

Prosecuting Human Trafficking

RESTORING  *OAKS*



Thomas Nettesheim
Executive Director
Restoring Oaks Inc
941-889-8555
info@restoringoaks.org

About Restoring Oaks Inc

- Restoring Oaks is a Florida based 501c3 nonprofit community alliance to prevent and end human trafficking
- We have a three-pronged approach to fighting human trafficking
 - Education and Advocacy
 - Individual and Community Involvement
 - Safe-housing



What is Human Trafficking?

- There are two major forms of trafficking
 - Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the 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 (22 USC § 7102).
 - Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).



What laws are in place for prosecuting human trafficking and protecting victims and survivors?



The A-M-P Model

- Action + Means + Purpose = Human Trafficking
- Action - Harboring, Recruiting, Transporting, Providing, Obtaining, Patronizing, Soliciting, and Knowingly Advertising
- Means - Force, Fraud, Coercion
- Purpose - A commercial sex act, labor or services
- All three of these are required to prosecute adult labor and sex trafficking cases, and minor labor trafficking cases
- Means is NOT required for cases of sex trafficking of minors

How Human Trafficking is Prosecuted

- Force - Physical Restraint, physical harm, and sexual assault
- Fraud - False promises regarding employment, wages, working conditions, love, marriage, or a better life
- Coercion - Threats of serious harm, physical restraint, psychological manipulation, document confiscation, and shaming
- In order to prosecute human trafficking, at least one of these elements need to be present

Human Trafficking Laws

- Trafficking Victims Protection Act of 2000 ([22 U.S.C. 7101](#) et seq.) [Polaris Project Analysis of 2019 is the most recent version](#)
- Title XII of the Violence Against Women Reauthorization Act of 2013 ([Public Law 113-4](#)),
- [Preventing Sex Trafficking and Strengthening Families Act of 2014](#)
- Trade Facilitation and Trade Enforcement Act of 2015 ([19 U.S.C. 4301](#) et seq.),
- National Defense Authorization Act for Fiscal Year 2017 ([Public Law 114-328](#))
- Justice for Victims of Trafficking Act of 2015 ([Public Law 114-22](#)),
- Abolish Human Trafficking Act of 2017 ([Public Law 115-392](#)),
- Trafficking Victims Protection Act of 2017 ([Public Law 115-393](#)),
- Trafficking Victims Protection Reauthorization Act of 2017 ([Public Law 115-427](#))
- Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017 ([Public Law 115-425](#))
- Department of Homeland Security Blue Campaign Authorization Act ([Public Law 115-125](#))
- [Allow States and Victims to Fight Online Sex Trafficking Act](#) (2018)

18 U.S. Code CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS

[§ 1581. Peonage; obstructing enforcement](#)

[§ 1582. Vessels for slave trade](#)

[§ 1583. Enticement into slavery](#)

[§ 1584. Sale into involuntary servitude](#)

[§ 1585. Seizure, detention, transportation
or sale of slaves](#)

[§ 1586. Service on vessels in slave trade](#)

[§ 1587. Possession of slaves aboard vessel](#)

[§ 1588. Transportation of slaves from
United States](#)

[§ 1589. Forced labor](#)

[§ 1590. Trafficking with respect to
peonage, slavery, involuntary servitude, or
forced labor](#)

[§ 1591. Sex trafficking of children or by force,
fraud, or coercion](#)

[§ 1592. Unlawful conduct with respect to
documents in furtherance of trafficking, peonage,
slavery, involuntary servitude, or forced labor](#)

[§ 1593. Mandatory restitution](#)

[§ 1593A. Benefitting financially from peonage,
slavery, and trafficking in persons](#)

[§ 1594. General provisions](#)

[§ 1595. Civil remedy](#)

[§ 1595A. Civil injunctions](#)

[§ 1596. Additional jurisdiction in certain
trafficking offenses](#)

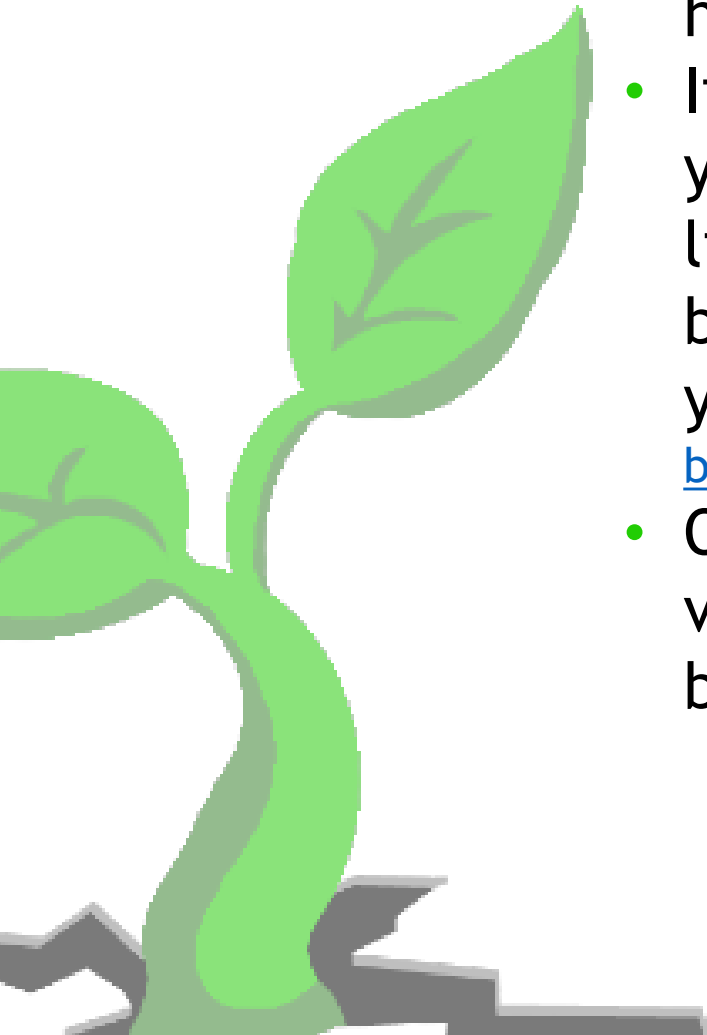
[§ 1597. Unlawful conduct with respect to
immigration documents](#)

- [H.R.509](#) - Human Trafficking Accountability Act
- [H.R.836](#) & [S.251](#) - Interdiction for the Protection of Child Victims of Exploitation and Human Trafficking Act
- [S.3319](#) - Human Trafficking Research Act of 2020
- [H.R.467](#) - Reducing the Demand for Human Trafficking Act of 2019
- [H.R.4456](#) - Enhancing Detection of Human Trafficking Act
- [H.R.619](#) & [S.169](#) - Human Trafficking Survivor Tax Relief Act
- [H.R.2149](#) - Exposing the Financing of Human Trafficking Act
- [H.R.5080](#) - HOPE for Victims of Human Trafficking Act
- [S.3333](#) - Human Trafficking and Exploitation Prevention Training Act of 2020

Newly Introduced Bills

Penalties if Prosecuted for Human Trafficking

- If someone is found guilty of using forced labor, they can be fined and face up to 20 year imprisonment (more if death happens from labor) [18 U.S. Code § 1589. Forced labor](#)
- If someone is found guilty of sex trafficking of persons 14 years old and under, they can be fined and face 15 years to life in prison. If found guilty of sex trafficking of persons between 14-18 years old, they can be fined and face 10 years to life in prison. [18 U.S. Code § 1591. Sex trafficking of children or by force, fraud, or coercion](#)
- On top of prison sentences and fines, the law states that victims of trafficking should receive mandatory restitution by the defendant. [18 U.S. Code § 1593. Mandatory restitution](#)
 - Around 36% of trafficking survivors actually get rewarded restitution. <https://www.htlegalcenter.org/wp-content/uploads/2018-Mandatory-Restitution-Report.pdf>



Who Helps Prosecute Human Trafficking

- U.S. Department of Homeland Security (DHS)
- Federal Bureau of Investigations (FBI)
- Attorney General
- The Justice Department
- Human Trafficking Protection Unit (HTPU)
- Local Law Enforcement
- Social Service, Awareness and Prevention Services
- US Health and Human Services

Challenges of Prosecuting Human Trafficking

- Traffickers know what they are doing and the network is vast
- Prosecutors must show that the victim was in fact being trafficked against their will, which means prove the victim/survivor's state of mind
- Lack of awareness or willingness of industries to ask the right questions
- Prosecutors may have to charge traffickers for other offenses like weapons charges or visa fraud
- Businesses who are involved in trafficking may get shut down but reopen under a different name, i.e. massage parlors
- Often adults and minors who are trafficked are either in the foster system or are homeless
- Sometimes victims will not cooperate because of threats by the trafficker or a false sense of security

<https://abcnews.go.com/US/prosecuting-human-traffickers-poses-significant-challenges-top-prosecutor/story?id=64882178>



What can I do to help those who
are on the frontlines
prosecuting human trafficking?



How you can help

- Familiarize yourself with the laws in place
- Attend trainings in your community or specific to your industry
- If you see anything suspicious, report it
- Help those who are in a potential trafficking situation get the help they need
- Help stop the demand by helping educate the community
- Write letters to our local, state and governing thanking them for the work their doing and telling them to do more.
- Sign petitions to combat trafficking. For example:
<https://traffickinghubpetition.com/>

Progress Report - How are we doing?

Assistant Attorney General Eric Dreiband - May 7th, 2019 at the Human Trafficking Summit

“Through these strong strategic partnerships with law enforcement and non-governmental anti-trafficking advocates, the Department has brought over 800 federal trafficking cases against approximately 1,800 defendants since Congress passed the Trafficking Victims Protection Act [in 2000].

These prosecutions are all in addition to...child sex trafficking cases that do not require proof of coercion, and that are led by the...the Justice Department’s Criminal Division.

We secured convictions on behalf of a young child brought here from West Africa and held in domestic servitude without pay for sixteen years...[another] young woman from New Hampshire whose sex trafficker preyed on her opioid addiction to compel her to prostitute for his profit. We...vindicated the rights of hundreds of Thai women exploited throughout the United States by a transnational sex trafficking organization. In another case, we vindicated the rights of dozens of young women and girls lured into the United States from Mexico on false promises of love, marriage, and a better life.

Together with all of you and many others, we are utilizing time-tested effective strategies: victim-centered approaches to providing the survivors the safety and security they need to come forward; innovative, broad-based partnerships so we can continue uncovering hidden trafficking threats; and the criminal investigations and prosecutions of traffickers that these strategies enable us to bring.

<https://www.justice.gov/opa/speech/assistant-attorney-general-eric-dreiband-delivered-remarks-national-human-trafficking>

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as part of an enforcement action by the Federal Bureau of Investigation, the U.S. Postal Inspection Service, and the Internal Revenue Service Criminal Investigation Division, with analytical assistance from the Joint Regional Intelligence Center.

Other agencies participating in and supporting the enforcement action include the U.S. Attorney's Office for the District of Arizona, the U.S. Department of Justice's Child Exploitation and Obscenity Section, the U.S. Attorney's Office for the Central District of California, the office of the California Attorney General, and the office of the Texas Attorney General.

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April 6, 2018

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<https://cbslocal.com/2018/04/07/backpage-shut-down-by-the-government/>



Recent Cases

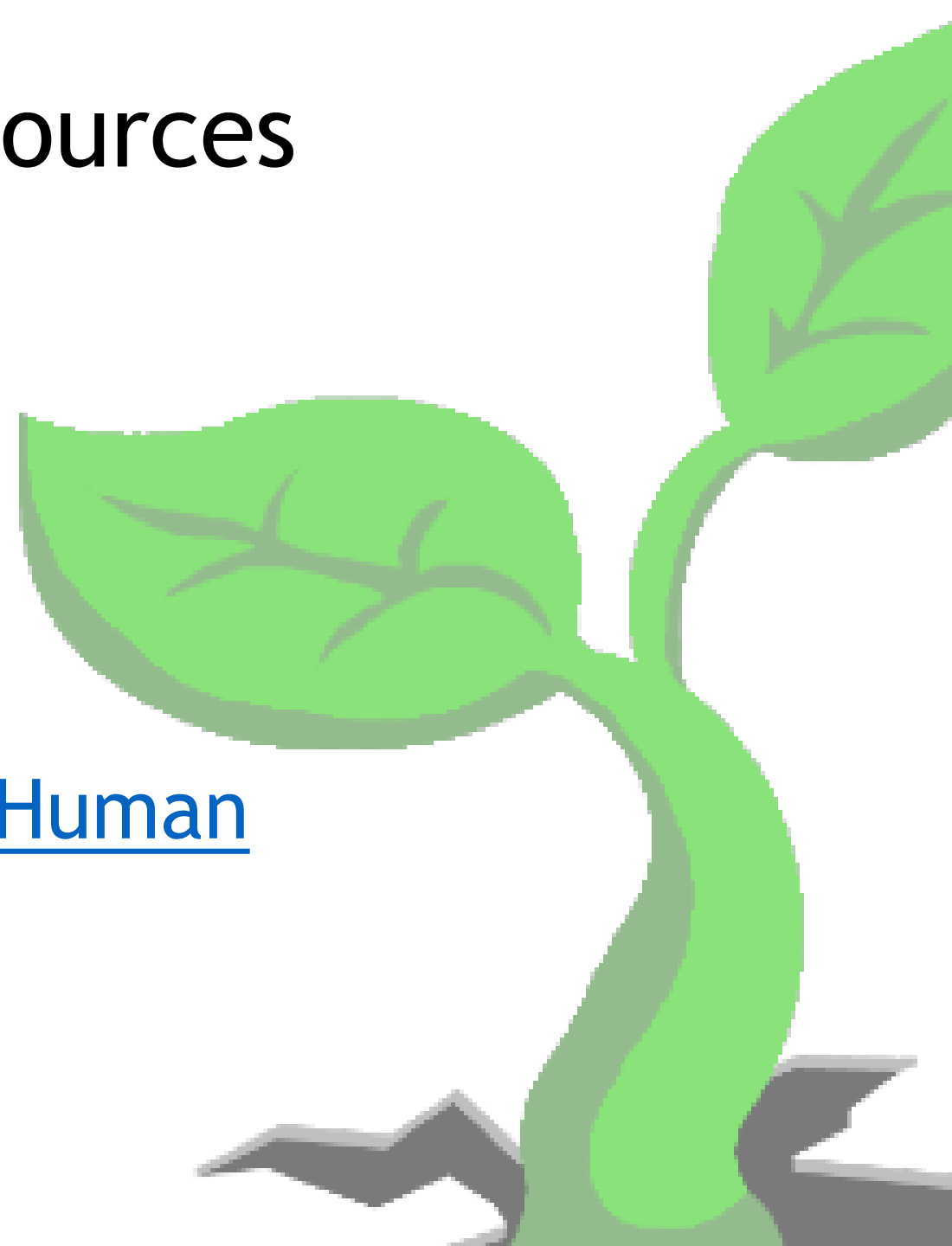
- [Department of Justice Human Trafficking Press Room](#)
- “In fiscal year 2019, [Homeland Security Investigators] HSI initiated 1,024 investigations with a nexus to human trafficking and recorded 2,197 arrests, 1,113 indictments, and 691 convictions; 428 victims were identified and assisted.” [ICE Human Trafficking Page](#)
- 11,500 reported cases of human trafficking and 808 crisis cases through the Human Trafficking Hotline. [Polaris Project 2019 Annual Report](#)
- [518 arrested in California during statewide effort “Operation Reclaim and Rebuild” in early 2020](#)
- [“The Sinful Six” arrested in Hillsborough County, with multiple women rescued](#)
- [100 Arrested in Hillsborough County During Operation Trade Secrets 2](#)

Organizations Offering Legal Help

- [Florida Statewide Council on Human Trafficking](#)
- [Human Trafficking Hotline](#) and [Community Directory](#)
- [Kinney, Fernandez, and Boire at KFB Law](#) based in Tampa
- [Catholic Charities' Anti-Trafficking Program](#)
- [Abuse Counseling & Treatment \(ABC\)](#)
- [Florida Department of Children and Families](#)

Helpful Resources

- [Polaris Project](#)
- [DOJ Human Trafficking Page](#)
- [Congress.gov](#)
- [Cornell Law - Chapter 77](#)
- [FOSTA Bill Article](#)
- [Offices for Victims of Crime Human Trafficking Resources](#)



Thank you!

- Visit the [Restoring Oaks website](#) to learn more, donate and find the recorded version
- In the next webinar, we will have a conversation with the board of Restoring Oaks!
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