See Table 15 above.) Two cases pled out, although one case, involving two sisters separately trafficking domestic servants from Cameroon, was prosecuted as two distinct legal cases, one going to trial and one pleading guilty. The sisters were treated as one case study in this research.

While there are many reasons why a case does not go to trial, it is still a successful outcome if the defendants plead guilty and are incarcerated. The three cases in which the defendants did plead guilty, the pleadings were not to charges of forced labor (involuntary servitude [18:1584], forced labor [18:1589], trafficking into servitude [18:1590], etc.), but conspiracy charges. The sentencing guidelines are much softer, in general, when defendants plead to lesser charges, although their sentences may be longer depending on the additional charges against them. For example, in *U.S. vs. Cuello*, it appears that the prosecution did not feel they had enough evidence of violence needed to make a strong case for involuntary servitude charges. Instead, the prosecution charged conspiracy and settled in a plea bargain without going to trial. This made the sentencing lighter, but still the prosecution was successful in shutting down the trafficking operation and punishing the perpetrators.

If there is insufficient evidence, prosecutors may not take forward a trafficking case. According to federal investigators and prosecutors, this is why the investigation of a West African family suspected of trafficking Ruth, a domestic servant from the Ivory Coast, did not result in a prosecution. According to the Assistant U.S. Attorney who took up the matter:

I am not sure the case had merit – I’m not sure that the alleged trafficking survivor wasn’t suffering from mental illness... She was distraught, not very rational; there were no emergency room records despite her claims that she had been treated in the hospital. She had a friend who was not convincing – he had offered to help in some way and took her up. Beyond her word, I was also not convinced that she was not simply suffering from mental illness.

Analysis of the criminal justice process in trafficking cases also shows that the federal prosecutors ultimately determine whether or not a matter will be prosecuted. Their primary concern was to determine if the case could be successfully prosecuted in terms of having the best evidence to fit the charges that would be made.

Prosecution challenges

A successful prosecution relies on the preceding investigation. Most desirable is what one FBI agent describes as an “airtight” case. The agent explained that by “airtight” he meant that every detail of every lead had been investigated.

I can’t tell you how many days I spent chasing up ridiculous things... The prosecutors wanted an airtight case. But I give them credit for it, because that’s what makes a successful prosecution. (FBI agent, Mishulovich case investigator)

The comprehensive investigation is crucial to not only corroborating facts, but also convincing the jury that the witnesses are credible. The nature of violence and exploitation perpetrated against the victim also raises the standard for evidence.

You think a lot about what a jury will be presented with as evidence and what it will be likely to accept. Involuntary servitude is more difficult – harboring (of illegal aliens for gain) only requires that you kept someone in your house who was an illegal immigrant. With involuntary servitude, you need to prove that force was involved, or the threat of force. The victim must show why he or she didn’t leave, didn’t run away. So you need to look at the facts of the case. (Asst. U.S. Attorney, Satia case prosecutor)

For cases that go to trial, the prosecutor must weave the evidence, including the testimony of the victim-witness, into a story tailored to bringing about a successful result from the jury.

Charges

The case studies show that trafficking cases used a variety of charges against traffickers beyond the traditional slavery and new trafficking laws (such as involuntary servitude, 18:1584,

and forced labor, 18:1589). The table below shows what charges were used to successfully prosecute traffickers. Some cases capitalized on the fact that firearms charges can increase the sentencing by up to seven years.

Table 17. Charges

Charge	Total^a
18:1201 – Alien kidnapping	1
18:1584 – Involuntary servitude	6
18:371 – Conspiracy	8
18:894 – Extortion	2
8:1324(a)(1)(A)(iii) – Alien harboring	7
8:1324 (a)(1)(A)(iv) – Induce illegal alien to enter US for financial gain	2
8:1324(a)(1)(A)(ii) – Alien transport	3
8:1324 (a)(1)(B)(i) & 8:1324 (a)(2)(B)(ii) - Bring & attempt to bring alien for financial gain	2
8:1324(a)(A)(i) – Alien smuggling	1
18:1546(a) – Document fraud	2
18:2 - Aiding and abetting	3
18:924(c) – Use of firearms in a violent crime	3
29:1851 – MSPA violations	2
18:1951(a) – Hobbs Act (interference w/ commerce w/ violence or threats)	2
18:1623 – False declarations in court	1
18:982 (a)(6)(A) – Criminal asset forfeiture	1

NOTE: ^a Counts only cases which were fully prosecuted and are now closed.

The most frequently used charges were Conspiracy and Involuntary Servitude. A Conspiracy charge was used in every case. An Involuntary Servitude charge was used in six of the eight prosecuted cases. The charge of Harboring an Illegal Alien for Financial Gain was used in seven of the eight cases.

Defendants and victim assistance

The provision of victim benefits to cooperating victim-witnesses is an issue that federal prosecutors consistently cite as a challenge to a successful prosecution. Investigators and prosecutors, representing the U.S. Government, cannot promise a victim-witness benefits for their cooperation in a prosecution. The problem is that defense attorneys can argue that witnesses are not credible if the U.S. Government gives victim witnesses immigration benefits in exchange for their cooperation and testimony.

...the problem with us [the U.S. government] being the ones who provide it is that this will come up at the trial by the defendants trying to say that the victims are only saying the things they are because they are getting something out of it. At the criminal trial they brought up the civil trial and that she was asking for money. But...the Assistant U.S. Attorney who prosecuted the Satia case ... broke that defense... (FBI agent, Satia case investigator)

No prosecutor can give any assurance to a trafficking victim that they will receive a visa or immigration benefits for their cooperation. Victims must understand that if they do not have legal status in the U.S., they risk being removed. Prosecutors must rely on an approach with the victim-witness that is frank but as comforting as possible. Prosecuting attorneys, however, must be careful not to make promises to the victim they cannot keep (such as promising a visa, family unification, or immigration benefits). In the *Satia* case prosecution, the defense attorneys attempted to discredit the victim-witness by accusing the U.S. government of “buying” the witness by providing assistance and benefits. This attempt failed since the prosecutor and the federal investigators had effectively managed a relationship with the victim-witness that maintained distance.

In addition to the challenge represented by federal assistance to victim-witnesses, prosecutors must also consider the *jury appeal* of the case. The jury might see the victim-witness as a criminal for willingly coming to the country illegally, in spite of their subsequent exploitation. Potential jurors need to be carefully screened to exclude those with anti-immigrant sentiments. The prosecutors must also make the jury recognize the suffering of the victim.

Points of Intervention

Federal prosecutors need to consider every possible mechanism that will stabilize the victim, such as T visas, NGO victim advocates, and community support. Victim advocates, NGOs, and community group members can be helpful with the process of explaining the courtroom procedures, what the victim-witness will face, and what their participation will entail.

RECOMMENDATION: The Department of Justice, or other concerned agencies, should assemble a protocol of potential charges that could be relevant and applicable to a trafficking case giving a guide to the evidence needed to bring each charge. This would help investigators and prosecutors to build cases against traffickers.

RECOMMENDATION: Federal agencies and policy makers need to consider ways to resolve the tension created by the Trafficking Victims Protection Act which places the responsibility for the support of T visa applications on the same investigators and prosecutors who may be later accused of using the offer of a T visa to “purchase” the cooperation of the witness. Law enforcement agencies other than the FBI and ICE, such as the Labor Department and local and state law enforcement officials, should be authorized to endorse T visa applications.

I. Victim assistance and reintegration

The fact of psychological control is important when considering ways to best liberate and rehabilitate victims of trafficking. Cristina Tallens⁷⁰ worked for several years to free and rehabilitate domestic slaves who had been trafficked into France. She explained the paradox arising from psychological manipulation of victims:

In spite of the violence, and the living and working conditions, people in slavery have their own mental integrity and their own mechanisms for surviving. Some may actually like different aspects of their life, perhaps the security, or their understanding of the order of things. When you disrupt this order, suddenly everything is confused. Some of the women who were freed have attempted suicide. It is easy to assume that this happened because of the abuse they had lived through. But for some of these women slavery had been the major psychological building block in their lives. When that was destroyed, the meaning of their life was like a bit of paper crushed up and thrown away. They were told 'No, this is not the way it is supposed to be, start all over again'. It was as though their life had no meaning.

The period of exploitation will leave some victims terribly injured and others less so. One of the key areas needing further work concerns the best ways to help victims to recover from this experience.

Successful examples:

It is hard to measure objectively what is successful or unsuccessful reintegration of a trafficked person. However, some service providers have adopted their protocols for social service provision to the needs of trafficking survivors. In general, these follow three phases:

- Phase 1 - Crisis Intervention and Assessment, in which emergency services, such as medical treatment and housing are provided.
- Phase 2 - Comprehensive Assessment and Case Management, in which further and more comprehensive services are provided.
- Phase 3 - Social Reintegration, in which the survivor begins the process of re-integrating into the community, whether in the U.S. or abroad.

The aim is to help the survivor move quickly along a continuum that begins at “Crisis,” moves to a position of “Safe” in Phase 1. With more assessment and provision reaching “stabilizing,” and continued support leading to an assessment of “stable” in Phase 2. Finally, in Phase 3, the survivor is stable, “thriving” in their environment and successfully reintegrating. A matrix used for assessment and charting the progress of trafficking survivors developed in San Diego is attached in the Appendix.

Another indicator is the survivor’s own comments. It is fair to say that victims from nine of the 12 case studies achieved relatively successful reintegration as functioning, self-sufficient members of society.

I'm pleased to tell you that I feel much better than I was before. I feel free. Free for having escaped with my brother-in-law and friend that were there too, because they were also in the situation I was in. So, I feel very good. [I'm] grateful to the NGO – that I met them and they helped me. (Tomas, trafficking survivor, Cuello case)

After testifying to federal authorities about his trafficking experience, Tomas became a member of the farmworker NGO that had helped him and his compatriots. The farmworker NGO gave Tomas the opportunity to understand what had happened to him and how it related to the experiences of other migrant farmworkers. Tomas was able to integrate himself into a community of farmworkers like himself. In a subsequent trafficking case, Tomas helped speak to the escaped victims, served as a peer-counselor, and encouraged them to testify against their traffickers. He also spoke out publicly against modern slavery, demonstrating his regained confidence.

Returning to work in jobs with non-abusive employers is another sign of reintegration. Three survivors from the *Ramos* case got jobs and re-settled together in Florida. The three found work in a furniture warehouse. One of the survivors said:

I work like a normal person, and they treat me like a normal person... When you're in the kind of situation we were in, you feel like the world has ended. And once you're back here on the outside... Everything is different now. Just imagine if you were reborn. That's what it's like.⁷¹

In some cases the survivor's repatriation is an appropriate option. Some trafficking survivors feel that returning home is best because there are family and social networks that can support them. Repatriation, however, is not always a safe or successful option for trafficking survivors. In four of our case studies trafficking survivors were repatriated without assistance from legal or service agencies. This occurred in the *Paoletti*, *Cadena*, *Mishulovich*, cases as well as in Ruth's case.

Table 18. Repatriation

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>Origin country</u>	<u>Repatriated w/out assistance</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Guatemala & Mexico	N/A
<i>Mishulovich</i>	1996	Chicago	Latvia	Some victims
<i>Paoletti</i>	1997	NYC, Chicago, NC	Mexico	Some victims
<i>Cadena</i>	1997	Florida	Mexico	Some victims
<i>Cuello</i>	1999	Florida	Mexico	No
<i>Tecum</i>	1999	Florida	Guatemala	No
<i>Satia</i>	1999	Maryland	Cameroon	No
<i>Ramos</i>	2000	Florida	Mexico	N/A
"Emilio"	2000	Indianapolis, IN	Argentina	No
"Ruth"	2000	Maryland	Ivory Coast	Yes
<i>Pickle, Co.</i>	2001	Tulsa, OK	India	No
<i>Chinese sex workers</i>	2002	Chicago	China	N/A

Unsuccessful examples: "Dropped" survivors

Realistically, federal authorities cannot investigate and prosecute every case of trafficking in the United States. Even when federal authorities gain the cooperation of victim-witnesses, their investigations may not result in prosecutions. Though trafficked persons who cooperate with federal law enforcement agencies are eligible for benefits and protection, some cooperative trafficking victim-witnesses have not received the support to which they are entitled. Emilio, whose case was dropped by federal investigators, is an example. During the time federal agents were investigating his trafficker, Emilio received help from social service agencies in the form of legal representation, food stamps, and housing support. But since federal agents left the investigation open in May 2003 without pursuing prosecution, Emilio has had difficulty getting assistance. Consequently,

Emilio feels not only that he has been abused by his traffickers, but that he has been abused by the system. The process is taking much longer than he expected and he feels that certain persons along the way did not really take an interest in his problems. He does not feel that he has experienced any sort of justice thus far. (NGO victim advocate, Emilio's case)

At the time of the writing of this report, Emilio's T visa application was still awaiting a decision. In the meantime, Emilio has turned to illegal work in unsafe conditions. Emilio's most important concern, however, is not safety, health, housing, or food stamps, it is to earn an income he can live on, and ideally, to send money home to his child.

I think that's what he had to do [work with no authorization]. I mean, he didn't have any sort of support, family support or, you know, foreign support, or anything like that, so I think that's the only option he had. And I think it's unfortunate that he couldn't do it legally because, he should've been able to do it legally because of what he was doing. And I think with him, he always had the sense of – like I always kind of felt bad about him working without a permit to work and – but he had no other option. He has to pay for food and – he had no option.” (NGO victim advocate, Emilio's case)

The slow process of acquiring the certifications and authorizations needed for benefits leads trafficking survivors to feel dissatisfied with their advocates and social service case managers. In some cases, the trafficking victims become angry with social service providers, believing that they are not doing their job. The case managers are frustrated, feeling their client's anger, but having little control over the amount of time it takes to get authorizations or the bureaucratic processes which slow victim assistance provision. The *Cadena* case clearly indicates that the Department of Children & Families (DCF) in Florida was unhelpful to some of the trafficked juveniles. The DCF administrators refused to provide services even though the survivors presented them with the correct Federal Certification documents. Rejection by the federal social service providers reinforced the victim's feelings of isolation and abuse. In this case, the problem was the administrators, not the paperwork. The administrators refused the survivors' request that they call the number written on the certification letter. It appears that the administrators had never seen a trafficking victim certification letter from ORR and did not believe that the survivors were entitled to Food Stamps and Medicaid. Nonetheless, the problem

would have been easily solved if the DCF administrators called the number given on the ORR certification letter.

Different methodologies to address assisting trafficking survivors

As is the case with virtually all organizations that are currently involved in trafficking cases, none of the nongovernmental organizations (NGOs) participating in this study have trafficking as their sole or original mandate. Across the country, social service groups, legal support agencies, even churches and other charities, are being drawn in to the national response to trafficking. The participating NGOs were chosen because all have carried trafficking cases through to a successful result, but also because they represent precisely the types of organizations that need to be enlisted, supported, and coordinated to mount an effective response to trafficking in persons in the U.S.

The NGOs that participated in this research have notable differences in their approaches to assisting trafficking survivors recover from their exploitation. Two of the organizations, one in Washington, DC and one in Southwest Florida, provide a community for the trafficking survivor's recovery. These "communities" are peer groups that assist trafficking survivors rebuild their sense of personal efficacy. The Washington, DC NGO facilitates a weekly meeting for trafficking survivors only. The meeting is predicated on what the trafficking survivors want, which has included computer training, language classes, ethnic celebrations, and even writing a play about their experiences. The Washington, DC NGO's staff say that currently there is a core group of 12 participants from eight to nine different countries. The rest of the membership is fluid as some participants tend to come and go. The Southwest Florida NGO facilitates a weekly meeting for farmworkers, which trafficking survivors are given the opportunity to attend. The Southwest Florida NGO also provides peer counseling by workers who are survivors of forced labor or violent crime. The farmworker meetings and peer counseling create a network of support for trafficking survivors, through which trafficking survivors stabilize their lives.

The Southwest Florida NGO – a farmworker community-based organization – has the most extensive anti-slavery campaign in which trafficking survivors may choose to participate. The NGO offers to farmworkers, and trafficking survivors who choose to participate, trainings in labor history in the U.S., the American civil rights struggle, the structure of U.S. agriculture and food service industry, as well as community theater activities, press conferences, and labor rights organizing. Trafficking survivors who choose to participate in the Southwest Florida NGO activities claim that their participation has enabled them to overcome the trauma they experienced by helping them to analyze and understand what happened to them and to see that they were not alone in their experience of exploitation. Some trafficking survivors have even become active participants in ongoing campaigns for farmworker rights in which the survivors speak out against slavery.

While the third NGO, based in Chicago, does not take such a grassroots or community-based approach, it does provide comprehensive case management and legal advocacy to trafficking survivors to facilitate their stabilization and personal recovery. The Chicago NGO's case managers diligently spend a lot of time on each of their client's issues. Through partner organizations, the Chicago NGO is able to ensure trafficking survivors have appropriate shelter,

food, clothes, medical care, and mental health services. As advocates for trafficking survivors, the Chicago NGO works with their clients to acquire the appropriate government benefits as well as education, employment, and life-skills training so that the client may – at their own pace – become more independent and self-reliant.

The Southwest Florida farmworker NGO has shown how trafficking survivors can be helpful to future prosecutions. As stated above, the NGO provides trafficking survivor peer counselors. And not only do peer counselors help stabilize victims of trafficking, but if the victim so chooses, the peer counselors help the victims contact the Justice Department. Peer counselors then explain to victims how the criminal justice process works and what will happen during FBI or immigration authority interviews. Former trafficking victims can help new victims build trust and confidence to cooperate with law enforcement and justice officials.

Points of Intervention

Creating a context in which the survivor of trafficking and forced labor can be reintegrated successfully into society is a significant challenge. It is not unusual for a forced labor survivor to escape with nothing but the clothes on his or her back. Once acute needs, such as medical care, safety, and housing, are met, the requirements of participating in prosecution, as well as the need to re-construct a coherent, autonomous life, are extremely demanding. These demands can be intensified because of the barriers of culture and language.

Trafficking survivors may choose to return to their country of origin where they may face stigmatization, rejection by their communities, the threat of re-victimization, and physical assault. The families of survivors can also face considerable threat from traffickers and their associates in their countries of origin. As mentioned earlier, survivor reintegration is a long-term process that will involve the constant vigilance of NGOs in the United States and in the returnee's country of origin. To make certain that survivors have a better chance of reintegration, the following recommendations are offered:

RECOMMENDATION: Protocols for working with victims and survivors of trafficking and forced labor should be specifically designed so that they can be shared across agencies and in the wider field (e.g. client intake forms, mental health assessment instruments, and computerized case summaries).

RECOMMENDATION: The provisions of the Trafficking Victims Protection Act allow for support of trafficking survivors, but this support may not be sufficient when most needed. When first liberated and needful of immediate care, conflicts may arise over who “controls” the survivor and who is responsible for service provision. More uniform and extensive provision needs to be made, perhaps through the Office for Victims of Crime, to provide for both the immediate and long-term rehabilitative needs of survivors.

VI. Related criminal activity

Table 19. Related Criminal Activity

CASE	Date	Crime location	Related Criminal Acts	Previous Criminal Record
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Document Fraud	Suspected Murder
<i>Mishulovich</i>	1996	Chicago	Sexual & physical abuse	Fraud
<i>Paoletti</i>	1997	NYC, Chicago, NC	Suspected money laundering	No record
<i>Cadena</i>	1997	Florida	Assault, fraud	Drugs, assault
<i>Cuello</i>	1999	Florida	Document fraud	DUI
<i>Tecum</i>	1999	Florida	Migrant smuggling	Domestic violence, assault
<i>Satia</i>	1999	Maryland	Document fraud/forgery	No record
<i>Ramos</i>	2000	Florida	Document fraud	Suspected murder, assault, drugs
<i>“Emilio”</i>	2000	Indianapolis, IN	Smuggling, doc. fraud	No record
<i>“Ruth”</i>	2000	Maryland	None	No record
<i>Pickle, Co.</i>	2001	Tulsa, OK	Document Fraud	No record
<i>Chinese sex workers</i>	2002	Chicago	Smuggling	No record

The distinction between smuggling and trafficking is sometimes blurred. Often both smuggled and trafficked individuals leave a country of origin willingly, though possibly under different pretences. They may be exposed to similar discomforts or dangers during transit. Upon arriving in the destination country, however, smuggled individuals are usually free to apply for asylum or look for work in the informal sector. Trafficked persons are, upon arrival, pressed into situations of forced labor. The exploitation of trafficking victims occurring over a long period of time, often leads to their abuse for other criminal purposes.

Human trafficking is normally a criminal process made up of a number of offenses, rather than a single event or offense. Additional criminal activities may be perpetrated by the traffickers in direct furtherance of the trafficking activity. Examples of these crimes are procurement (involvement in commercial sexual exploitation) and violence associated with maintaining control over victims. Other crimes, such as money laundering and tax evasion, are secondary, and occur as a result of the trafficking activity.

A typology can be created of these offences related to the trafficking process. The perpetration of crimes can be characterized according to the victim (the individual victim or the state) or in terms of the phase of the trafficking process: recruitment, transportation and illegal entry of the trafficked person, the exploitation phase, or the subsequent phase of profit laundering. The numbers and types of offenses are often contingent upon the sophistication of the smuggling and trafficking operation and the criminal groups involved. These operations can be as simple as the smuggling and subsequent trafficking of an individual by another individual over a border without proper documentation by transport vehicle or on foot, or they can be as complex as moving large numbers of persons, using forged documents and generating huge profits that must subsequently be laundered. Trafficking may involve offenses against the state such as abuse of immigration laws, document forgery, corruption of government officials, money laundering, and tax evasion. Other violations are directed against the victims: unlawful coercion

or threat, extortion, aggravated and/or sexual assault, rape or even murder. In addition, there can also be violations of labor laws, especially for domestic workers, migrant and seasonal agricultural workers, and foreign temporary workers. The following table shows the various offenses perpetrated at different stages of the trafficking process, while indicating whether the “victim” is the national government, or the individual who has been trafficked.

Table 20. Trafficking in Human Beings as a Process and Other Related Crimes⁷²

Offenses in italics indicate that the offense victim is an individual rather than the state.

Recruitment	Transportation/Entry	Exploitation⁷³	Criminal Proceeds
Document forgery	Document forgery	<i>Unlawful coercion</i>	Money Laundering
<i>Fraudulent promises</i>	Immigration law abuse	<i>Threat</i>	Tax Evasion
<i>Kidnapping</i>	Corruption of officials	<i>Extortion</i>	Corruption of officials
	Damage to property	<i>False imprisonment</i>	
	<i>Withholding documents</i>	<i>Kidnapping</i>	
		<i>Procurement</i>	
		<i>Theft of documents</i>	
		<i>Sexual Assault</i>	
		<i>Aggravated assault</i>	
		<i>Rape</i>	
		<i>Homicide</i>	
		<i>Forced abortion</i>	
		<i>Torture</i>	

Violence is seldom exercised during the recruitment phase, except in cases where victims are kidnapped. During this stage, fraudulent promises are often made to secure the willingness of the victim to leave – or to entice the victim. It is during the transportation phase, and much more commonly during the exploitation phase, after the victim’s arrival in the destination country, that threats and violence are perpetrated against victims. In cases of labor and sexual exploitation, threats or actual violence are often used to maintain control and prevent the escape of the victim. The chart above examines the other types of offenses perpetrated by the traffickers in furtherance of the trafficking scheme. Additionally, we find that the networks which smuggle and traffic human beings are often linked to other criminal activities not related to trafficking.

Those involved in trafficking may also develop “horizontal interdependencies” by establishing connections among different criminal activities, thus diversifying and expanding their markets. Other researchers have linked human trafficking to drug trafficking and vehicle theft,⁷⁴ trafficking in arms,⁷⁵ and money laundering. Traffickers have been linked to loan-sharking, extortion for protection money and physical violence against others besides the trafficking victims. Furthermore, traffickers are known to coerce their victims into prostitution, into selling drugs,⁷⁶ organized begging and picking pockets.⁷⁷

Related Criminal Activity in the Case Studies

The commission of other crimes in addition to human trafficking was the rule in the case studies we carried out. The only case in which there was little or no additional criminal activity

was that of Ruth, who was trafficked from the Ivory Coast for domestic service in a Washington, DC suburb. The FBI agent involved explained:

I have found that it is mostly family, not large networks, mostly individual, at most extended families... So I've tracked the networks, but I haven't necessarily found that the traffickers have been involved in other criminal activity. (FBI agent, Ruth's case investigator)

For all of the other case studies, there were other crimes, sometimes very extensive and severe in nature. In Florida, the trafficking of large numbers of agricultural workers or young women to be forced into prostitution generated a significant number of related crimes. The Cadena brothers came to trafficking after engaging in other criminal activity. When asked if they had previous records, an FBI informant answered that:

A couple of them did. One was really a loser – he was a drunk and a junky. He had some drug related charges. Another had charges related to firing a firearm into an occupied dwelling. They were all local charges. (FBI agent, Cadena case investigator)

Miguel Flores, convicted of forced labor charges in South Carolina, ran a sizable operation that extended from South Florida to South Carolina. A Border Patrol informant noted that:

The guy in his prime, I mean, he was the main guy in South Florida. He was running around with crews of 500. They said when he left town, the labor buses were like two miles long. You know, he had all the Mexicans up front and then all the Guatemalans in buses, and then he had all his picking vehicles and tractors on flat beds and everything else. But at one time he was a big guy down in Florida. (Border Patrol agent, Flores case investigator)

An informant from a non-governmental organization painted a picture of a man who thought himself above the law:

Miguel Flores was a Northern Mexican cowboy. He comes from a world of weapons, where the pistolero was a real thing. He felt as if he commanded a kingdom outside of everything. He believed he was above everyone, above the community, even above the law and nobody could stop him. (NGO staff, Flores case interview)

Both Flores and his accomplice Gomez had police records in Hendry County, Florida – both as murder suspects, but the crimes were never proven. Flores also ran a cantina in Florida that was notorious for fights and murders. Eventually the community complained and tried to get it shut down. It was a mark of Flores' power in the community and in his criminal group that he was able to push culpability off onto others, as will be shown below. The size and organization of his criminal group allowed him to insulate himself, as a Border Patrol informant explained:

...It was well organized. When you can move pretty much 500 undocumented aliens in the state of Florida to Tennessee without losing your crew, that's pretty well organized. And

especially moving people that are in indentured servitude on a major interstate without losing people. And then to keep control of them – a certain population of your crew – feed 'em, move 'em and work 'em as he did – it was pretty well organized. He had mechanics, 24-hour mechanics that worked on buses and machinery. He had his fleet of four to five vans that made weekly trips, sometimes to Chandler Heights, Arizona to pick up groups. And when you can do that: get a major contract for hundreds and thousands of dollars, complete your contract, move the contract, smuggle, and keep them in indentured servitude – that's quite an organization.... (Border Patrol agent, Flores case investigator)

The situation of the Ramos family was very similar to that of Flores. Note how the description of the Ramos family is nearly the same as that of Miguel Flores:

When I met them, they are people that, in my point of view, always feel [they are] the kings. They do what they want... and no one messes with them. No one contests their authority. (NGO undercover investigator, Ramos case)

I believe they are well known as farm-labor contractors. The people up there are scared of them. They own that town. (Van driver, witness to Ramos' assault on fellow van drivers, Ramos case)

Like Flores, the Ramos family seemed to be able to protect themselves from other criminal charges:

I think that at one time, many years ago... they got their machines – they were making fake Green Cards. From the one I don't know if they actually – I really couldn't tell you if they proved it or whatever... I think they actually got the machine. It was how the Ramoses started over here. (H. County Sheriff's Deputy, Ramos case interview)

I know the Barajas family here, several of them got federally indicted for drugs trafficking. But they're related to the Ramoses [as in-laws], so... (H. County Sheriff's Deputy, Ramos case interview)

The *Ramos* case came to the attention of federal authorities after Ramiro Ramos was arrested for assaulting van drivers transporting workers from near Ramos' labor camp. When the police arrested Ramos, they confiscated a Llama .38 Super pistol and "an approx. four foot metal pole identified used to break the vehicle windows" according to the police report.

Also in Florida, the Cuellos operated on a smaller scale than the Flores or Ramoses:

Well, they are Latin Americans who really have just about forgotten that their parents arrived in the same way as the other workers, "with one hand behind and one hand ahead." ... And they are the type of people that believe that making money is more important than how it is made. (NGO outreach worker, Cuello case interview)

They were involved in the crime that seems the most common accompaniment of human trafficking, document fraud:

... the crew leaders – had obtained fraudulent documents for the illegal aliens and they had given them new identities. So each person had a set of ID cards, a fraudulent Social Security card and a fraudulent immigration document with different names other than their own identities. During the search of the house we found their real names and real identities – documents originating from their countries that were government issued documents saying what their true and correct names were and where they really came from and their true dates of birth. (INS Anti-Smuggling Unit agent, Cuello case investigator)

For all of these cases involving agricultural labor, a key additional crime was that of forced labor and all the additional potential violations to the labor codes that come with it. However, as will be discussed in more detail later, there is the difficulty that agricultural labor is exempted from a number of Department of Labor regulations that would otherwise be appropriate.

The case studies from Chicago represent smaller numbers and, especially in the Mishulovich case, a certain amateurishness that would be humorous were it not for the suffering of his victims:

He dabbled in things, but he's lazy. He always looked for the easy buck. I think he probably could've made more of himself. Everything about him was all a façade. He claimed to be a ladies man, a swinger. Really, he lived at home with his mother. (FBI agent, Mishulovich case interview)

The emerging acceptance of trafficking as the serious crime that it is, and the legal recognition of that acceptance in the Trafficking Victims Protection Act, has not always penetrated to criminals. Several perpetrators seemed to act in a belief that their actions were not serious. In the *John Pickle* case in Oklahoma, it seems that the Pickle Company simply wanted to avoid paying full rates for the Indian welders they brought over – and had no idea that they might be sliding into a much more serious crime of human trafficking. Likewise, Mishulovich seemed to see a little visa fraud and the control of Eastern European women in strip joints as a minor crime:

Tcharouchine [an accomplice] had a criminal record for petty stuff like shoplifting. He was only convicted for that, anyway. Mishulovich was a suspect in insurance fraud cases. Gorr [an accomplice] was a suspect in a health care fraud. Yes, it's typical for men like this to have some kind of criminal record. It's a way of life for them; they weren't virgins to the criminal justice system. They make a living from fraud and theft, but Mishulovich and Gorr had no convictions. They certainly didn't view trafficking as a big thing, just an opportunity to make money. (FBI agent, Mishulovich case investigator)

The importance of the Trafficking Victims Protection Act

While additional crimes have not necessarily been charged in these cases, the long period of criminal activity relating to each trafficking victim, and the significant number of potential charges linked to each, points to the importance of the legal framework of the Trafficking Act. Unlike crimes that occur as a single and limited event, the Trafficking Act in section 8.B. includes in the description of the crime of trafficking:

(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.

The importance is twofold. First, it allows the charge of trafficking to be brought if any one of the steps in the trafficking process is sufficiently documented. Second, it allows accomplices who are involved with only one part of the process to be charged with trafficking.

Crimes of Co-Conspirators and Accomplices

The *Flores* case in Florida is the best documented in terms of co-conspirators. Their operation included a mechanic, someone to keep accounts, truck drivers and other “transporters,” as well as enforcers:

My impression of Sebastian Gomez is of a pathetic but nasty little ex-Guatemalan military terrorist. He was the one who threatened people with cutting out their tongues if they tried to escape. For the Mayans, he reinforced the nightmares of what might happen if you try to leave. (NGO staff interview, Flores case)

They had all kinds of... gunmen, guys who were paid to carry a gun and be threatening. I remember clearly one of the guys we investigated was a half associate of Flores – we considered him a potential witness. One of the workers on a labor bus had noticed his gun. He pointed to it and asked him about it, why he had it. He said “It’s my job.”(NGO staff interview, Flores case)

While the *Flores* case was charged before the passage of the Trafficking Act, it would be interesting to consider what might have happened to the auto mechanic Flores hired had the case been brought later. The Trafficking Act includes “transportation” as an element of the trafficking crimes. As a Border Patrol informant explained:

As far as we know, Willy Driggers [Flores’ mechanic] never hurt any of the aliens. He was just their mechanic. He went in there, he fixed things and got out and he got paid in cash. (Border Patrol agent, Flores case interview)

Willy Driggers was not prosecuted, in contrast to the man identified as “Flores’ Coyote,” who was imprisoned and deported for other criminal activities:

His last name was Uruguayan. His first name was José or Juan Carlos or something like that. He was arrested in Clarendon County – or the county down from there? He got involved in a high-speed pursuit with a state trooper. And they caught him with I think

200 pounds of marijuana. And he was going to the compound with it. But he'd never break. And he was prosecuted for that; he did time, we put a detainer on him, he was subsequently deported as an aggravated felon and we never heard from him again. He was the guy that flew money back and forth and out of the United States to Mexico supposedly for Miguel Flores. And he was a recruiter for bringing groups across, staging them in Chandler, [AZ,] and then Sebastian Gomez' drivers would actually pick them up... (Border Patrol agent, Flores case interview)

The *Cadena* operation, involving a large number of women trafficked for prostitution linked to agricultural labor, also required a wide array of accomplices. For this operation one person acted as a recruiter in Vera Cruz, and then a smuggler was contracted to bring women into the country. Once the women were in the United States a “madam” took control:

There was one lady... “La Reina” [the Queen] or something like that. She was I think in charge of one or two of the houses and she floated around... She was at I think the house in West Palm Beach or the bar when they took them down...she was like an administrator type thing. Like a madam, she went around checking the books and stuff like that... Sometimes she'd take money at the door. She pretty much oversaw the operation of one or two houses and then she took turns going from house to house... They thought, maybe, by having her around that it would settle the girls down or whatever. (Border Patrol agent, Cadena case interview)

The “madam,” in turn, had assistance:

They had other relatives involved, too – like the wives of the brothers, they helped manage the brothels. It was an extended family operation.” (FBI agent, Cadena case interview)

At the top of the pyramid were the *Cadena* brothers, overseeing the operation and controlling it through their enforcers:

The brothers would have people like Rogerio watching the shops and brothels, collecting money, and so on – the day-to-day management of the operation. (FBI agent, Cadena case interview)

Size of operation and number of co-conspirators were found to be directly related to profitability. At one end of the continuum were the individual perpetrators who brought in a single trafficking victim, most likely as a domestic worker. In these cases, there was little profit except for the savings derived from exploiting unpaid labor. At the other end of the continuum were the large operations like the *Ramos*, *Cadena*, and *Paoletti* (Deaf Mexican) cases. In the *Paoletti* case, in addition to the smugglers, traffickers, and enforcers there were people managing a “stash house” in California, and a related group of criminal businesspeople in Chicago:

There were contacts in Chicago, but they were a bit different. That was a separate venture; it was not a creation of the people who created the venture in New York. But the people in Chicago had contact with the New York traffickers, so they exchanged slaves.

It worked out to be a kind of business deal – just a small venture involving six or seven people... (Asst. U.S. Attorney, Paoletti case interview)

Points of Intervention

A previous recommendation suggested assembling a protocol of potential charges that could be relevant and applicable to a trafficking case giving a guide to the evidence needed to bring each charge. This clearly applies to a consideration of related criminal activity. Trafficking and other crimes should be seen as a “two-way street” for investigators – the discovery of trafficking will uncover other crimes, investigating other crimes (money laundering, car-theft, organized begging, prostitution, weapons charges, document fraud, labor law violations, etc.) can illuminate a case of trafficking.

RECOMMENDATION: Training materials for law enforcement personnel should emphasize the links between trafficking and other crimes, pointing out which crimes may be strong indicators of the presence of trafficking.

RECOMMENDATION: As noted in the section on investigations, every suspect against whom there is sufficient evidence to justify the action should be arrested, no matter how minor or peripheral his or her role. The reason for this recommendation is that experience has shown that the major players in any network will often take full precautionary measures to conceal their part in the crime.

VII. Inter-Agency Collaboration

Inter-agency collaboration on trafficking cases can have several purposes: as has been seen in the case studies, NGO and law enforcement collaboration can help ensure a successful prosecution, and can help the survivor access essential services and benefits. Collaboration between different branches of law enforcement and government (e.g. border patrol and FBI; Department of Labor and sheriff’s department) can allow them to work to each of their greatest strengths. In this section, we highlight the ways in which agencies collaborated in the cases studied, and the benefits achieved. What we discovered is the striking extent to which agencies need each other to pursue their distinct purposes within each case. We also note how collaboration is essential to achieve the overall goal of justice for the victims – justice meaning legal recourse against those who have exploited them, and restoring the victim as a self-determining member of society.

Where does collaboration usually begin?

Under the Trafficking Victim Protection Act, a system has been set up to facilitate the provision of services and benefits to certified victims of “severe forms of trafficking.” Nongovernmental organizations most often provide these services. In most cases in this study, the assistance and recovery process began with NGOs, who supported the trafficking survivor in reporting their experience to the federal authorities. Yet not every human trafficking victim wants to denounce their exploiter. Service providers and advocates assist hundreds of victims in the most appropriate way possible, whether or not it involves calling in law enforcement.

Table 21. NGO assistance to victim during investigation

<u>CASE</u>	<u>Date</u>	<u>Crime location</u>	<u>NGO collaboration</u>	<u>Case prosecuted</u>
<i>Flores, et al.</i>	1992	Florida/ S. Carolina	Yes	Yes
<i>Mishulovich</i>	1996	Chicago	No	Yes
<i>Paoletti</i>	1997	NYC, Chicago, NC	Yes	Yes
<i>Cadena</i>	1997	Florida	Yes	Yes
<i>Cuello</i>	1999	Florida	Yes	Yes
<i>Tecum</i>	1999	Florida	Yes	Yes
<i>Satia</i>	1999	Maryland	Yes	Yes
<i>Ramos</i>	2000	Florida	Yes	Yes
<i>“Emilio”</i>	2000	Indianapolis, IN	Yes	No
<i>“Ruth”</i>	2000	Maryland	Yes	No
<i>Pickle, Co.</i>	2001	Tulsa, OK	Yes	Ongoing
<i>Chinese sex workers</i>	2002	Chicago	No	No

Was collaboration institutionalized in these case studies?

All of the cases examined in this study occurred before or at the very beginning of the establishment of inter-agency trafficking task forces. One outcome of this was that informants in the case studies revealed gaps in the human trafficking investigations:

We have a problem here with not having a unified system. Investigations must be unified and focused, but that's why [human trafficking] cases don't get investigated I think. The multiple bureaucracies that need to be involved means that such cases languish and get stalled. There are no uniform procedures in place, but there should be though. The law enforcement bureaucracy can be so slow. (FBI agent, Mishulovich case interview)

In the Midwest, where some of the information for this report was collected, an anti-trafficking task force was in the early stages of formation, but had struggled to maintain cohesion in the absence of an ongoing trafficking case.

There is a trafficking task force in the Midwest. We [the INS] were the only ones meeting for 1½ years. The INS, an immigration NGO, the police, and the U.S. Attorney were the main participants. We had more community groups and NGOs, but many of them started dropping out after no cases were coming up. (INS Anti-Smuggling Unit agent, Chinese sex workers case interview)

The other research locations, around Washington, DC and South Florida, have had ongoing trafficking cases. Institutionalized forms of collaboration, however, are not yet fully organized in these places. In Florida, a Human Trafficking Working Group has been established by the Center for the Advancement of Human Rights at Florida State University, Tallahassee. It is the first comprehensive inter-agency collaboration between law enforcement branches, NGOs, legal advocates, immigrant communities and others.⁷⁸

NGO involvement - Examples of successful forms of cooperation

There have been notable examples of successful inter-agency cooperation in the twelve case studies. We look at some of the examples below.

a. NGO involves FBI and immigration advocacy center

In the case of Emilio, the Argentine national trafficked for forced labor in a Chinese restaurant, Emilio sought the help of a worker rights NGO. This organization put Emilio in touch with the FBI and Emilio denounced his trafficker. The FBI opened an investigation while the worker rights NGO linked Emilio to an immigration advocacy center that helped him prepare a T visa application.

b. U.S. consular officials involve FBI agents

The *Mishulovich* case is an excellent example of collaboration between a Department of State agency, the U.S. Embassy in Latvia, and the FBI. When the U.S. consular officials suspected fraudulent visa applications, they called the FBI Eastern European attaché, which initiated the criminal investigation into Mishulovich's trafficking operation. A Chicago-based FBI agent was assigned to lead the investigation, which required cooperation from foreign-based FBI liaisons and Department of State officials.

c. FBI and Border Patrol collaborate

One form of inter-agency collaboration that proved to be consistently successful was investigation involving both FBI and immigration agents. For example, in the *Cadena* case, the FBI investigator worked very closely with a Border Patrol investigator. The lead FBI investigator commented:

We were running around together in most instances—dividing up the responsibilities. The Border Patrol had a primary role in the investigation. We worked together. [We got over the] obstacle of having two lead agencies by taking the case task by task – taking them as they came up necessary. ... if it wasn't for the INS, they [the victims] would've been gone. (FBI agent, Cadena case interview)

d. NGO legal advocates assist Department of Justice in prosecuting and Border Patrol investigating.

The *Cadena* case is another example of a successful collaboration in which an NGO provided assistance to victim witnesses. In the *Cadena* case, NGO legal advocates who assisted the trafficked women helped law enforcement agents gain access to the survivors. The advocates were present when agents interviewed the women and managed all meetings between the survivors and the Department of Justice. The advocates also found homes for the survivors in a domestic violence shelter; made sure the women's basic needs were met, and arranged for language training and educational courses. The FBI agent commented:

I credit the immigrant advocacy center with providing the actual services to the victims. The Justice Department facilitated the involvement of the agency. They have done wonders. In doing so, the Justice Department had slain the bureaucratic dragon – they freed us [the FBI] up to do our investigation and get help in talking to the victims, so we no longer had to play the social workers. (FBI agent, Cadena case interview)

In the *Cadena* case, a farmworker NGO, experienced in working with trafficking victims and federal trafficking investigations, also helped key victim witnesses feel comfortable about cooperating with federal authorities. A Border Patrol investigator described:

We were having a problem with a couple of the girls and they wanted to go back. They pretty much wanted to forget it. We couldn't get them to take ownership of the case, so we thought by bringing peer counselors, female members of the farmworker NGO, would help smooth it over... Basically, we brought the NGO in to go ahead and do the woman to woman thing with them and everything else and it actually worked out pretty well, because she actually persuaded the ones that were having a little a bit of a problem in coming actually across to go ahead and testify because they were scared. (Border Patrol agent, Cadena case interview)

e. Department of Justice seeks assistance with obtaining witnesses and evidence from NGOs based in the U.S. and abroad

In other successfully prosecuted cases, Department of Justice prosecutors and investigators sought the assistance of community organizations both in the U.S. and abroad to gather corroborating evidence. In the *Tecum* case, the Civil Rights Division prosecutor sought the help of a Guatemalan NGO to contact witnesses for the case.

I made contact with a NGO in Guatemala to help get the family involved (in the trial). The NGO contact helped the family get their passports and come to the U.S. to testify. So, there was an excellent contact who knew what to do to help get the victim's family. I found him through the farmworker NGO in South Florida that assisted trafficking victims in the Cuello case. The Guatemalan NGO contact drove to the mountains, convinced the family to come to the U.S., helped them go get their passports, got them to the airport, and helped them get on the plane and met them when they got back. The most critical aspect of his help was that he conveyed to the family that he was one of their people to gain their trust and that testifying was an honorable thing to do. The father's testimony was very important. (Dept. of Justice Criminal Section prosecutor, Tecum case interview)

The *Tecum* case involved a jury trial and was successfully prosecuted.

f. Local police arrange NGO provision of services to victims.

In the West African domestic servitude trafficking cases in Maryland, NGOs facilitated the social services and legal representation of the victims from the very start of the investigation. In the case of the trafficking survivor from the Ivory Coast, the local Maryland police officer used community contacts to get her peer support and legal representation. The police officer explained:

I wasn't sure how to move forward, how to proceed. Once the domestic workers rights NGO explained what her group could do, I saw that there was something that could be done. We were able to provide an escort. (Maryland Police officer, Ruth's case interview)

The NGOs proved to be essential liaisons for federal investigators. The INS investigator of the *Satia* case confirmed, "The legal services center was very helpful. They acted as mediators between the victims and government officials."

g. NGOs ensure safe accommodation of victim witnesses.

In most of the case studies, NGOs, service providers, community groups, and advocates have taken the lead to ensure the safety of victim witnesses. In both the *Cuello* and *Ramos* cases, for example, a farmworker NGO arranged for housing at a confidential location. There, trusted NGO members watched over the liberated workers and acted as peer counselors. The NGO alerted federal investigators and facilitated the Department of Justice contact with the victim-witnesses. One FBI investigator declared:

The farmworker NGO acted very quickly – they got the victims jobs and housing, etc. We [the FBI] wouldn't know how to do it...They were the go-between with the victims and us.

We wouldn't have been able to access witnesses without them. (FBI agent, Ramos case interview)

h. NGOs encourage victims to come forward to denounce traffickers.

By using peer counselors instead of mental health experts or social workers, the farmworker NGO used a non-Western approach to ensure the safety and stable recovery of the trafficking survivors of the *Flores*, *Cuello*, and *Ramos* cases. One farmworker NGO staff worker explained:

The important thing was to integrate them into a community which would “ground” them. The peer counselors played an important role of helping the ex-captives feel safe and comfortable. They helped the victim understand the process of the federal investigation and prosecution.

In both the *Cuello* and the *Ramos* cases, the NGO peer counselors explained to the victims their rights and what they could do to be protected. The farmworker NGO also explained to the trafficking victims how they could contact law enforcement agents to seek justice and stop future abuse. In both the *Cuello* and *Ramos* cases, the trafficking survivors chose to denounce their traffickers to the U.S. Department of Justice with the help of the farmworker advocates.

i. NGOs help law enforcement locate victims and witnesses

In the *Flores*, *Cuello*, and *Ramos* cases, a farmworker NGO was essential to locating and accessing victim-witnesses. In the *Flores* case many of the trafficking survivors had escaped and moved around the Southeastern U.S. working in the agricultural harvests. Such witnesses are difficult to find as they seldom have a fixed address or telephone. One Border Patrol investigator commented, “... a lot of those witnesses, they just disappeared. And if it wasn't for the farmworker NGO, we would've never found them and we would've still probably been spinning our wheels.”

Federal investigators of the Florida-based agricultural slavery cases learned to build a rapport with the farmworker NGO that sheltered trafficking victims.

The NGO nudged us constantly. But that's what they do. That's what they should do. It can be annoying but in the end, we'll respond. We'll go down there and investigate their allegations. And they do good screenings—they don't just bring us duds. Their leads are all reliable. (Department of Justice prosecutor, Flores case interview)

The South Florida farmworker NGO proved to be a reliable source for federal agents and prosecutors as they assisted survivors in the successful prosecution of five human trafficking operations over five years.

What can go wrong with inter-agency collaboration?

There have been notable examples of unsuccessful inter-agency cooperation in the twelve case studies. We look at some of the examples below.

a. Possible conflicting objectives between NGOs and law enforcement

Some Department of Justice and federal investigators expressed concern about the intense involvement of NGOs in criminal investigations:

This is always a double-edged sword because the interest of the prosecution goes to developing evidence against the perpetrators whereas community based organizations (CBOs) always concentrate on needs of victim. It takes a while to build a relationship but that is worthwhile as the CBOs often act as liaison of comfort, soothing the victim in ways that the prosecution cannot since it would bias the case. (Assistant U.S. Attorney interview)

Federal investigators and prosecutors repeatedly cited the conflict between federal agencies and NGOs as a stumbling block.

The victim advocates sometimes got in the way, to put it bluntly. They expected too much... They didn't trust the federal government to be able to do what's right. That's not helpful. I got into more arguments with the advocates than the defense counsel! (Asst. U.S. Attorney interview)

I feel like there's a wall built up by the community organizations to block people from coming to the INS. It seems that the communities and NGOs are advising people not to come to INS, that all we want to do is deport people. And the NGOs are advising the police not to report cases to the INS, using the city ordinance that prohibits the police from inquiring immigration status.... But a crime referral is not an inquiry into immigration status. They should know that when they call us it's not to do a status check, but to investigate a crime. There's a big difference. (INS agent interview)

b. NGOs becoming caught up in legal cases

While federal investigators and prosecutors rely on NGOs to assist victims and thereby free up resources to focus on the criminal case, they warn against NGOs becoming too active in a case lest they spoil witnesses or make themselves witnesses.

The NGOs are instrumental in getting to victims, but law enforcement needs to build their own separate relationship with the victims. The NGOs can't be intimately involved in the case because it then looks like they have an agenda against the defendant, which the defense picks up on and accuses them of going after employers. (Department of Justice prosecutor)

c. Conflicts between law enforcement agencies

The case studies also revealed patterns of conflict between federal law enforcement agencies. Rivalries between the FBI and other federal law enforcement agencies were particularly salient.

I brought in the case early on and after that I sensed some micro-managing going on. I first approached the U.S. Attorney's office to request subpoenas.... First of all, let me mention that there was some tension between the U.S. Attorney's office and the FBI. The U.S. Attorney's office does things differently than the FBI... I would say that we had our professional agreements on certain issues – that's all. (FBI interview)

Conflicts between immigration authorities and FBI also stood out:

There's only been two joint cases with the FBI and they didn't turn out so well. The lead came to me (INS). I started to research it, but the FBI felt it should be their case. I disagreed because they're not the experts on smuggling – that's the INS' job. It was sad to lose the case. In the end the victims didn't get help. They could've been assisted if we got the case. But, for some reason agencies believe we'll deport. I'm sure we [law enforcement] could have done better if the case had been handled through a joint approach... (INS interview)

Department of Justice prosecutors and immigration authorities alike were critical of the FBI's capacity to investigate agricultural trafficking cases.

I'm not going to point any fingers at the FBI, but hey, something happened at that time-frame. It's just like us with short manpower. I don't know how many field agents they got in Miami, but it was... And I think at that time, [they did not see] a slavery issue really. If you really looked at it, it was a farming community and things go on in the farming community. It's been accepted for years... (Border Patrol interview)

Part of the inter-agency criticism of the FBI focused on what was perceived as a lack of commitment to human trafficking investigations. One Department of Justice prosecutor commented about the investigation of a Florida agricultural trafficking case:

It was incredibly frustrating—we needed certain things to prosecute the case, but had trouble getting it with the agents we had. We spent two years working with the federal agents in Florida, going back and forth, and I don't know if they were as committed to the case as we were. (Department of Justice prosecutor interview)

An NGO voiced similar criticisms of the FBI's capacity to investigate human trafficking cases:

If it was left just up to them, they are not able to do the investigation... First of all, they cannot speak Spanish, they do not have agents that speak other indigenous languages, so how are they going to investigate cases like this? (NGO outreach worker interview)

Such inter-agency rivalries and conflicts, whether based on fact or personal viewpoints, inhibit the multi-agency collaboration required to increase prosecutions of human traffickers.

d. Problems securing cooperation from local police in rural areas

Difficulty in gaining local police cooperation was cited as a challenge to investigating rural human trafficking cases. Federally protected civil rights have not always been consistently ensured in some rural areas of the United States. Unfortunately, some local law enforcement agencies in rural areas have presented obstacles to federal investigations. A Border Patrol agent commented:

You had to be careful because sheriff's offices are sheriff's offices. They have, not everybody, but you know, in small communities – loyalties run deep in some of those places. (Border Patrol interview)

A case study interview with a sheriff's deputy in a county that was the scene of forced labor in agriculture revealed that the county sheriff himself owned citrus groves. When local law enforcement personnel are engaged in agricultural business and traffickers are supplying labor to businesses in that area, there is an unfortunate potential for the appearance of conflict of interest.

e. Problems getting other government agencies involved

Aside from inter-agency rivalries, federal investigators had difficulty gaining assistance from other federal departments. For example, in the *Flores* case investigation, the Border Patrol and the Department of Labor investigators requested assistance in investigating possible tax fraud. Unfortunately, the IRS was not cooperative:

We called IRS to investigate Flores; they didn't want to touch the guy... We said, this is his stuff, we've got it, and it's a legal search warrant, the whole nine yards and everything else, and I said we'll spread it out for you. For some reason, I don't know what reason, they never gave it to us, but pretty much they just didn't want to do him, and it was an open and shut case of just, you know, tax fraud is what it was... (Border Patrol investigator)

Federal investigators of the *Satia* case cited another missed opportunity. The investigators sought help from the Department of Labor to investigate possible Wage and Hour violations. Again, the other federal agency was uncooperative:

I needed wage and hour information and calculations. The victim coordinator for the Workers Exploitation Task Force said, "you need to go to the Dept. of Labor." All they did was send me this chart, showing minimum wage rates for the past thirty years. I thought that someone at the Dept. of Labor, when they have a case, actually sits and does the calculations for you. (FBI interview)

Perhaps in this example the inter-agency conflict was a simple misunderstanding. The Labor Dept., however, could have clarified the wage and hour calculation or assisted the FBI investigator in assessing the unpaid back wages.

f. Lack of victim service agencies within whom to cooperate

The last major institutional hurdle in the *Tecum* case was the lack of victim assistance services. In the *Tecum* case the federal investigators struggled to find secure shelter nearby for the trafficking survivor. A Border Patrol investigator commented:

...the federal government didn't have any needed place, a shelter for the victim, any programs in place, so we would have to use the state. And there was some reluctance, there was a lot of negotiating, a lot of bureaucracy – it was climbing walls, it was a lot of barriers right there, in that, of course, because one thing that determined, it was the federal government, there was more fees added on to it... (Border Patrol interview)

Fortunately the *Tecum* case was successfully prosecuted. The Trafficking Act and the formation of a Florida anti-trafficking work group have now corrected some of the problems caused by the lack of victim assistance services. Florida, however, is one area of the U.S. that has successfully mobilized formal inter-agency collaboration; this is not the case in other parts of the U.S.

g. NGOs are not always ready to cooperate to meet the needs of trafficked people

NGOs also have difficulties in cooperating. Not all NGOs and social service providers are equally sensitive to the needs of, or trained to assist, trafficking survivors. In some of the cases there were disagreements between NGOs. A mental health services coordinator in New York commented on the difficulty of working with other social service providers in the *Paoletti* case investigation:

People just didn't get it. Most service providers came from homeless shelters and so on. They were very regimented – sometimes the survivors got angry with food provision, etc. There were a lot of misunderstandings. The homeless shelter people, the staff, didn't have a clue about why the trafficking survivors were here illegally and why the government was doing this for them.

Similarly, in the Florida-based *Tecum* investigation, Justice Department prosecutors had difficulty finding appropriate shelter for the trafficking victim. Some service providers were not sensitive to the complex needs of trafficking survivors, which are usually different from their usual clients' needs.

In the Tecum case we had a bit of trouble with the ... children's shelter. When they established that the victim was 18, they wanted to kick her out. They didn't want to hold her. One little thing like that could send the case into a downward spiral... (Department of Justice prosecutor)

Despite the challenges of inter-agency collaboration, the case study informants agreed that NGO involvement to assist victims cannot be separated from the investigation.

Points of Intervention

Nearly all of the problems arising that obstruct inter-agency collaboration can be addressed through the development of a regional anti-trafficking taskforce. The development of a task force before the appearance of a trafficking case means that lines of communication are established between agencies, questions of the potentially divergent interests of law enforcement and service providers are discussed ahead of time, and, perhaps most useful, joint training can take place using different trafficking case scenarios.

RECOMMENDATION: Anti-trafficking Taskforces should be formed. These would include local, state, and federal law enforcement, other local, state, and federal agencies, service providers and advocacy groups, local press, and potentially interested groups like local churches. The taskforce can then work through training and planning for trafficking cases, addressing and resolving areas of potential conflict and ensuring that open lines of communication exist.

VIII. Conclusions and Recommendations

Ignorance of the crime, lack of sensitivity to victims, lack of training and familiarity with the crime on the part of law enforcement, and the demand by the public for cheap goods and services all contribute to the continuation of trafficking and forced labor in the United States. What must be remembered is that this is an ongoing, underground, and brutal exploitation of men, women and children. It is a hidden crime that preys on the most vulnerable – the poor, the uneducated, children, and especially, the impoverished immigrant seeking a better life. It is a profound violation of human rights being perpetrated in the cities, suburbs, and rural areas of the United States. Yet, for all its severity and breadth, trafficking can be stopped. The criminal enterprises that exploit forced labor are small and fragmented. The general public, when they understand the problem of human trafficking, are outraged and willing to see resources devoted to its eradication. Demand for forced labor in many sectors can be extinguished by increasing the cost of its use, in part by increasing both the likelihood and severity of penalties for this crime. The likelihood of apprehension can also be increased if all levels of law enforcement are trained and brought to bear on the problem. These actions can be taken within the United States, and if they are combined with raising public awareness in countries of origin, enabling safe and legal immigration and the improvement of economic opportunities in the developing world, the supply of people vulnerable to human trafficking can be reduced as well. The United States does not suffer from the internal corruption and lack of resources faced by many countries that are fighting trafficking. With commitment and resources, trafficking and forced labor in the United States could be eradicated. What follows are recommendations that might support that eradication.

Law reform

The U.S. Government has made significant progress in strengthening its legal framework with reference to trafficking and forced labor. The Trafficking Victims Protection Act is an important step toward setting appropriate penalties for those who exploit forced labor, decriminalizing the victims of forced labor, and establishing systems for their support. The Trafficking Act is a good foundation on which to build, but the structure of a planned response to forced labor needs completion. The components of this structured response are to be found at several levels, from ratification of international instruments to support for the enforcement of local laws. At the most basic level two tasks are needed, first, to examine and refine existing laws to close gaps in enforcement as well as care for victims, and second, to ensure the effective and pervasive coverage of those laws across all economic and geographic sectors. To accomplish these broad aims the following specific recommendations would apply:

1. The U.S. government should ratify the ILO Forced Labor Convention (No. 29); the International Convention on The Protection of The Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of the Child, in order to bring the nation into agreement with internationally accepted standards.
2. In its involvement with international institutions the United States government, especially when affecting the determination of requirements placed on countries in

- the developing world by financial institutions in which the U.S. has a leading voice, should ensure that social protections and education are protected and enhanced.
3. The U.S. government should amend labor laws to protect farmworkers and foreign temporary workers. The National Labor Relations Act should be amended to define agriculture and domestic workers as employees. Likewise, the Fair Labor Standards Act should be amended to make agricultural workers eligible for overtime pay. This would allow Department of Labor inspectors access to areas not currently part of their mandate, areas that are known to conceal trafficked workers.
 4. Labor laws should be amended to make companies that rely on subcontracted labor responsible for protecting those workers. Some businesses and employers are indirectly “purchasing” trafficked workers, such as agricultural businesses or restaurants, by obtaining labor through sub-contractors. Since the trafficked and exploited workers are employed on the premises of the contracting business, policy makers should make the sub-contracting of trafficked workers a violation. A potential fine or other punishment would make contracting businesses more careful about and watchful over the workers they use. This would entail amending the Trafficking Act to require that any corporation which “knows or has reason to know” that there is forced labor in any of the materials or production of its products should be liable. The U.S. government should also prohibit the sale of products made, in whole or in part, with the use of forced labor within the borders of the United States, similar to Title 19 USC sec. 1307 (the Forced Child Labor Trade Law).
 5. Customers of businesses that are sexually exploiting trafficked men, women, or children in prostitution are not normally liable for any legal violation except “patronizing a prostitute” or similar charges. The use of a trafficked person forced into a situation of sexual exploitation should be made a separate and serious offense.
 6. In addition to extending liability for forced labor to those who benefit from it, both federal and state governments should establish programs that support and reward businesses that actively pursue best practices in protecting labor conditions in their product chains. Small alterations in the business tax regime could deliver significant support to businesses demonstrating active corporate responsibility.
 7. Lawmakers and policy makers should consider ways to open safe and legitimate pathways to migration into the United States to meet the demand for foreign workers.
 8. The U.S. government should consider gender sensitive migration policies to protect women who migrate to the U.S. to be employed as domestic and guest workers in low-wage industries. One suggestion would be to amend the requirements for B-1 visa holders to be able to change employers. At present, domestic workers who hold B-1 visas are required to remain with their original employer or face removal from the country, making them especially vulnerable to exploitation. Another suggestion would be to amend provisions of diplomatic immunity to foreign government

employees in the United States to make them liable for prosecution when they have engaged in forced labor or human trafficking.

9. Support should be given for the enactment of laws concerning human trafficking and forced labor in the individual states. At present, the total volume of forced labor cases exceeds the reach of federal law enforcement agencies, and the support given to survivors of forced labor is linked to federal programs and entitlement. State laws that criminalized trafficking and forced labor, increased existing penalties, mandated local law enforcement cooperation with federal law enforcement in trafficking investigations, and, especially, gave trafficking survivors access to state social service provision would both increase the total number of prosecutions and protect and support a larger proportion of forced labor survivors. At present only Washington State and Texas have enacted anti-trafficking laws, and these, while an important beginning could be strengthened.
10. Many survivors of trafficking and forced labor go through long and arduous experiences of insecurity after liberation. One source of this insecurity is the stringent requirements and lengthy process needed for the awarding of a T visa. This is a recommendation that extends across legal reform, law enforcement practice, U.S. agency procedure, and the involvement of social service providers, but what is needed is a streamlining of the T visa application process so that both survivors and prosecutions are better served. It is also important to make the T visa process more transparent. A tracking system is recommended that would allow applicants to know the location and status of their T visa application, and make certain that all participants understood the necessary requirements and deadlines.

Law Enforcement

One of the greatest barriers to the eradication of human trafficking and forced labor in the United States is the lack of criminal intelligence on trafficking. While the routes and flows of illegal drugs have been studied, the emergence of the traffic in human beings is requiring a new effort in information gathering. While it is known that many of the same criminals traffic in drugs, guns, and people, law enforcement personnel have found it more difficult to identify a trafficked person when they are found. “If I find a bag of cocaine, I know what to do,” one law enforcement official explained, “but if I open the back of a truck and find ten people, are they smuggled? Are they trafficked? Which one is the perpetrator and which are the victims? And the chances are that they will speak a language that I don’t know, and the important first minutes of investigation will be blocked.”⁷⁹ Often, cases of trafficking come to law enforcement from social service agencies, but these two groups may have differing, even opposing, goals for the forced labor survivors. There is a tension between encouraging law enforcement to crack down and prosecute and punish perpetrators and at the same time asking for an increased concentration on the appropriate treatment for victims and survivors. While law enforcement needs witnesses to clearly recount their victimization, social service agencies seek to help the survivor recover and move on from their experience. Likewise, social service providers sometimes feel that law enforcement takes over control of the victim in order to best serve the prosecution of perpetrators, but not always in the best interest of the survivor. This contrast in organizational

goals, and approaches to the survivor, points to the need for increased collaboration. Both sides of this equation need to be supported in tandem and in recognition of the other.

Though not normally thought of as a law enforcement agency, the Department of Labor has an important role to play in stemming forced labor. The U.S. government should allocate more resources to the Wage & Hour Division to be able to hire, train, and mobilize more investigators. Also, the Bureau of Immigration and Customs Enforcement should work more closely with the Wage & Hour Division when investigating employers of undocumented workers. In this way, labor law violations might be investigated simultaneously with immigration law violations. It would be necessary to protect undocumented immigrants from deportation *at least* during a labor law violation investigation and prosecution. Finally, to protect trafficking survivors from being re-trafficked, the Department of Labor should be authorized to issue endorsements for forced labor survivors applying for “certification” and T visas if they have cooperated in a Wage and Hour Division investigation of a forced labor case.

Increased prosecutions will help in stemming forced labor by communicating to employers and organized crime that the U.S. government will not tolerate forced labor. The following are recommendations for achieving more prosecutions:

- 11.** One of the most important factors limiting prosecutions is the lack of criminal intelligence on trafficking. To rectify this, federal agencies must cultivate a strong working relationship with local nongovernmental organizations, community organizations, service providers, and the general public who identify and assist victims of forced labor.
- 12.** There is a need to allocate federal funding to nongovernmental/civil society groups with experience in locating and assisting victims of forced labor to train law enforcement agencies at all levels. There are simply too many agencies throughout the U.S. for the federal government to train alone.
- 13.** Personnel in some agencies are more likely to encounter forced labor than others. Every ICE and USCIS officer should have basic training on trafficking for forced labor and sexual exploitation so they can better detect cases when investigating immigration law violations. The U.S. government should allocate more resources to the Wage & Hour Division of the Department of Labor to be able to hire, train, and mobilize more investigators.
- 14.** Not surprisingly, cases of trafficking and forced labor are often first uncovered by local police. To ensure that these cases are rapidly brought to the attention of appropriate agencies, communication and intelligence sharing mechanisms are needed between law enforcement agencies. One way this could be achieved would be through joint training sessions.
- 15.** Anti-trafficking Taskforces should be formed. These would include local, state, and federal law enforcement, other local, state, and federal agencies, service providers and advocacy groups, local press, and potentially interested groups like local

churches. The taskforce can then work through training and planning for trafficking cases, addressing and resolving areas of potential conflict and ensuring that open lines of communication exist. Such taskforces smooth the movement of survivors to appropriate service providers, and increase public awareness and vigilance. Such taskforces can be mandated by laws within the individual states, as well as supported directly from federal agencies.

- 16.** The federal government should mandate funds to support victims of forced labor immediately upon their liberation. This would allow them time to get to safety, gain needed medical care, and make an informed decision about whether or not to cooperate as a witness in an investigation and prosecution. Funds would be directed to social service providers to be able to make benefits available unconditionally for people who have fled captivity and are being assessed for human trafficking and forced labor. At present there are only limited funds available to service providers who already have a contract with the Office for Victims of Crime.
- 17.** There should also be support for improving survivors' understanding of the criminal justice process to enhance their cooperation with law enforcement and prosecutors. It is in the interest of law enforcement to prepare materials that will help survivors know both their rights and the challenges of taking part in prosecutions.
- 18.** FBI agents should be permitted to travel beyond local district boundaries when investigating forced labor and human trafficking. In conjunction, a reserve of "rapid response" funds should be made available from which forced labor investigators could draw to travel in order to immediately follow up on evidence or criminal intelligence leads which might be crucial to a case, but otherwise elusive if not responded to immediately.
- 19.** The federal government needs to allocate more funds to hiring and training more Civil Rights agents for the FBI and Department of Justice Criminal Section. FBI agents trained in investigating civil rights violations are best equipped in their agency to investigate forced labor.
- 20.** Cases that have had the benefit of law enforcement personnel with trafficking experience are more likely to lead to successful prosecutions. To ensure knowledge progression, agents with little or no experience investigating human trafficking should be paired with an experienced agent.
- 21.** The case studies suggest that a multi-agency approach is most likely to lead to a successful prosecution. Emerging information points to the formation of local and regional task-forces as the most efficient way to bring about multi-agency cooperation on trafficking cases.
- 22.** Investigators must be aggressive in collecting corroborating evidence, and should pay particular attention to records kept by the "employers". Corroborating witnesses can

be difficult to find and maintain contact with since they are often from the same migrant and transitory community as the trafficking victim.

Social Service Provision

Across the United States social service providers are trying to meet the needs of trafficked persons and survivors of forced labor. For the most part these are agencies that were established to serve another client base, such as survivors of domestic violence. Because their services were not designed to serve survivors of trafficking or forced labor, they are addressing this clientele without specific procedures or accumulated expertise. This is due, in part, to a lack of training and information about trafficking and forced labor. Without such information and training, several problems occur. One is an inability to identify cases of trafficking and forced labor when they are met. A second difficulty, based on a low understanding of the issue, is a possible lack of sensitivity to victims and survivors, both to their unique cultural backgrounds and to their shared experiences of forced labor.

Yet, even if they obtain high levels of understanding, social service agencies are inadequately resourced to help those who have been freed from trafficking and forced labor. This can be seen throughout the sequence of events that begin with the discovery of a case. First, there are no systematic ways in which forced labor survivors come to social service agencies; most often it is by chance. Most social service agencies do not have the resources or the capacity in personnel to be able to conduct outreach which might result in identifying more trafficking survivors who may need assistance. Second, given that most forced labor victims on the United States are foreign nationals, they often need interpreters to express their needs and assist those agencies that are trying to help them. The limited staff of most agencies will not include interpreting skills across the wide range of languages spoken by victims of forced labor. This shortage of resources is clear in both the lack of emergency funding needed for survivors immediately after liberation, and in the lack of funds needed to supply basic food, housing, clothing, medical care, and transportation over the months needed to apply for and receive the benefits that accompany T visa certification. Many survivors may not have the opportunity to apply for the T visa, and the funds to support them must be found as well. If a trafficking survivor is certified for a T visa and its benefits, the resulting benefits still fall below the federally recognized minimum poverty line.

Cases are often complex, adding to the burden of supporting survivors. The crime of trafficking and forced labor normally encompasses a host of other crimes, from falsifying documents and immigration violations, up to crimes of extreme violence such as torture and rape. Each of these crimes has a set of needed responses, some minor, others that will be intensive and long-lasting. Mental health issues, physical health concerns, legal problems and challenges, cultural differences, the basic requirements of food, clothing, and shelter, and the ongoing threat of violence, sometimes to the survivor and sometimes to their loved ones in the country of origin, must all be balanced and coordinated in the way that best serves the survivor.

If there is a decision by the survivor to request repatriation, further questions arise about how best to ensure the safety and viability of the survivor in their country of origin. With the best will in the world, agencies whose primary mission may be the support of another target clientele,

will find it difficult to resource services to survivors of human trafficking. This difficulty can be increased if the agency must operate in a community with anti-immigrant sentiments. Given these challenges, certain recommendations are possible:

- 23.** Given the complexity of trafficking cases, social service agencies should work to build interagency relationships and identify a Point of Contact within each organization to streamline interagency collaboration.
- 24.** The T visa system is not working as smoothly as it might. Delays in the provision of T visas leave victims, and the law enforcement agencies relying on those victims as witnesses, in a state of uncertainty. Emphasis needs to be placed on rapid and efficient provision of T visas with an eye to enhancing and speeding prosecutions.
- 25.** Unlike many constituencies of need, for example, the homeless, victims of trafficking and forced labor represent the outcome of international criminal practice. While local social service providers may not normally work with such organizations, there are agencies that operate at the international level on issues of trafficking and forced labor. For that reason it is important to increase the sharing of information and build links between domestic and international service providers
- 26.** With the growth in understanding of trafficking and forced labor, procedures and mechanisms are being developed for best serving the needs of survivors. Treatment and service protocols need to be developed to clearly define agency and organizational roles in order to reduce duplication of efforts, as well as ensure all the survivor needs are met.
- 27.** At present several organizations have begun to compile lists of services and experts that might serve cases of forced labor and trafficking. The criteria for inclusion in such lists vary and none are complete. It would serve the interests of the U.S. government if it were to establish and maintain a database of agencies and experts ready to address cases of forced labor. A centralized database, available at all times, would be an important aid for those confronting such cases.
- 28.** In much the same way, it would be useful for the U.S. government to develop a national trafficking and forced labor survivor service provider referral list. This database would be held confidentially by the U.S. Dept. of Justice in order to protect the identities of service providers and their clients from traffickers and their associates. As before, some lists have been started, but none are comprehensive.

Training

Since the passage of the Trafficking Act there have been several initiatives to develop and support training for the various actors concerned with trafficking and forced labor. Training materials have now been developed and are in the process of testing and refinement. The Office for Victims of Crime, the Office of Refugee Resettlement, the Department of Justice, and nongovernmental agencies, have all been involved in extending training. This training, however,

has yet to reach a majority of those concerned with forced labor. At the same time the content of training materials still has room for improvement in two ways. The first needed improvement of training materials is simply to increase their depth and comprehensiveness. The fact that few agencies have long-lasting or extensive experience with trafficking and forced labor means that there are indications of good practice, but there has been insufficient time and testing to determine “best practice.” This refinement of training materials will come with time and experience. The second area of needed improvement is to build training programs that are aimed at the whole community rather than single types of participants. Obviously, training for law enforcement will have many different components compared to training for service providers, but, ideally, they will be operating in cooperation and often on the same cases. An effective response to forced labor must mobilize all parts of the community; training is a logical place to begin that integration. Specifically, we recommend:

- 29.** Those supporting the development of training materials should ensure that those materials include training in collaboration, coalition building, and team building.
- 30.** Existing training programs should be independently evaluated to determine how training might be improved and extended.
- 31.** Training should be extended both in breadth and depth. More and more communities, agencies, professionals, and citizens need to be trained in skills appropriate to their potential role in the identification and eradication of forced labor. The same constituencies need to be given in-depth knowledge into more and better ways to achieve identification, liberation, and support for survivors.
- 32.** U.S. diplomats should be trained in how to work with local officials in specific cases to make arrangements for the protection of victims of trafficking who have been repatriated and their families.
- 33.** Law enforcement personnel at all levels are often unclear about the provisions and requirements of the Trafficking Act, not surprising given its relatively recent passage. Since it is one of the key weapons in the fight against forced labor, it is important to increase understanding of the Trafficking Act and its accompanying rules and regulations across all levels of law enforcement. Every police officer needs basic training on trafficking and how to recognize the warning signs of a trafficking case. The Department of Justice or a similar federal agency should invest in the development of a training video/DVD that can be disseminated to all police departments.
- 34.** For illicit or informal businesses using trafficked workers the most effective point of intervention may be undercover investigations. There are now some law enforcement personnel who have gained experience in such investigations. These officers should be called upon to help prepare and deliver training to law enforcement personnel tasked with rooting out trafficking.

Public Awareness

A critical need within the United States is for an increase in public awareness of the crime of trafficking and forced labor. This is especially true given the hidden nature of this crime. Since many law enforcement personnel have difficulty identifying trafficking, it is not surprising that the general public also fails to recognize it. That said, private citizens have identified many cases of forced labor and reported them to the authorities. Often, this identification has not been precise, it has not been a realization that human trafficking and forced labor is occurring, simply that a private citizen feels “something is not right” and reports their concerns. Given the propensity of the American public to participate in such crime reduction schemes as “Neighborhood Watch”, helping the public to recognize forced labor could only increase the number of cases uncovered.

Public awareness work has commenced in the United States but in a fairly uncoordinated manner. The issue has been dealt with in newspapers and magazines as both news reports on individual cases and as feature articles. In 2003 several national wide-circulation magazines took up the issue. Additionally, as a topic, human trafficking and resultant forced labor, has been explored in a number of radio and television programs. It has been presented both within factual, discussion-format programs, and included in the plots of fictional drama programs. Shorter, informational, materials have also been aired, primarily in the form of public service announcements. Within the total volume of media information flow within the United States, however, the amount of programming and coverage linked to forced labor has been negligible. The “noise to content ratio” of American media is so large that, unless there is a very well-resourced, long-term, and coordinated public awareness campaign, the issue of forced labor will remain outside of public consideration. While existing public awareness efforts have helped raise a general public understanding of the issue, there has been no research to determine how far and how deeply into the public consciousness such ideas have reached.

Whether American consumers who benefit from forced labor know they are doing so, or are ignorant of the suffering that supports their purchases, they are still driving the demand for forced labor. However, when educated through effective public awareness campaigns consumers and consumer advocacy groups can play a role in eliminating forced labor from the production and supply chains of the products they consume. The role of American consumers in eliminating forced labor cannot be underestimated. Consumers can pressure companies and industries to take responsibility for the treatment of workers in the production of components or ingredients in the products they sell in the U.S. Consumers can also join and support anti-slavery and anti-trafficking organizations which are working to end forced labor in the United States and abroad. American consumers can play an influential role in ending forced labor in the U.S., but they have yet to be mobilized by public awareness.

Other key audiences for awareness-raising are the ethnic communities that abound in the United States. Forced labor is often found within these communities as chain migration links are exploited to support human trafficking. Within these communities are press, radio, and television in other languages that may reach those caught in situations of trafficking and forced labor. The Spanish language “know your rights” outreach campaign mounted by a Florida farmworker NGO enabled forced labor cases to come to light. At the same time, there is a need for ongoing,

culturally-sensitive outreach about the scope, nature, and extent of the problem of forced labor in immigrant communities. With such outreach, these communities could better support survivors when they come forward and foster efforts to hold perpetrators accountable.

Specialist audiences have been better served with multi-media formats that provide a powerful tool for extending awareness. A number of governmentally supported projects have provided awareness-raising, educational, and training materials to law enforcement, service providers, and governmental employees. For example, a video disseminated in 2000 by the Office for Victims of Crime to service providers offered an introduction to the issues and case studies of victims of forced prostitution, forced labor, and indentured servitude. Particularly powerful have been projects funded and directed from the Office to Monitor and Combat Human Trafficking to raise awareness of the threat of trafficking into forced labor in countries of origin. These prevention campaigns have been aimed at reducing the numbers that are caught up by the false promises of human traffickers. Specific recommendations concerning public awareness are:

- 35.** Increase resources and programs devoted to raising awareness and understanding of the issue of human trafficking and forced labor for service providers and the general public. At present there are extensive Neighborhood Watch organizations in which citizens are trained to increase vigilance and security, trafficking and forced labor could easily be added to the watched-for crimes. Neighborhood Watch is currently expanding the number of groups with a goal of having 15,000 Neighborhood Watch groups in the United States. Each of these groups should be provided with materials that will sensitize members to the warning signs of human trafficking and train them in the appropriate actions to take if they suspect a trafficking case.
- 36.** Given the estimates of the number of persons caught in situations of forced labor, many cases must be known to members of the public who do not recognize them as such. Likewise, social service providers may encounter cases presenting other problems, and not realize that these stem from having been trafficked into forced labor. Greater awareness on the part of the public will lead to the uncovering of more cases, more liberations, and more prosecutions. Greater awareness on the part of service providers will mean more survivors are given appropriate support, and may also lead to more prosecutions.
- 37.** The State Department should draw on the experience of the Department of Justice and service providers to trafficking survivors to craft strong messages and support their dissemination in countries of origin. The State Department should also assess the scale and penetration of the awareness campaigns it already supports e.g. how does the scale of these awareness efforts relate to the need to spread awareness? Would key target populations in key countries and regions have come across these messages? What can be learned from other awareness campaigns focused on behavioral change (e.g. HIV/AIDS)?
- 38.** Basic information on trafficking in appropriate languages should be given to workers entering into the United States. American government and service workers that regularly come into contact with the public in areas that might harbor migrant or

trafficked workers should be both trained to recognize signs of trafficking and be provided with information materials.

- 39.** Several of the trafficking survivors in our case studies report stops at gas stations, fast food restaurants, and discount retail stores while being transported across country. Some of these places, gas stations in particular, seem to have been used as connection points along the transportation network. Noting that, employees of such businesses should be the target of a public awareness and education campaign to help them to notice and identify possible trafficking victims. A reward mechanism would help motivate these low-paid workers. Likewise, hand-cards and leaflets in appropriate languages might be placed in restrooms and other public areas of gas stations, fast food restaurants, and discount retail stores alerting those being trafficked of their rights and giving a telephone number.
- 40.** Develop outreach materials for trafficking victims in different languages that are publicized in specific immigrant communities that are easy to understand and do not require much reading. Such materials might include advertisements on local ethnic radio and television stations, local newspapers, and notices placed in laundromats, supermarkets, and churches.
- 41.** Several commentators have noted the importance of “good Samaritans” in bringing trafficking and forced labor cases forward. Well-meaning individuals are exposing cases, often aware simply that “something is not right”. To foster that community participation in reporting cases of forced labor more information needs to be passed to local media outlets, explaining trafficking and forced labor.

Developing Protocols

It is normal practice in many areas of law enforcement and service provision that protocols are developed that guide practitioners. Protocols, for example, have been developed and refined for use with victims of domestic violence that explore all facets of the case and the condition of the survivor. Some law enforcement agencies have developed check-lists to help personnel identify a forced labor or trafficking case. Across the response to cases of forced labor more such protocols are needed, to address the different dimensions of need, and to do so in ways that are culturally sensitive. Specific recommendations are:

- 42.** Federal and state government should support the development of protocols and training programs that will assist law enforcement, service providers, and others to best identify, liberate, and support cases of trafficking and forced labor.
- 43.** Such protocols for working with victims and survivors of trafficking and forced labor should be specifically designed so that they can be shared across agencies and the wider field (e.g. client intake forms, mental health assessment instruments, and computerized case summaries).

- 44.** Law enforcement agencies at all levels should build a response protocol with local service providers that will ensure that trafficking victims receive safe and secure housing and care immediately upon their release. This will improve their ability to act as witnesses, thus increasing successful prosecutions.

Reintegration and Return (Support and Protection at Home)

Creating a context in which the survivor of trafficking and forced labor can be reintegrated successfully into society is a significant challenge. It is not unusual for the victim of forced labor to escape with nothing but the clothes on his or her back. Their immediate needs, for medical care, safety, food, clothing, housing, and other forms of support, are acute. Once acute needs are met, the requirements of participating in prosecution, as well as the need to reconstruct a coherent, autonomous life, are extremely demanding. These demands can be intensified because of the barriers of culture and language that often exist. Despite this challenge, proper response and care is crucial in preventing re-victimization.

Not only trafficking victims, but also those people who have helped them escape and bring the traffickers to justice, face threats in the U.S. or abroad from criminals. Trafficking victims' families can also face considerable threat in their home countries, where U.S. law enforcement has no jurisdiction, and where the traffickers or their associates can reach them. Repatriation to the country of origin is a path chosen by some survivors, or it is chosen for them by official agencies. What must be avoided is to create further problems through the "solution" of repatriation. In their country of origin the forced labor survivor can face stigmatization, rejection by their community, the threat of re-victimization, physical assault, continued suffering of post-traumatic stress, lack of needed medical care, and the threat of violence to their families. To make certain that survivors have a better chance of reintegration, the following recommendations are offered:

- 45.** Through legislation and practice, protections for survivors need to be extended to their family members and the "good Samaritans" who may have helped them. At times this will require allowing family members to be brought to the United States as allowed under the Trafficking Act, at other times it will mean that U.S. agencies will need to work with the governments of other countries to ensure the safety of survivors and their families. Legislation should also incorporate protections, and possibly benefits where necessary, for interveners ("Good Samaritans") who assist trafficked victims or disrupt trafficking activity.
- 46.** In the United States, victim-witness protection must include physical protection – facilitated by law enforcement. This may be as simple as issuing a beeper or cell phone to a victim or witness.
- 47.** Links should be fostered between the Department of Justice and other agencies, American NGOs, and those NGOs with the capability to help protect trafficking survivors and their families abroad.

- 48.** The annual TIP report on trafficking could also include comments on efforts made by national governments to protect families of victims in cases where prosecution was taking place in the U.S. They could give examples where governments had intervened effectively and examples where cooperation was not forthcoming. Law firms or Federal prosecutors involved in prosecuting cases should be given guidance about how to secure protection for their clients' families using U.S. representation abroad – what methods can be used and what help can be expected.

Future Research and Methods

We need to know more. Our knowledge of the criminal aspects of forced labor and human trafficking in regions of the U.S. is still very limited. Patterns of forced labor trafficking differ according to regions in the country and the different licit and illicit industries which benefit from it. Research is needed in the states or geographical regions where forced labor trafficking cases are emerging. Research is also needed on companies which profit from the flow of the products of forced labor into their product supply chains. More research is needed on those economic sectors in which there is a tendency for trafficking and forced labor to occur (for example, prostitution and pornography; domestic services; agriculture; factory production; meatpacking; restaurant and hotel services; warehouse and shipping). Recommendations for further research include:

- 49.** In the United States, there is a demand for forced labor. Part of this demand comes from criminals who would enslave workers, and part of it comes from consumers who would purchase the products of forced labor, or in the case of prostitution, the forced worker herself. Lessening the demand would help to slow the enslavement of trafficked people – but we have little understanding of this demand. The different economic sectors using forced labor should each have a different elasticity of demand determined by the economic equation of production unique to that sector. Research should be supported to explore the characteristics of demand for each economic sector exploiting forced labor.
- 50.** The estimates of the number of persons caught up in forced labor offered in this report are not representative of all the possible persons trafficked over 10 years. A more comprehensive study should be supported that would build a more reliable basis for estimation. Such a study should be longitudinal in nature, so that progress in the fight against forced labor could be measured.
- 51.** Some areas of the United States have particularly high levels of forced labor. These states or geographical regions where trafficking cases are emerging need research to examine the flows, routes, destinations, and economic sectors using forced labor, and to determine the best ways to interdict trafficking or intervene in forced labor.
- 52.** In the same way, research is needed into specific industries and economic sectors that use forced labor. Each economic sector has a unique forced labor profile, understanding that profile will increase liberation and prosecution.

- 53.** While there is centralized information gathering and research on trafficking in persons internationally – through the U.S. State Department – there is a gap in such centralized information gathering and research at the national level. Legislation could expand the existing Office to Monitor and Combat Trafficking in Persons, or another appropriate agency, in order to facilitate domestic data collection on trafficking and forced labor. Alternately, such an initiative could also be taken by a non-governmental agency with resources from the U.S. government.

Language	Unable to express concerns, needs and wants		Emergency intervention services provide holistic counseling environment in which translators, bi-lingual staff, non-verbal communication experts and other social service providers will provide support as needed					Has ability to communicate effectively one's thoughts and feelings		
	Uses unconventional sign language to communicate				Feels comfortable utilizing translation services		Has access to ESL classes		Expresses oneself in complete sentences	
	No access to or advocacy for translation services						Is in the process of learning English by enrolling in ESL classes		Is taking ESL classes	
									Increased confidence communicating in English	
	No English skills				Has access ESL sign language		Has access ESL sign language		Has access ESL sign language	
Personal hygiene	Limited awareness of hygiene maintenance (considering cultural context)		Has emergency intervention services provided		Has basic understanding of hygiene's importance		Has learned to use hygiene products properly			
	Lack of regular access to self-care systems: Shower, etc.				Has regular access to all necessary basic hygiene supplies				Practices adequate hygiene	
	No concern for self: appearance, health, diet, weight, etc.				Has educational information on importance of self-care		Utilizes knowledge gleaned from educational information			
Emotional Health (non-Clinical)	Low cognitive ability		Emergency intervention services conduct an informal assessment of the victim's emotional well being and stability and takes appropriate measures (to include referral out to clinician)		Has opportunity to meet with clinician					
	Disorganized thought patterns				Has access to support group					
	Emotionally traumatized				Has opportunity to reconnect with own community		(seesupport networksbelow)		(seesupport networksbelow)	
	Low self esteem				Has access to social services through case manager				Is able to access social services on own	
	Depression									
	Experiences feelings of social alienation									
	Culturally isolated and lonely									
	Little or no access to social service support									
Emotional Health (Clinical)	Depression		Emergency intervention services assess victim's emotional well being and stability - takes appropriate measures (including referral to clinician)		Receiving culturally appropriate intermediate treatment per recommendation of clinician (see <i>community reintegration</i>)		Receiving culturally appropriate intermediate treatment per recommendation of clinician (see <i>community reintegration</i>)		Receiving culturally appropriate intermediate treatment per recommendation of clinician (see <i>community reintegration</i>)	
	Severe mental disorder									
	Suicidal ideation									

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Physical health and safety	Rape, sexual assault		Emergency intervention services provide victim with all necessary and appropriate health care services.	Is aware of the consequences of their abuse		Is receiving support in the development of plan to cope with abuse		Is receiving support in the implementation of plan	
	Sexual abuse			Knowledge of birth control		Regular use of birth control		Periodic health/dental check-ups	
	Physical abuse			Basic health care needs met		Receiving regular health care		Relatively safe neighborhood	
	Living quarters pose immediate danger			Has been tested for STDs		Aware of and doing something about STD		Feels safe in domicile	
	No access to health care			Has received information about STD-related medical options				Able to afford and use medical/dental health insurance plan	
	Potential exposure to STDS			Minimal risks in housing				Long-term plan for coping with health complications	
	Oriented x Four (who they are, where, why, when it is right now)							Long-term plan for coping with STD	
	Vital signs in crisis								
Immigration	Illegally present in US		Emergency intervention services place victim in officially recognized custody	Is aware of immigration options available		Is able to make an informed decision about options			
	No documents			Has access to immigration attorney				Is able to access immigration legal services as necessary	
	Use of fraudulent documents			Understands certification process		Has received support in certification process		Is ORR certified	
	Expired US visa			Understands opportunity to cooperate with prosecution		Has received support in the prosecution process		Is involved in prosecution process	
	Overstayed visa			Has opportunity to make a bona fide application for T Visa		Has received support in the T Visa application process		Has received T Visa	
	Temporary foreign worker visa but no longer with employer			Has opportunity to apply for continued presence		Has received support in CP application process		Has received continued presence	
	Entered legally but no longer possesses documents			Understands s/he has opportunity to repatriate		Has received support in repatriation process		Has repatriated	
				In asylum proceedings (or is able to make a non-T visa application)				Temporary foreign worker visa (eg, H-2A, H-2B or G)	
								Naturalizing	
								Legal Resident of US	
								US Citizen	

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Mobility	Restricted access to transportation		Emergency intervention services provide victim with transportation necessary for wraparound services		Has access to transportation for further service provision		Has ability to use public transportation with assistance		Is able to use public transportation regularly without assistance	
	Transportation arranged by another				Relies on case manager for transportation		Relies on case manager in addition to others		Relies on others (community, friends, co-workers, etc)	
	No knowledge of public transportation				No dependable transportation		Transportation usually reliable		Owns own vehicle	
	No transportation options				No money in budget for transportation					
Basic household living skills	Limited exposure to general household facilities (kitchen, bathroom, etc)		Emergency intervention services provides safe environment in which basic living skills will be provided as needed		Safe, short-termed housing with basic amenities		Working knowledge of standard living skills		Identifies and protects family members from household hazards	
	Limited ability to operate general household items (in kitchen, bathroom, etc)				Rudimentary/survival-level ability to operate household items		Has ability to safely operate all household appliances		Reports household dangers to the proper authority;	
									Demonstrates independent living household skills	
Knowledge of monetary systems	No knowledge of monetary value		Has emergency intervention services provided		Basic understanding of monetary value		Understands savings / checking accounts		Is aware of financial institutions' rules and regulations	
	No regular contact with own finances						Obtains financial banking institution information		Has opened proper accounts to manage and save money	
	Susceptible to loss of money due to lack of knowledge								Increases savings, which will help to improve overall lifestyle	
	Shame or guilt for relying on others for assistance								Is able to save money	
	No clear conceptualization of earnings					Basic understanding of earning power		Basic ability to estimate costs		Basic interactions with own finances
Employment / basic job skills	No employment		Has emergency intervention services provided		Receiving job training		Not employed but unable to work		Employed legally	
	No marketable skills				No employment but receiving income of some kind		Not employed but in search of work			
	No legal employment				Has applied for Employment Authorization Documents (EADs)		Has received EAD but no employment			
							Has received EAD and temporary employment		Has received EAD and long-term employment	

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Support Networks	No contact with family		Emergency intervention services provide victim with semi-formal, short-term support network	Has ability to contact family		Is referred to community services, is able to access services		Continues to reach out to community services	
	Abuse within family - outside US							is capable of advocating for oneself, if necessary	
	Abuse within family - within US			Experiences an increase in support network				knows how to network with community	
	Unable to return to family								
	Family complicit in trafficking								
	No friends within US			Is making friends and developing relationships		Is strengthening relationships with friends		Has stable and trusting relationships	
	No community in US			Integrating into appropriate community		Is integrated into appropriate community		Is fully invested in appropriate community	

Endnotes

¹ Robert K. Yin is an authority on case study methodology, he advises: “Case studies are the preferred strategy when ‘how’ or ‘why’ questions are being posed, when the investigator has little control over events and when the focus is on a contemporary phenomenon within some real-life context.” Yin, Robert K, *Case Study Research: Design and Methods*, 2nd edition, (Thousand Oaks, CA: Sage, 1994), p. 1.

² Bales, Kevin, “Expendable People: Slavery in the Age of Globalization,” *Journal of International Affairs* 53, no. 2 (Spring 2000), p. 462.

³ U.N. Protocol, Art. 3(b), Convention Art. 11(6).

⁴ U.S. Public Law 106-386, Sec. 103(8).

⁵ Richard, Amy O’Neill, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*, DCI Exceptional Intelligence Analyst Program: An Intelligence Monograph, (Washington, DC: Center for the Study of Intelligence, 1999).

⁶ Raymond, Janice G. and Donna M. Hughes, *Sex Trafficking of Women in the United States: International and Domestic Trends*, (Coalition Against Trafficking in Women, March, 2001).

⁷ Salt, John and Jeremy Stein, “Migration as a Business: the Case of Trafficking,” *International Migration* 35, no. 4, (1997), pp. 467-494.

⁸ Aronowitz, A. A., “The Phenomenon, the Markets that drive it and the Organisations that Promote it,” *European Journal on Criminal Policy and Research* 9, (2001), pp. 163-195.

⁹ Bajrektarevic, A., *Trafficking in and Smuggling of human beings - linkages to Organized Crime - International Legal Measures*, Statement Digest, International Centre for Migration Policy Development, (Vienna, Austria, 2000). See also, Bajrektarevic, A., *Trafficking in and Smuggling of human beings - linkages to Organized Crime - International Legal Measures*, Presentation Outline, International Centre for Migration Policy Development, (Vienna, Austria, 2000).

¹⁰ Spener, David, “Smuggling Migrants through South Texas: Challenges Posed by Operation Rio Grande,” in David Kyle and Rey Koslowski, eds., *Global Human Smuggling: Comparative Perspectives*, (Baltimore, MD: Johns Hopkins University Press, 2001), pp. 129-186

¹¹ Kwong, Peter, *Forbidden Workers: Illegal Chinese Immigrants and American Labor*, (New York: The New Press, 1997).

¹² Kwong, Peter, “Impact of Chinese Human Smuggling on the American Labor Market,” in David Kyle and Rey Koslowski, eds., *Global Human Smuggling: Comparative Perspectives*, (Baltimore, MD: Johns Hopkins University Press, 2001), p. 241

¹³ Kwong, Peter, *Forbidden Workers: Illegal Chinese Immigrants and American Labor*, (New York: The New Press, 1997), p. 164

¹⁴ Richard, Amy O’Neill, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*, DCI Exceptional Intelligence Analyst Program: An Intelligence Monograph, (Washington, DC: Center for the Study of Intelligence, 1999), p. 13.

¹⁵ U.S. Dept. of Justice, *Assessment of U.S. Activities to Combat Trafficking in Persons*, (Washington, DC: August, 2003), p. 2-3.

¹⁶ Robert K. Yin is an authority on case study methodology, he advises: “Case studies are the preferred strategy when ‘how’ or ‘why’ questions are being posed, when the investigator has little control over events and when the focus is on a contemporary phenomenon within some real-life context.” Yin, Robert K, *Case Study Research: Design and Methods*, 2nd edition, (Thousand Oaks, CA: Sage, 1994), p. 1.

¹⁷ The United States government restructured its immigration agency. Beginning in March 1, 2003 the functions of the Immigration and Naturalization Service were transferred to the new Department of Homeland Security (within the Directorate of Border and Transportation Security and the Bureau of Citizenship and Immigration Services). U.S. Government, *Assessment of U.S. Activities to Combat Trafficking in Persons*, (Washington, DC: August, 2003), p. 9.

¹⁸ See Anderson, Bridget and Julia O’Connell Davidson, “Is Trafficking in Human Beings Demand Driven: A Multi-Country Pilot Study,” IOM Migration Research Series No. 15, (Geneva: International Organization for Migration, December 2003), p. 20-23.

¹⁹ The sums given are the minimum and maximum number of victims as indicated from the case study records. The precise number is not known for several reasons. Some victims were in a group of trafficked people that escaped before law enforcement intervention. Others, as in the *Ramos* case, were part of work crews that were large and geographically dispersed.

²⁰ Pseudonyms are used for all trafficking survivors named in this report.

²¹ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 12.

²² Information derived from Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002) and interviews with the FBI case investigator and Assistant U.S. Attorney who prosecuted the case.

²³ Maria, pseudonymous trafficking survivor, Statement, U.S. Senate Foreign Relations Committee, Near Eastern and South Asian Affairs Sub-Committee, Hearings on the International Trafficking of Women and Children, April 4, 2000.

²⁴ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 12.

²⁵ *U.S. vs. Mishulovich, U.S. vs. Cuello, U.S. vs. Tecum, U.S. vs. Satia, “Ruth” case, U.S. vs. Pickle Co.*

²⁶ *U.S. vs. Flores, U.S. vs. Cadena, U.S. vs. Ramos*

²⁷ *U.S. vs. Paoletti, “Emilio”, Chinese sex workers.*

²⁸ Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 12.

²⁹ Associated Press, “Two Florida men indicted as part of smuggling ring,” (Phoenix, May 20, 2002).

³⁰ Wagner, Dennis, “Migrant deaths lead to prison,” *The Arizona Republic*, (Phoenix, April 05, 2003).

³¹ Trafficking Victims Protection Act, P.L. 106-386, Section 103(2)(B).

³² Maria, pseudonymous trafficking survivor, Statement, U.S. Senate Foreign Relations Committee, Near Eastern and South Asian Affairs Sub-Committee, Hearings on the International Trafficking of Women and Children, April 4, 2000.

³³ Quoted in Bowe, John, “Nobodies: Does Slavery Exist in America?” *The New Yorker*, (April 21 & 28, 2003), p. 110.

³⁴ Quoted in Bowe, John, “Nobodies: Does Slavery Exist in America?” *The New Yorker*, (April 21 & 28, 2003), p. 110

³⁵ Mishulovich testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

³⁶ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

³⁷ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

³⁸ France, David, with Sarah Downey and Craig Nelson, “Slavery’s New Face,” *Newsweek*, (December 18, 2000).

³⁹ U.N. Protocol, Art. 3(b), Convention Art. 11(6).

⁴⁰ Trafficking Act, Public Law 106-386 Sec. (8)(A,B)

⁴¹ The *Tecum* case is difficult to compare with other cases because the trafficker, Tecum, treated the trafficked woman as a personal servant whom Tecum exploited sexually and for economic gain in agricultural work. Tecum, however, did not pimp the victim as a prostitute. Finally, Tecum’s wife benefited from the captive by making her do domestic chores, for which the wife never paid the captive.

⁴² Department of Justice, (2003), pp. 11-12

⁴³ Maria, pseudonymous trafficking survivor, Statement, U.S. Senate Foreign Relations Committee, Near Eastern and South Asian Affairs Sub-Committee, Hearings on the International Trafficking of Women and Children, April 4, 2000.

⁴⁴ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

⁴⁵ CNN and Associated Press, “New York police rescue Mexicans held captive,” (July 19, 1997).

⁴⁶ Griffith, David and Ed Kissam, with Jeronimo Camposeco et al., *Working Poor: Farmworkers in the United States*, (Philadelphia, PA: Temple University Press, 1995), p. 32; Holden, Christopher, “Bitter Harvest: Housing Conditions of Migrant and Seasonal Farmworkers,” in Charles D. Thompson, Jr. and Melinda F. Wiggins (eds.), *The Human Cost of Food: Farmworkers’ Lives, Labor, and Advocacy*, (Austin, TX: University of Texas Press, 2002); Housing Assistance Council, *Taking Stock of Rural People, Poverty, and Housing for the 21st Century*, (Washington, DC: Housing Assistance Council, 2000).

⁴⁷ Department of Justice, “Two sentenced for enslaving Cameroonian juvenile,” press release, (March 27, 2002).

⁴⁸ Maria, pseudonymous trafficking survivor, Statement, U.S. Senate Foreign Relations Committee, Near Eastern and South Asian Affairs Sub-Committee, Hearings on the International Trafficking of Women and Children, April 4, 2000.

⁴⁹ Austin, Colin, “The Struggle for Health in Times of Plenty,” in Charles, D. Thompson, Jr. and Melinda F. Wiggins (eds.), *The Human Cost of Food: Farmworkers’ Lives, Labor, and Advocacy*, (Austin, TX: University of Texas Press, 2002).

⁵⁰ See Orhant, Melanie, “Article 1: Trafficking in Persons,” *Reproductive Health and Rights – Reaching the Hardly Reached* (Washington, D.C.: Program for Appropriate Technology in Health [PATH], 2002).

⁵¹ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

⁵² Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

⁵³ Mishulovich testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

⁵⁴ Inter-American Commission of Women, Organization of American States (OAS), & Women, Health and Development Program, Pan-American Health Organization, *Joint Fact Sheet*, (July 2001).

⁵⁵ Orhant, Melanie, “Article 1: Trafficking in Persons,” *Reproductive Health and Rights – Reaching the Hardly Reached* (Washington, D.C.: Program for Appropriate Technology in Health [PATH], 2002).

⁵⁶ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 14.

⁵⁷ For an explanation of this phenomenon see Judith Herman, *Trauma and Recovery*, (Basic Books, 1997), pp. 74-75. Dr. Herman is Associate Clinical Professor of Psychiatry at the Harvard Medical School and Director of Training at the Victims of Violence Program at Cambridge Hospital. She has described a form of Complex Post-Traumatic Stress Disorder that arises in situations like that of being trafficked. Complex PTSD is a relatively new diagnosis and is sometimes debated. We include it this report for two reasons: 1) It is recognized by the National Center for PTSD; and 2) When this diagnosis was first introduced professionals in the area of human trafficking noted how similar this condition was to that seen in victims of human trafficking. Note, for example, the parallels between this discussion of Complex PTSD and the Interpol Guide to obtaining evidence in trafficking cases. The diagnosis was introduced in Judith Herman, *Trauma and Recovery*, (Basic Books, 1997), she wrote there “The syndrome that follows upon prolonged, repeated trauma needs its own name. I propose to call it ‘complex post-traumatic stress disorder.’” Experts in the field identify the following as symptoms of Complex PTSD:

- Alterations in the ability to regulate or control emotions, expressed as sadness, suicidal thoughts, or explosive anger.
- Changes in consciousness, including forgetting traumatic events, reliving traumatic events, or having periods when the victim feels detached from their own body and mental processes. Confusion of the history of traumatic events also occurs, and this, plus the forgetting of events, makes it challenging for the victim of human trafficking to participate in the legal process.
- Also having a potential effect on participation in the legal process is the symptom of altered perception of the perpetrator, such as attributing total power to the perpetrator or becoming preoccupied with the relationship with the perpetrator.
- Changes in self-perception, including a sense of helplessness, shame, guilt, and stigma. Those who have suffered prolonged captivity and abuse may develop a sense that they are completely different to other human beings.
- Changes in relations with others, including distrust and social isolation.
- A shattering of the victim’s system of meaning, a loss of faith, or a sense of hopelessness.

Adapted from “Complex PTSD – A National Center for PTSD Factsheet”, Julia M. Whealin, PhD, located at http://www.ncptsd.org/facts/specific/fs_complex_ptsd.html.

⁵⁸ Mishulovich testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 15.

⁵⁹ Trafficking survivor testimony quoted in Conroy, John, “A long way from Latvia,” *Chicago Reader* 31, no. 50, (September 13, 2002), p. 15.

⁶⁰ See: http://www.usaonwatch.org/resource/Neighborhood_watch/news_article.aspx?aid=192

⁶¹ “Immigration authorities” refers to Immigration and Naturalization Services (INS) and the newly created Immigration and Customs Enforcement (ICE) and United States Immigration and Citizenship Services (USICS) departments into which became organized in March 2003 under the Department of Homeland Security.

⁶² Maria, pseudonymous trafficking survivor, Statement, U.S. Senate Foreign Relations Committee, Near Eastern and South Asian Affairs Sub-Committee, Hearings on the International Trafficking of Women and Children, April 4, 2000.

⁶³ Maria, pseudonymous trafficking survivor, Statement, U.S. Senate Foreign Relations Committee, Near Eastern and South Asian Affairs Sub-Committee, Hearings on the International Trafficking of Women and Children, April 4, 2000.

⁶⁴ U.S. Department of Labor Wage & Hour Division interview, Washington, DC.

⁶⁵ *Caloosa Belle*, (LaBelle, FL, March 15, 1995).

⁶⁶ U.S. Department of Justice, “Worker Exploitation and Trafficking in Persons Task Force Handbook,” (Washington, DC: U.S. Dept. of Justice, Criminal Section, 1999).

⁶⁷ The *Paoletti*, *Cadena*, and *Cuello* cases.

⁶⁸ INTERPOL can be contacted at:

INTERPOL
General Secretariat
200, quai Charles de Gaulle
69006 Lyon
France
Fax: (33) 4 72 44 71 63

The email contact for human trafficking is children@interpol.int.

⁶⁹ Prior to the new forced labor and trafficking statutes created in the Trafficking Act, the following statutes have at one time or another been used in the prosecution of forced labor cases:

- 18 U.S.C. § 1581 Peonage
- 18 U.S.C. § 1584 Involuntary Servitude
- 18 U.S.C. § 241 Conspiracy against rights
- 18 U.S.C. § 371 Conspiracy to commit offense
- 18 U.S.C. § 894 Extortionate Collection of Extensions of Credit
- 18 U.S.C. § 1961 *et seq.* Racketeer Influenced and Corrupt Organizations (RICO)
- 18 U.S.C. § 1951 Interference with commerce by threats or violence (Hobbs Act/Extortion and Racketeering)
- 18 U.S.C. § 1201 Kidnapping
- 18 U.S.C. § 2421 *et seq.* Transportation for illegal sexual activity (Mann Act)
- 8 U. S. C. § 1324(a)(1)(A)(i) Alien smuggling
- 8 U. S. C. § 1324(a)(1)(A)(iii) Harboring illegal aliens
- 8 U. S. C. § 1324(a)(1)(A)(ii) Transportation of aliens
- 8 U. S. C. § 1324 (a)(1)(A)(iv) Encouraging aliens to come to or remain in the U.S.
- 29 U.S. C. § 1851 Criminal violation of the Migrant and Seasonal Agricultural Worker Protection Act (MSAWPA)
- 29 U. S. C. § 201 *et seq.* Fair Labor Standards Act

⁵³ Quoted in Bales, Kevin “The Social Psychology of Modern Slavery,” *Scientific American* 286, no. 4, (April, 2002), p. 73.

⁷¹ Quoted in Bowe, John, “Nobodies: Does Slavery Exist in America?” *The New Yorker*, (April 21 & 28, 2003), p. 133.

⁷² Adopted from Aronowitz, A.A. and M. Peruffo, “Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organisations that promote it,” (Geneva: UNICRI, 2001).

⁷³ Okawa has summarized some of the similarities of torture and trafficking on their victims in “Impact of Trafficking Offenses on the Individual:” post-traumatic stress disorder, severe depression, overwhelming shame, devastated sense of self, dissociation, loss of sense of safety, chronic fear, anxiety and phobias, and difficulty talking about rape. She points out that trafficked persons are subjected to many types of torture (physical, social, psychological, and sexual) and deprivation (hygiene, nutritional, health, sleep, and sensory). (Noted in Jordon, Ann, “Trafficking in Human Beings: The Slavery that Surrounds Us,” International Human Rights Law Group, August 2001.) Judy Okawa, Ph.D., Program for Survivors of Torture and Severe Trauma, Center for Multicultural Human Services, Jan. 2001 (conference materials).

⁷⁴ Kendall, R., “Recent trends in international investigations of trafficking in human beings,” paper presented at the International Conference on New Frontiers of Crime: Trafficking in Human Beings and New Forms of Slavery, Verona, October 22-23, 1999.

⁷⁵ See for example: Jantsch, H. “Law Enforcement: Germany’s Perspective,” *Report of the U.S.-EU Trafficking in Women Seminar*, L’Viv, Ukraine, July 9-10, 1998, pp. 51-54. See also: Savona, E., S. Adamoni, P. Zoffi, M. DeFeo, *Organized Crime Across the Border*, European Institute of Crime Prevention and Control, HEUNI, Helsinki, 1995.

⁷⁶ Gunnatilleke, G., *Summary of the Report of the Rapporteur, International cooperation in fighting illegal immigration networks*, International Organization for Migrants (IOM) Seminar on International Responses to Trafficking in Migrants and the Safeguarding of Migrant Rights, Geneva, October 26-28, 1994, reprinted in *Trends in Organized Crime*, Winter 1996, pp. 65-67. See also: Richard, A. O., *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*, Center for the Study of Intelligence, State Department Bureau of Intelligence, U.S. State Department, 1999.

⁷⁷ Kendall, R., “Recent trends in international investigations of trafficking in human beings,” paper presented at the International Conference on New Frontiers of Crime: Trafficking in Human Beings and New Forms of Slavery, Verona, October 22-23, 1999.

⁷⁸ Center for the Advancement of Human Rights, “Florida Responds to Human Trafficking,” (Tallahassee: Florida State University, 2004).

⁷⁹ ICE agent interview, Washington, DC.

