



Human Trafficking

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Frequently Asked Questions

- ▶ Are human trafficking and smuggling different?
- ▶ What are the main elements of trafficking?
- ▶ Who are human traffickers?
- ▶ Who do I call if I contact a suspected human trafficking victim?
- ▶ Who is most commonly victimized?
- ▶ Are there domestic trafficking victims in the US?



Human Trafficking Basics

- ▶ Human trafficking = modern-day *slavery*.

- ▶ Victims exploited for:
 - Commercial sex
 - Prostitution, pornography, stripping, live-sex shows, mail-order brides, military prostitution and sex tourism
 - Forced labor
 - Agriculture, domestic servitude, sweatshops

- ▶ Traffickers use force, fraud, or coercion to control their victims.



Common Myth

MYTH:

Movement is required for trafficking to occur.

FACT:

Trafficking can occur without movement. Force, fraud or coercion are the necessary elements, not movement.



Human Trafficking Defined

The Trafficking Victims Protection Act (TVPA) defines trafficking 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 an 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.

A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.



Common Myth

MYTH:

Human trafficking and smuggling are the same.

FACT:

Smuggling is based on a consensual agreement between smuggler and client. Force, fraud or coercion are used to enslave a trafficking victim. Smuggling may become trafficking.



Trafficking vs. Smuggling

Trafficking

- ▶ Crime against a person
- ▶ Force, fraud or coercion used to maintain relationship
- ▶ Victim exploited for forced labor or commercial sex
- ▶ Can occur domestically
- ▶ Trafficked persons are victims
- ▶ Trafficking is a **CRIME**

Smuggling

- ▶ Crime against the nation's sovereignty
- ▶ Relationship and contact ends after entry
- ▶ Fees paid in advance or on arrival, no exploitation.
- ▶ Always international in nature
- ▶ Smuggled persons are violators
- ▶ Smuggling is a **CONTRACT**



Who are Human Traffickers?

- ▶ Friends and family members
- ▶ Organized criminal groups
 - Local gangs
 - Drug trafficking organizations (DTO's)
 - Family based organizations
- ▶ Smugglers
- ▶ Pimps/madams/sex industry/massage parlors
- ▶ Restaurants/service related businesses
- ▶ Diplomats (Domestic Servitude)
- ▶ Governments



Common Myth

MYTH:

All trafficking victims are females.

FACT:

Anyone can be a trafficking victim.



Who are the Victims?

- ▶ Men, women and children
- ▶ Desperate, vulnerable and impoverished persons
- ▶ Women comprise at least 56 percent of the world's trafficking victims
- ▶ In the US:
 - 58% of foreign trafficking victims are male
 - 82% of time used in Labor
 - 83% of victims in sex trafficking cases were US citizens



Force

- ▶ Beating
- ▶ Burning
- ▶ Tattooing
- ▶ Drug addiction
- ▶ Torture
- ▶ Confinement
- ▶ Sexual assault



Fraud

- ▶ False promises, marriages, employment
- ▶ Deceitful, enticing, affectionate behavior by “the boyfriend”.
May use “seasoning” process
- ▶ Withholding wages
- ▶ Misrepresenting working conditions
- ▶ Misrepresenting the promise of a “better life”



Coercion

- ▶ Threats of serious harm or restraint against victim, victim's family or 3rd party
- ▶ Intimidation/humiliation
- ▶ Emotional abuse
- ▶ Control of daily lives and brainwashing
- ▶ Deportation threats
- ▶ Confiscation of documents



Sex Trafficking

- ▶ Prostitution is the most common (visible) form of trafficking in the United States.

- ▶ May be working in:
 - Massage parlors
 - Brothels
 - Strip clubs
 - Escort services
 - Truck Stops
 - Bars/cantinas
 - Modeling studios
 - Street corner
 - Convenience stores



Common Myth

MYTH:

All trafficking victims are foreign nationals.

FACT:

Trafficking victims can be U.S. citizens or lawful residents.



Domestic Minor Sex Trafficking (DMST)

- ▶ 800,000 kids reported as runaway every year
200,000 abducted by family members
- ▶ Up to 300,000 American children are victims of commercial sexual exploitation every year
- ▶ Organizations working with DMST victims estimate 70-80% are runaways with a history of abuse



Labor Trafficking

Using force, fraud or coercion to recruit, harbor, transport, obtain or employ a person for labor or services in involuntary servitude, peonage, debt bondage or slavery.

- ▶ Labor trafficking is separated into three categories:
 - Bonded labor
 - Forced labor
 - Child labor



Bonded Labor = Debt Owed

Labor demanded as a means of repayment for a loan or service where the terms are not defined or value of the victim's services is not applied toward the liquidation of the debt.

- Domestic servitude (invisible victims)
- Agricultural labor
- Sweatshops
- Janitorial services
- Food service
- Magazine or CD/DVD sales



Forced Labor = **Slavery**

Under the threat of violence victims are forced to work against their will. Freedom is restricted, and a degree of ownership is exerted.

- Domestic servitude (invisible victims)
- Agricultural labor
- Sweatshops
- Janitorial services
- Food service
- Magazine or CD/DVD sales
- Begging



Child Labor

- ▶ Work hazardous to the health and/or physical, mental, spiritual, moral or social development of children and can interfere with their education.

- ▶ The International Labor Organization estimates 215 million children between 5 and 17 involved in child labor.
 - Commercial sex trade
 - Forced military service
 - Domestic servitude
 - Drug trade
 - Construction/manufacturing
 - Illegal arms trade



Marketing the Exploitation

- ▶ Internet*
 - Backpage.com
 - CityXguide.com
 - Escortdater.com
 - Adultsearch.com
 - Localescortpages.com
 - HushVIP.com
 - SipSap.com
 - Mocospace.com
 - Eccie.net
 - Rubmaps.com
- ▶ Flyers
- ▶ Marriage bureaus
- ▶ Social network sites
- ▶ Business cards
- ▶ Personal ads

* Internet ads and pages are continually adapting. Pressures from citizens, attorneys general, and other organizations have forced some sites to close “Adult Services” pages. Traffickers continue to seek Internet sites to cater to their ads.



Texas Penal Code: § 20A.01

20A.01. DEFINITIONS. In this chapter:

- (1) "Child" means a person younger than 18 years of age.
- (2) "Forced labor or services" means labor or services, other than labor or services that constitute sexual conduct that are performed or provided by another person and obtained through an actor's use of **force, fraud, or coercion**



Texas Penal Code: § 20A.01

20A.01. DEFINITIONS. In this chapter:

(3) "Sexual conduct" has the meaning assigned by Section 43.25.

(Note: Section 43.25 (2) "Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.)

(4) "Traffic" means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.



Texas Penal Code: § 20A.02

§ 20A.02. TRAFFICKING OF PERSONS

Note: Items (a) (1 and 2) are adult labor trafficking
Items (a) (3 and 4) are adult sex trafficking

- (a) A person commits an offense if the person **knowingly**:
- (1) traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services
 - (2) benefits from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services.



Texas Penal Code: § 20A.02

- (3) traffics another person and, through force, fraud or coercion, causes the trafficked person to engage in conduct prohibited by:
- (A) 43.02 (Prostitution);
 - (B) 43.03 (Promotion of Prostitution);
 - (C) 43.04 (Agg. Promotion of Prostitution); or
 - (D) 43.05 (Compelling Prostitution);
- (4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);



Texas Penal Code: § 20A.02

Note: Items (a) (5 and 6) are child labor trafficking
Items (a) (7 and 8) are child sex trafficking

(5) traffics a child with the intent that the trafficked child engage in forced labor or services;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;



Texas Penal Code: § 20A.02

- (7) traffics a child and **by any means** causes the trafficked child to engage in, or become the victim of, conduct prohibited by:
- (A) 21.02 (Continuous Sexual Abuse of Young Child or Children);
 - (B) 21.11 (Indecency with a Child);
 - (C) 22.011 (Sexual Assault);
 - (D) 22.021 (Aggravated Sexual Assault);
 - (E) 43.02 (Prostitution);
 - (F) 43.03 (Promotion of Prostitution);
 - (G) 43.04 (Aggravated Promotion of Prostitution);
 - (H) 43.05 (Compelling Prostitution);
 - (I) 43.25 (Sexual Performance by a Child);
 - (J) 43.251 (Employment Harmful to Children); or
 - (K) 43.26 (Possession or Promotion of Child Pornography)



Texas Penal Code: § 20A.02

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

(b) Except as otherwise provided by this subsection, an offense under this section is a **felony of the second degree**. An offense under this section is a **felony of the first degree** if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time the actor commits the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.



Investigative Tools – Recent Case Law

“by any means” – Trafficking/Compelling **Minors**

- Buying lingerie or revealing clothes for “work”
- Taking minor to place designed for prostitution
- Providing mentor to train minor how to be a prostitute
- Providing food / lodging /clothing and directions to locations to earn money by prostitution
- Arranging “dates” with the knowledge prostitution is occurring
- Accepting prostitution money for drugs, knowing the money was from prostitution



Statute of Limitations

Article 12.01 Code of Criminal Procedure

No limitation:

1. Sex Trafficking of a minor

10 Years:

1. Adult (Labor and Sex) trafficking
2. Compelling Prostitution/Adult

10 Years from 18th
birthday of the victim:

1. Compelling Prostitution / Minor
2. Labor Trafficking of a child



National Victim Resources

National Human Trafficking Resource Center (24 hours) will assist in connecting victims to services they may be eligible to receive. **(888) 373-7888**

Sponsored by Polaris Project

National Center for Missing & Exploited Children

800-THE-LOST (800-843-5678)

Lesley George, Analyst

703-838-8197

Rebecca Sternburg; Sr Analyst

703-778-6451

www.missingkids.com

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Questions

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