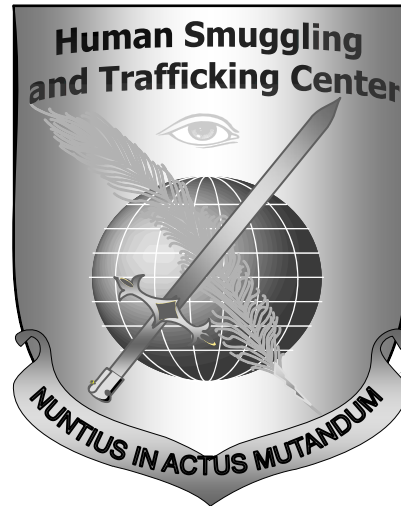


Human Smuggling and Trafficking Center



Domestic Human Trafficking - An Internal Issue -

December 2008



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Human Trafficking within the United States

Human trafficking is the exploitation of a person for the purposes of forced labor or commercial sex, regardless of citizenship or nationality. However, Americans generally tend to think that human trafficking is a crime that occurs in other countries, to foreigners who should have known better, or to those who brought it upon themselves. These assumptions are misconceptions; trafficking happens here in the United States to U.S. citizens (USC), and in every state in the nation.¹ While foreigners who arrive in the U.S. legally and illegally are susceptible to human trafficking situations, U.S. citizens too fall victim to this crime at an alarming rate.² Without regard to nationality of victims and with greed as their motivation, traffickers seek to exploit those who are most vulnerable – the young, the desperate, and the easily manipulated.

In June 2007, Dennis Paris was convicted and sentenced to 30 years in prison for prostituting minors (as young as 14) and other young female U.S. citizens in the Hartford, CT area. Paris recruited young uneducated girls from troubled backgrounds, some with drug addictions.

When trafficking is mentioned, Americans often visualize a foreign female who was deceived upon arriving in the U.S. and finds herself being sexually exploited. They do not imagine a USC child or adult who was kidnapped or lured from home and is prostituted at a local truck stop. Sadly, Americans tend to refer to USC trafficking victims as anything but victims. They are referred to as criminals, prostitutes, child prostitutes, runaways, throwaways, addicts, or juvenile delinquents. Traffickers are often referred to only as pimps, perpetrators, or criminals.

In the U.S., the criminal definition of human trafficking covers both USC and foreign victims. While the Trafficking Victims Protection Act of 2000 (TVPA) was comprehensive in scope to include foreign nationals and USCs, women and men, and children and adults, the civil victim protection provisions were conceptualized to protect foreign nationals who are trafficked into the U.S. for commercial sex acts or forced labor and who, because of their immigration status, would otherwise be subject to deportation and ineligible for social service programs.³ While USC trafficking victims are often controlled and used for commercial sex acts in the same manner as foreign nationals, the TVPA does not provide USC victims with any special benefits or services.

¹ Based on each state's 2007 law enforcement and prosecution statistics and the FBI's Uniform Crime Reporting Program.

² To get a sense of this problem, you can look at juvenile prostitution alone. Richard J. Estes and Neil Alan Weiner report in *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, University of Pennsylvania (2001) that while more research is needed, it is estimated that about 293,000 American youth are currently at risk of becoming victims of commercial sexual exploitation. Approximately 55% of these girls engage in formal prostitution with 75% of them working for a pimp. About one-fifth of these children are believed to become entangled in organized crime networks and are trafficked nationally.

³ Trafficking Victims Protection Act of 2000, Public Law 106-386, October 28, 2000, also available at <http://www.state.gov/documents/organization/10492.pdf>.



Rather, USC trafficking victims, because of their U.S. citizenship, are eligible for general services and benefits as victims of federal crime, and for general assistance programs that are equivalent to those available to foreign victims, with notable exceptions.

In short, the trafficking of individuals (regardless of citizenship or nationality) within the borders of the United States is commonly referred to as domestic human trafficking. This crime is also often referred to as “internal” trafficking.

What makes Domestic Human Trafficking a Crime

Human trafficking is defined and criminalized in U.S. federal law by the TVPA⁴ and subsequent reauthorizations in 2003 and 2005 (2003 TVPRA and 2005 TVPRA).⁵ The U.S. Government breaks human trafficking down into two basic categories: sex trafficking and labor trafficking. The TVPA further defines severe forms of human trafficking, for victim identification purposes, as:

- Sex Trafficking: Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- Labor Trafficking: 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.

This definition is applicable to everyone - U.S. citizens and non-citizens.

2008: Corey Davis trafficked more than 20 females, including a 12 and 17 year old. He placed the females into involuntary servitude by forcing them to work as prostitutes and strippers. Davis used force, fraud and coercion to compel the victims to commit commercial sex acts. All the victims were USCs.

If a child is being used to commit a commercial sex act (pimped), the child is considered a victim of trafficking; no further criteria (force, fraud, or coercion) are required.⁶ If the person is 18 or over, it must be proven that the person is being used for a commercial sex act by force, fraud, or coercion.⁷

The TVPA provides a sentence of fifteen (15) years to life if force, fraud, or coercion is used to cause a victim to engage in a commercial sex act or the victim is under the age of 14. If the victim is aged 14 to 17 and no force, fraud, or coercion is used, the sentence is no less than 10 years to life. In addition to criminal sanctions which prohibit sex trafficking, the TVPA also

⁴ TVPA, 18 U.S.C. §§ 1589-1594, 22 U.S.C. §§ 7101-7110, 2152(d) (2000).

⁵ Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193 (2003) and Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972-3 (2005).

⁶ Person under the age of 18 years.

⁷ U.S. Department of Health and Human Services, The Campaign to Rescue and Restore Victims of Human Trafficking, available at http://www.acf.hhs.gov/trafficking/resources/plain_site.html.



includes a civil remedy allowing trafficking victims to sue their traffickers in federal district court.⁸ Thirty states have passed legislation criminalizing human trafficking and directing law enforcement agencies to adopt training programs to enhance identification and interdiction efforts.⁹ If victims are identified in one of these states, arrest and prosecution of traffickers can occur at the state level. In addition, most states and local authorities have laws relating to prostitution that can be used to prosecute pimps at the state and local level.

Victims - Sex Trafficking

Research indicates that most victims of sexual trafficking into and within the U.S. are women and children, particularly girls under the age of 18. Currently, there are no known cases of adult men being trafficked for commercial sex acts in the U.S.; however, adult males have been victimized in labor trafficking cases.¹⁰ A victim has to be subjected only to a form of force, fraud, or coercion once to meet the definition of “trafficking victim” so long as that misconduct was aimed at obtaining their labor, services, or a commercial sex act. The force, fraud, or coercion does not need to be sustained. Being a relative of the victim does not excuse trafficking activities.¹¹

While human trafficking is about exploitation and does not require the movement or transportation of the person, USC trafficking victims can often be identified in situations where the victims are moved from one location to another irrespective of distance. The movement of a victim is a common control technique used to isolate the victim; the distance may range from a couple of miles from the victim’s home to several states.

The Grooming Process

The perpetrators of trafficking employ a “grooming process” to draw their USC victims away from their homes or to gain the trust and dependency of young victims who may have run away from home. The first step is often the development of a relationship with an older man, who the victim comes to regard as her “boyfriend”. The perpetrator assesses the victim’s needs (vulnerabilities) and offers flattery, material items such as money, jewelry or clothes, and/or displays other “acts of love”. The adolescent female may be enticed to begin a sexual relationship with her “boyfriend”. The adolescent will be encouraged to stay away from home for increasingly longer periods of time, eventually leading to her not returning home at all.

⁸ The TVPA of 2000 supplemented existing laws and provided new tools to combat human trafficking. These statutes are 18 U.S.C. §§ 1581(a) (Peonage); 1584 (Sale into Involuntary Servitude); 1589 (Forced Labor); 1590 (Trafficking with Respect to Peonage, Involuntary Servitude or Forced Labor); 1591 (Sex Trafficking of Children by Force, Fraud or Coercion); and 1592 (Unlawful Conduct with Respect to Documents in Furtherance of Peonage, Involuntary Servitude or Forced Labor). Additional provisions of the TVPA provide for mandatory restitution (18 U.S.C. § 1593) and forfeiture (18 U.S.C. § 1594(b)), criminalize attempt (18 U.S.C. § 1594(a)), and give victims an avenue for civil lawsuits (18 U.S.C. § 1595).

⁹ Understanding and Improving Law Enforcement Responses to Human Trafficking, Northeastern University Institute on Race and Justice (June 2008, p. 19).

¹⁰ Given what law enforcement knows about child pornography, which regularly involves male minor victims, it cannot be true that boys are not being trafficked. Authorities know that there is a demand, which means there must be a supply. The unique fact pattern surrounding the sexual exploitation of minor males may explain their not being found.

¹¹ U.S. Department of Health and Human Services, The Campaign to Rescue and Restore Victims of Human Trafficking, available at http://www.acf.hhs.gov/trafficking/resources/plain_site.html.



Within a short period of time, the victim is often encouraged to take a short trip with the “boyfriend” for what seems like a reasonable cause. It is often at this point that the perpetrator will try to convince the victim to prostitute herself. The “boyfriend” may start the process of exploitation by introducing the victim to other groups of men and asking the victim to provide sexual favors to the men because they are his “friends”. If the victim doesn’t agree to do so, she will then be subjected to violence, abuse, or other coercive measures, with the objective of giving the “boyfriend” dominance and control over the victim.

By this stage, the victim may be in no position to refuse the “boyfriend’s” commands and is frightened and compliant.¹² She may find herself in an unknown part of the city, or perhaps a different city all together. The victim realizes that she, her family, nor anyone else knows where she is. The victim may know the city or area they are in, but may be unable to provide family or police with their specific location if able to contact them. This element of control, exercised by the “boyfriend” and other men, reinforces the victim’s vulnerability and she becomes psychologically dependent on them.

A number of other control methods will be utilized by the trafficker to control the victim. “House Rules”, which are rules for interacting with the trafficker, authorities, “johns” and other customers, along with nightly quotas, etc., will be established and the trafficker will enforce rule violations with violence. Some victims have described being subjected to extreme physical and sexual violence, being required to commit other criminal acts, and to recruit other potential victims. If the victim is underage, the trafficker will often provide the victim with a false name and date of birth to use if encountered by authorities.

Pimps and Sex Traffickers

The terms “pimp” and “trafficker” are not necessarily synonymous. Depending on the jurisdiction, a pimp may not be violating any law. A pimp can be defined as one who finds and manages clients for a prostitute and manages the women in prostitution in order to profit from their earnings. A pimp may not necessarily force a woman to stay with him in order to prostitute her. So, even if prostitution is illegal, a pimp who doesn't use force, fraud, or coercion to compel adult women to prostitute themselves would not be considered a trafficker. On the other hand, any pimp who knowingly manages a minor would be considered a trafficker. Additionally, a trafficker could be someone who knowingly profits from coerced prostitution even if he or she is not directly involved in the management of the prostitutes. For instance, a human smuggler in Guatemala would be considered a trafficker if he was knowingly bringing people to the U.S. to be trafficked, even though he would not be considered a pimp.

Indicators of Risk

At the start of the grooming process, young people often exhibit behavior that can alert family, friends, and professionals that they may be at risk of being sexually exploited.

¹² The victim may also consider themselves to be in a romantic relationship and want to please their partner and do what he says so that he won't end the relationship.



These behavior indicators can include:

- Staying out excessively late, unexplained absences from home, running away
- Associating with an older crowd, especially older men
- Sexual activity with older men
- Withdrawal from family and former friends
- Involvement in drug/alcohol use
- A sudden deterioration of performance in school or dropping out
- Unexplained possession of gifts and money
- Secrecy concerning their whereabouts and who they are associating with

Victims – Labor Trafficking

Victims of labor trafficking are not subjected to the same type of grooming process as those being sexually exploited. Although it can happen to USCs, foreign nationals who have entered the U.S. legally and illegally are more susceptible to this type of trafficking. In labor trafficking investigations, we normally see the false promises of well paying jobs, good working conditions and other benefits that never materialize. Migrant labor camps are particularly common settings for labor exploitation and trafficking within the United States. Labor camps, largely hidden from the general population and self contained, consist of transient men, women, and children who are moved around the U.S. based on the scheduled harvesting season for agricultural products. Most labor camps are licensed and regulated by the state.

According to the U.S. Department of Labor (DOL), there are between one and three million seasonal farm workers in the United States, some of whom will end up as trafficking victims. Non-USC laborers are the predominant labor force on migrant farms in the United States. More than one-half of those laborers are not authorized to work in the United States. Activity involving human trafficking of migrant labor in the U.S. farm sector is primarily occurring in the Southeast and Central regions of the United States, where many larger farms are located, although such conduct has also been identified in other regions such as rural New York State. The victims forced into servitude on migrant farms are primarily of Hispanic origin.¹³

Labor trafficking can occur on farms in situations where workers are forced into involuntary servitude, debt bondage, compelled through prohibited forms of coercion, or are forced to work under circumstances to which they did not agree prior to accepting employment. If an employee is not permitted to leave his employer's service and his continued service is maintained through prohibited means such as threatening the worker or his family with serious harm or abuse of the legal process, he is considered a victim, regardless of whether he chose to perform that type of work or if he received pay for his labor.¹⁴

¹³ Human Smuggling & Trafficking Center, *Human Traffickers Exploit Migrant Farm Workers* (August 2006)

¹⁴ U.S. Department of Justice *Report on Activities to Combat Trafficking in Persons*, Fiscal Years 2001- 2005 (February 2006, pp. 26-27, available at http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf)



Indicators of Human Trafficking on Migrant Farms

Poor working and living conditions on farms that employ migrant or seasonal labor are endemic to the U.S. farm industry. While poor conditions alone are not sufficient to constitute the forms of coercion that give rise to a trafficking crime, they may be indicative of the fact that the workers are denied the opportunity to leave and are maintained in the trafficker's service through coercion. There are several indicators used to identify possible farm labor trafficking. One of these indicators is barbed wire on top of fences surrounding workers' dormitories or housing, especially when the wire is angled inward to prevent someone on the inside from scaling the fence. Other indicators are: armed guards, guard dogs, fences with locked gates, employees living and working in the same building, and evidence of physical abuse. Furthermore, if the workers are never seen without supervision, they may be in a condition where their freedom of movement is restricted.¹⁵

U.S. Citizen Victim Assistance vs. Foreign Victim Assistance

U.S. citizen victims who are trafficked within the U.S.: USC victims are eligible for certain benefits as the victim of a federal crime and are eligible for public assistance benefits available to all citizens, such as Medicaid and food stamps.¹⁶ USC trafficking victims do not need to be certified by the U.S. Department of Health and Human Services to receive any benefits. All USCs who have been identified by law enforcement agencies as possible victims of human trafficking are entitled to the following services which are coordinated by the investigating agency:

- Emergency shelter and food
- Emergency medical assistance
- Translation services
- Counseling and legal assistance¹⁷

Also, according to federal law, USC victims of federal crimes have certain rights and are entitled to certain services.¹⁸ For these purposes, victims are defined in specific ways in the law. A "crime victim" means a person who has been directly and proximately harmed (physically, emotionally, or financially) as a result of the commission of a federal offense or an offense in the District of Columbia. While many of these rights only apply after charges have been filed by a U.S. Attorney's Office, some victim protections apply during investigation. Law enforcement's responsibility for assisting victims is continuous until the investigation is closed or until it is

¹⁵ Human Smuggling & Trafficking Center, *Human Traffickers Exploit Migrant Farm Workers* (August 2006).

¹⁶ Department of Justice, Attorney General's Annual Report to Congress and Assessment of the U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2007 (May 2008, pp. 18-19).

¹⁷ Immediate victim assistance can be coordinated through the Federal Bureau of Investigation's Office for Victim Assistance (OVA) or the local FBI field office's Victim Assistance Coordinator. Additional information is available at <http://www.fbi.gov/hq/cid/victimassist/home.htm>.

¹⁸ 18 U.S.C. § 3771 – Crime Victims' Rights.



turned over to a U.S. Attorney's Office for prosecution.¹⁹ Federal victim specialists must provide the following assistance to victims of a federal crime:²⁰

- Information about available protections, especially against threats and intimidation, and available remedies
- Information about emergency medical and social services
- Information about shelter options
- Referrals to public and private programs available to provide counseling, treatment, and other support to victims, such as domestic violence and rape crisis centers
- Information about a victim's rights and his or her role in the criminal justice process
- General information about the status of an investigation and notice of important case events
- Information about how to apply for crime victim compensation through state compensation programs. (These programs reimburse victims for such crime-related expenses as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support.)
- Information about restitution
- Information about the right to individual privacy and confidentiality issues

Perhaps the most critical assistance that USC victims are not eligible for is that offered by the Office for Victims of Crime (OVC) – Office for Victims of Crime Services for Trafficking Victims Discretionary Grant Program. By statute, this program, administered by DOJ/OVC, only provides support services for aliens who are pre-certified by U.S. Department of Health and Human Services (HHS). U.S. citizens are not pre-certified by HHS.²¹ Currently, also, USC victims are not eligible to receive intensive case management services under HHS' national Per-Captia Service contract to provide “anytime anywhere” services to rescued trafficking victims.²²

USC human trafficking victims are almost always dependent on the trafficker for support, housing, and other necessities for survival. After being rescued from the trafficker, access to a social services advocate to help identify and access available services, similar to the social services advocacy provided by the OVC discretionary grant program would provide USCs (and Lawful Permanent Residents) with options to more effectively access available services. This

¹⁹ Federal Bureau of Investigation, Office for Victim Assistance, available at <http://www.fbi.gov/hq/cid/victimassist/crimevictims.htm>.

²⁰ Department of Justice, Civil Rights Division, Trafficking in Persons: A Guide for Non-governmental Organizations (2002, available at <http://www.usdoj.gov/crt/crim/wetf/trafficrochure.pdf>).

²¹ Services that USC victims are not eligible to receive under TVPA are social services advocacy (explanation of available benefit entitlements and facilitation of access to those benefits) and the humanitarian services needed to meet their daily needs, such as: housing/shelter; sustenance; medical, mental health and dental services; interpreter/translator services; criminal justice system-based victim advocacy; legal services; literacy education and/or job training; and transportation. Many of these services are available to USC victims who can not themselves afford them if they qualify for public benefits.

²² The 2005 TVPRA authorized a residential treatment pilot program for all minors, including USC and Lawful Permanent Resident minors. While HHS requested funds for this authorization, no money was actually appropriated by Congress.



would in turn assist with stabilizing them and increasing the likelihood they will remain available and cooperative through the time of trial.²³

Foreign victims who have been trafficked to or within the U.S.: In addition to broadening the definition of trafficking related crimes, the TVPA sets forth a comprehensive approach to assist “victims of severe forms of trafficking” that complements the efforts made by law enforcement.²⁴ Foreign victims of severe forms of trafficking are eligible for special benefits and services. The services are available to a person who meets the definition of a victim of a severe form of trafficking, without regard to whether an indictment is eventually filed, or whether any indictment that is filed includes trafficking statutes. The types of services and benefits available to foreign trafficking victims are contingent upon 1) whether a victim has been subjected to an act that satisfies the TVPA definition of a severe form of trafficking, 2) the adult victim’s immigration status, and 3) the adult victim’s willingness to assist law enforcement.²⁵

Foreign victims of severe forms of trafficking are entitled to the same types of benefits as USCIs who have been victims of a federal crime. In practice, the foreign victims’ benefits have been designed specifically to victims of trafficking and include intensive case management to connect trafficking victims with the services they need. Foreign victims who are minors and who have received benefits-eligibility letters and adult victims who have certification from the HHS are also eligible, to the same extent as refugees, for assistance that is administered or funded by federal agencies.

²³ Commissioners Denise E. O’Donnell and David A. Hansell, New York State Interagency Task Force on Human Trafficking (August 2008, p. 12).

²⁴ Id. § 7105. The TVPA defines “severe forms of trafficking in persons” as: (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Id. § 7102(8); see also Office of Refugee Resettlement, Dep’t of Health & Human Services, State Letter #01-13 (May 3, 2001), available at <http://www.acf.dhhs.gov/programs/ofa/traffic/stateltr.htm>. The United States Department of Health and Human Services, Office of Refugee Resettlement (ORR), has the authority to certify an adult victim of a severe form of trafficking who (I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and (II) (aa) has made a bona fide application for a [“T” nonimmigrant status] visa; or (bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers.

Id. Victims under the age of eighteen do not need certification to receive benefits. Certified victims of trafficking are eligible, regardless of immigration status, for federal and state benefits to the same extent as refugees. Id. This includes economic and social assistance, medical care, employment services, and skills training. Office of Refugee Resettlement, Dep’t of Health & Human Services, State Letter #02-31 (Sept. 24, 2002), available at <http://www.acf.dhhs.gov/programs/orr/policy/sl02-31at.htm>. Provided that they meet specific program requirements, certified victims may be eligible for food stamps, Supplemental Security Income, Temporary Assistance to Needy Families, Medicaid, Matching Grant Program, Unaccompanied Minors Program, and Refugee Cash Assistance.

²⁵ Department of Justice, Office of Justice, Office for Victims of Crime, Attorney General Guidelines for Victim and Witness Assistance (May 2005, p. 68-69).



These services may include:²⁶

- Shelter
- Case management
- Interpretation services
- Medical care
- Dental care
- Crisis counseling
- Legal/immigration assistance
- Criminal Justice System advocacy
- Job training
- Transportation ²⁷

Foreign victims are also entitled to additional services and a temporary residence visa, if they go through an evaluation and application process to determine eligibility. Victims will be given assistance and guidance through the process from trained anti-trafficking advocates.

The TVPA provides for two forms of legal, but temporary immigration status: (1) continued presence and (2) a “T” visa. Both forms of relief are for victims of severe forms of trafficking. If the victim is certified to be a victim of a severe form of trafficking, he or she will be eligible for the same services as a refugee or victim of other federal crimes. Any victim, regardless of nationality, may be placed in the federal witness protection program.²⁸

Moving Forward

Law enforcement authorities need to be more aware that human trafficking exists within the U.S. and happens to USCs. Law enforcement also needs to recognize the “grooming process” and the triggers and indicators of risk associated with this crime. All too often in the past, young victims of this heinous crime have simply been labeled “child prostitutes”. This term is not acceptable since no child can consent to being pimped or abused. These children are in fact victims of trafficking and the terminology used by all governmental agencies needs to reflect this.

NGOs have stated that USC trafficking victims tend to be perceived and treated more as criminals than as victims by law enforcement. This perception and treatment is based in part on how law enforcement routinely handles traditional types of crimes. Well established

²⁶ Department of Justice, Office for Victims of Crime (OVC), available at <http://www.ovc.gov/help/tip.htm>. OVC services are intended to assist victims between the period of time they are encountered by law enforcement, and when they are “certified” to receive other benefits through the U.S. Department of Health and Human Services. This period of time is referred to as “pre-certification.”

²⁷ Immediate victim assistance can be coordinated through the U.S. Immigration and Customs Enforcement’s (ICE) National Victim/Witness Coordinator or the local ICE field office’s Victim/Witness Coordinator. ICE Victim/Witness Coordinators, in partnership with the Departments of Justice and Health and Human Services, focus on providing assistance to victims of trafficking ICE agents identify during their investigations.

²⁸ Final determination that a witness qualifies for Witness Security protection is made by the Attorney General. The decision is based on recommendations by U.S. Attorneys assigned to major federal cases. In a state court case, the determination is based on a request from a State Attorney General through the appropriate U.S. Attorney’s office.



investigative procedures used to investigate human trafficking related crimes (such as local vice crimes, assault, rape, immigration offences, threats, health and fire code violations, etc, all of which are commonly referred to “surface” crimes) are often too narrowly defined to cover the circumstances of employment, methods of inducement and control used by traffickers.²⁹ When investigating prostitution, prostitution related crimes, or undocumented worker violations, law enforcement should apply internal procedures that would require that human trafficking be ruled out before proceeding with traditional investigative techniques. By applying these internal procedures within law enforcement, and through increased outreach and public awareness, more human trafficking victims will be identified.

If human trafficking indicators are identified during the course of a criminal investigation, halt the investigation and pursue as a trafficking case until human trafficking is ruled out as a possibility, before continuing with the suspended investigation.

Both USCs and Lawful Permanent Residents identified as human trafficking victims are eligible for short term assistance by the investigating agency, benefits as the victim of a federal crime, and provided they meet eligibility criteria, standard public assistance benefits. However, while all victims may avail themselves of the services of law enforcement Victim-Witness specialist, USC victims do not have a victim advocate (or case management specialist) who can advise and deliver these services and benefits in an expedient organized manner that facilitates stabilization of the victim. USC victims need the same long term care as foreign victims. HHS and OVC both receive appropriated human trafficking federal funds to assist foreign trafficking victims; however, there have been no such appropriations to assist USC victims. To adequately care for USC victims, governmental agencies should continue to seek appropriated federal funding. At the same time they should partner with NGOs to train and collaborate with the necessary public assistance personnel to create a social services referral mechanism for USC victims. This will ensure they prioritize the handling of USC victims and create a direct path to services and benefits.

The Human Smuggling and Trafficking Center should explore establishing a Human Trafficking Interagency Working Group consisting of the appropriate federal government agencies, non-governmental organizations, and non-federal agencies. Such a working group should at a minimum:

- Identify and develop a means to collect more comprehensive data on trafficking in persons in the U.S. to include USC trafficking victims. More comprehensive data will assist in better understanding the scope of trafficking in the U.S. and will help inform NGOs’, law enforcement’s, and the government’s response
- Identify ways in which to streamline the process for USC victims to receive federal and state public assistance benefits
- Determine how the U.S. Government can best provide and accurate count of all trafficking victims identified, assisted, or rescued in the U.S. during a given year
- Devise performance indicators that will provide a measurement for success in the U.S. Governments anti-trafficking efforts within the U.S.

²⁹ Commissioners Denise E. O’Donnell and David A. Hansell, New York State Interagency Task Force on Human Trafficking (August 2008, p. 6).



Human Smuggling and Trafficking Center

- Provide guidance to the national human trafficking task forces within the U.S.
- Work with international partners to determine if their anti-trafficking best practices are applicable to issues in the U.S. and if so, how to incorporate them



A Trafficking Case Study (USC Sexual Exploitation)

Amy³⁰, a 17 year old U.S. citizen, ran away from her mother's home in Oceanside, California and moved in with her high school boyfriend. The boyfriend quickly convinced Amy to work for him as a prostitute and to recruit other girls to do the same. After working as a street prostitute for one day, the boyfriend took Amy to Las Vegas, Nevada and introduced her to his friend, Ray, and they stayed at Ray's apartment. Also living at the apartment with Ray were three other women who worked as Ray's "bottom girls".³¹ Amy worked for her boyfriend for one night in Las Vegas and told him she wanted to go back to California. The boyfriend threatened Amy that if she left he would find her and beat her. Ray approached Amy and convinced her to work for him instead, bragging that he possessed cars, an apartment, and had the means to buy her nice clothing. Amy agreed to work for Ray, Ray then lied to the boyfriend stating that Amy had been sexually assaulted and sent back to California.³²

Aug. 2007, Atlanta, GA: Jimmie Lee Jones conspired to force 6 adult and 2 minor victims to engage in sex acts. Jones lured and recruited the minor and adult victims into prostitution with promises of legitimate modeling or exotic dancing work and used physical violence, threats of violence, deception, and other forms of coercion to compel the victims to work as prostitutes. Jones was convicted and received a 15 year prison sentence.

Amy was driven to the prostitution locations by Ray, who told her what she should charge customers, and how to avoid solicitation by law enforcement. Ray also ordered Amy not to socialize with other prostitutes, look at any other black males, or speak with her mother. Ray told Amy she had to make \$1000 per night working as a prostitute.³³ Amy gave all of the proceeds of her work directly to Ray, or sometimes to a "bottom girl" to give to Ray.

Ray instructed Amy that if she was arrested to provide the name and date of birth of another prostitute who was over eighteen years old. Amy testified that Ray gave her a birth certificate of a woman who was over eighteen.³⁴ Amy estimates that she made approximately \$11,000 working as a prostitute in Las Vegas and all of it was given to Ray.

Amy was arrested for prostitution by the Las Vegas Metropolitan Police. Following her arrest, she was returned to Oceanside, CA and continued working for Ray. Ray then drove her and

³⁰ Victim's name changed to preserve privacy.

³¹ This term is used for women who assist a pimp in managing his prostitution business. Their responsibilities include overseeing and training new prostitutes, and reporting their disobedience. One of the "Bottom Girls," Nyree, worked for Ray and collected Amy's prostitution earnings and assisted in other aspects of Ray's prostitution business. Nyree would later threaten Amy over the phone in an attempt to influence her testimony against Ray.

³² Amy's boyfriend called and threatened Amy's 15-year-old sister and her friend in an attempt to locate Amy. There is no evidence to suggest that the boyfriend and Ray worked together.

³³ Las Vegas Metropolitan Police found a handwritten list of "rules" signed by Amy and others hanging on a wall inside of Ray's apartment when they executed a search warrant. One of the rules read "no out of pocketness" a term commonly used to define when a prostitute is not being loyal to her pimp and attempts to change pimps.

³⁴ Las Vegas Metropolitan Police reports state that Amy was arrested and provided identification in the form of a birth certificate listing another known prostitute who was over 18 years old.



another prostitute back to Las Vegas where she stayed with Ray and continued to work for him. The following month, Ray sent Amy to Miami, Florida alone where she worked for two days. After a few days, Amy left Florida and returned to California with Ray.³⁵ Amy stated that she was afraid of Ray, and although she never told him she wanted to leave, feared doing so after seeing him beat and choke another prostitute for minor disobedience.³⁶ Amy knew Ray owned a gun and witnessed Ray beat another prostitute who tried to run away from him and he threatened to shoot her if she tried to run away again.³⁷

Upon leaving Miami, Amy and Ray traveled to California and then returned to Las Vegas where she was arrested again.³⁸ This time Amy was identified as a minor and was placed in a runaway shelter in California. Amy remained at the shelter for just over a month before she ran away with another pimp and then chose to return to Ray.³⁹ Amy continued to work for Ray in California until she was arrested and incarcerated in a juvenile facility.

When arrested, Ray pleaded guilty to two federal counts of child sex trafficking by force. In a plea agreement, Ray admitted that he was a pimp to two minor girls and that he had them work for him as prostitutes in Los Angeles and Orange counties, as well as in Las Vegas, Nevada. Ray required the girls to engage in commercial sex acts and to give him all of the money they earned. Ray used coercive methods to ensure that the girls would perform sex acts in exchange for money. Ray kept a close watch over the girls while they worked as prostitutes and made them believe that if they disobeyed him or broke one of his rules, he would physically harm them. In June 2007, Ray was convicted of human trafficking and sentenced to 100 months in prison to be followed by 5 years of supervised release.

A Trafficking Case Study (Migrant Labor Camp/Labor Exploitation)

From April 2005 through November 2007, members of the Navarrete family regularly beat, slapped, kicked, punched, dragged, and threatened harm to Mexican and Guatemalan nationals to obtain their labor picking tomatoes in Florida, and North and South Carolina. In November 2007, Cesar and Geovanni Navarrete along with a juvenile nicknamed “Trompas,” beat a Guatemalan national and then locked the Guatemalan and four Mexican nationals in the back of a box truck to ensure the workers wouldn’t leave and would be available to work in the morning. On another occasion, Cesar locked another migrant worker in a truck following a dispute about pay. In about July, 2007, in South Carolina, Geovanni Navarrete and “Trompas” chained a migrant worker’s legs to a post to prevent him from running away to work for someone else.

³⁵ Records from Southwest Airlines showed that Amy and Ray traveled on the same flight from Ft. Lauderdale, FL to Los Angeles, CA.

³⁶ While she was in California, Amy heard Ray arguing with another prostitute. Immediately after the fight she saw the prostitute with a bloody nose and a laceration to her face.

³⁷ Las Vegas Metropolitan Police seized a Beretta .22 caliber handgun when executing a search warrant on Ray’s apartment.

³⁸ Each time Amy was arrested she admitted that Ray was her pimp.

³⁹ Amy stayed with this pimp for one day and then phoned her mother and Ray. She “turned a date” on her own to get money to meet Ray in Oceanside.



1997: Miguel Flores and Sebastian Gomez are sentenced to 15 years each in federal prison on slavery, extortion, and firearms charges, for holding 400 men and women in Florida and South Carolina to harvest vegetables and citrus. Those who tried to flee were beaten, pistol-whipped or shot.

Workers stated that Cesar, Geovanni, and Jose “Pepe” Navarrete, along with “Trompas,” regularly told their workers they were not allowed to leave the Navarretes’ camps without permission and that they would be brought back and beaten if they left while indebted to the Navarretes. All of the workers interviewed reported that they were almost always indebted to the Navarretes because they were shorted on their earnings and because exorbitant charges for their basic living expenses were deducted from their earnings. Every worker interviewed openly admitted continuing fear of the Navarretes. All of the workers/victims and the above named subjects were undocumented. Cesar Navarrete arranged to have false documents made for his workers and then retained them.⁴⁰

Workers’ living conditions were substandard. In Immokalee, Florida, workers slept outside, in vans or in a shack on the Navarrete property. In northern Florida, and North and South Carolina, workers slept in crowded trailers for which the Navarretes deducted \$40 a week from their earnings for housing. Fifty dollars a week was deducted for two basic meals a day. No food was provided on Sundays. Workers were charged for everything - including beverages, showers, and laundry.⁴¹ These expenses were deducted from unpaid earnings.

Cesar, Geovanni, and “Trompas” locked five workers in the back of a box truck. After about seven hours, one of the men noticed light at the top back corner of the truck and with his head he pushed loose some of the sheet metal roof. Eventually, two of the men squeezed their way out of the truck and jumped to the ground. They observed that the truck was pad-locked on the outside so they could not open it and release the other men. They located a wooden ladder and rescued the remaining confined men. One of the men later returned to the subjects’ compound for his property. Cesar beat him and cut his arm with a sharp object.⁴² Cesar told the man that he would work for him in the morning. Cesar again locked the man in the same box truck. After a few hours someone, he does not know who, unlocked the truck, and he ran away.

1999: Immokalee farm labor contractor Abel Cuello pleads guilty to buying smuggled workers from Mexico and holding them captive. He’s sentenced to 33 months in federal prison.

The men reported the lock-in to the Collier County Sheriff’s Department and other workers notified a frequent NGO partner, the Coalition of Immokalee Workers. Federal law enforcement was contacted by local law enforcement. A federal search warrant was executed November 29, 2007. At that time, four subjects and approximately 12 workers were taken into ICE custody

⁴⁰ During the execution of a federal search warrant at the Navarrete residence, two sets of false documents were seized from the bedrooms of Virginia Navarrete and Antonia Zuniga Vargas.

⁴¹ One worker reported he paid \$5.00 for an outside cold hose shower in a makeshift plastic enclosure.

⁴² The arms of this laborer had multiple small slashes.



because they did not possess legal documentation. The four subjects subsequently were arrested and indicted on immigration violations and the related conspiracy.

This was a joint federal-local investigation with U.S. Immigration and Customs Enforcement (ICE) as the lead agency, the Federal Bureau of Investigation (FBI), the Social Security Administration (Office of Inspector General), and the Collier County, Florida Sheriff's Department Human Trafficking Unit. Eight victims were rescued, cooperated with law enforcement, and were housed in a safe location. ICE submitted the victims' applications for Continued Presence Parole. The victims all had serious alcohol addictions requiring intensive case supervision. One victim was hospitalized with diabetes and a heart condition.

2004: Ramiro and Juan Ramos are sentenced to 15 years each in federal prison on slavery and firearms charges. The men kept some 700 farm workers in Florida and North Carolina, threatened workers with death if they tried to leave.

Cesar Navarrete, Geovanni Navarrete, their mother Villhina "Virginia" Navarrete, Ismael Michael Navarrete, and Antonio Zuniga Vargas pleaded guilty in September 2008 to charges relating to a scheme to enslave Mexican and Guatemalan nationals and compel their labor as farm workers. All five defendants pleaded guilty to harboring undocumented foreign nationals for private financial gain and identify theft. In addition, Cesar and Geovanni Navarrete pleaded guilty to beating, threatening, restraining and locking workers in trucks to force them to work for them as agricultural laborers. Cesar Navarrete also pleaded guilty to re-entering the U.S. after being convicted of a felony and deported, and Ismael Navarrete also pleaded guilty to document fraud. Cesar and Geovanni Navarrete face up to 35 and 25 years in prison, respectively. The other defendants face a range of 10-25 years in prison. The defendants were accused of paying the workers minimal wages, driving them into debt, while simultaneously threatening physical harm if the workers left their employment before their debts had been repaid to the family. These five defendants were awaiting sentencing at the time of this writing.

Jose Pepe Navarrete pleaded guilty earlier and was sentenced in October 2008 to 51 months in prison for his role in the labor trafficking scheme. Navarrete previously pleaded guilty to conspiracy, harboring undocumented foreign nationals for financial gain, possession of false documents, and other offenses arising from his role in the trafficking ring. In addition to his prison sentence, the court ordered Navarrete to pay \$239,882.46 in restitution to the victims of the scheme.

This paper was prepared by the Human Smuggling and Trafficking Center. Comments and queries should be addressed to Roy Hall, ICE Senior Special Agent at (202) 312-9746 or Roy.Hall@dhs.gov.