



PROGRAM MATERIALS

Program #32192

October 10, 2022

## The Laws, Challenges and Intersections of Human Trafficking with Justice, Business and Society

Copyright ©2022 by

- Summer Stephan, DA - San Diego County District

All Rights Reserved.  
Licensed to Celesq®, Inc.

---

Celesq® AttorneysEd Center  
[www.celesq.com](http://www.celesq.com)

5301 North Federal Highway, Suite 150, Boca Raton, FL 33487  
Phone 561-241-1919

# **The Laws, Challenges and Intersections of Human Trafficking with Justice, Business and Society**

**Presenter: Summer Stephan,  
San Diego County District Attorney**



**SanDiegoDA.com**

# Why is understanding human trafficking important to legal professionals

- It is a violation of human rights
- It is a violation of International, U.S. and State laws
- It is a form of modern-day slavery where perpetrators profit from the sexual exploitation or forced labor of men, women and children
- It is one of the most profitable criminal enterprises and most difficult to detect
- It intersects with law, business and society

# Trafficking in Persons Report

- Human Trafficking is a global phenomenon to which no country is immune. Despite its global reach, human trafficking takes place locally.
- Human Trafficking is driven by human greed (trafficker and buyer) and human vulnerability (victim).



# Common Misconceptions (bias) with Negative Consequences

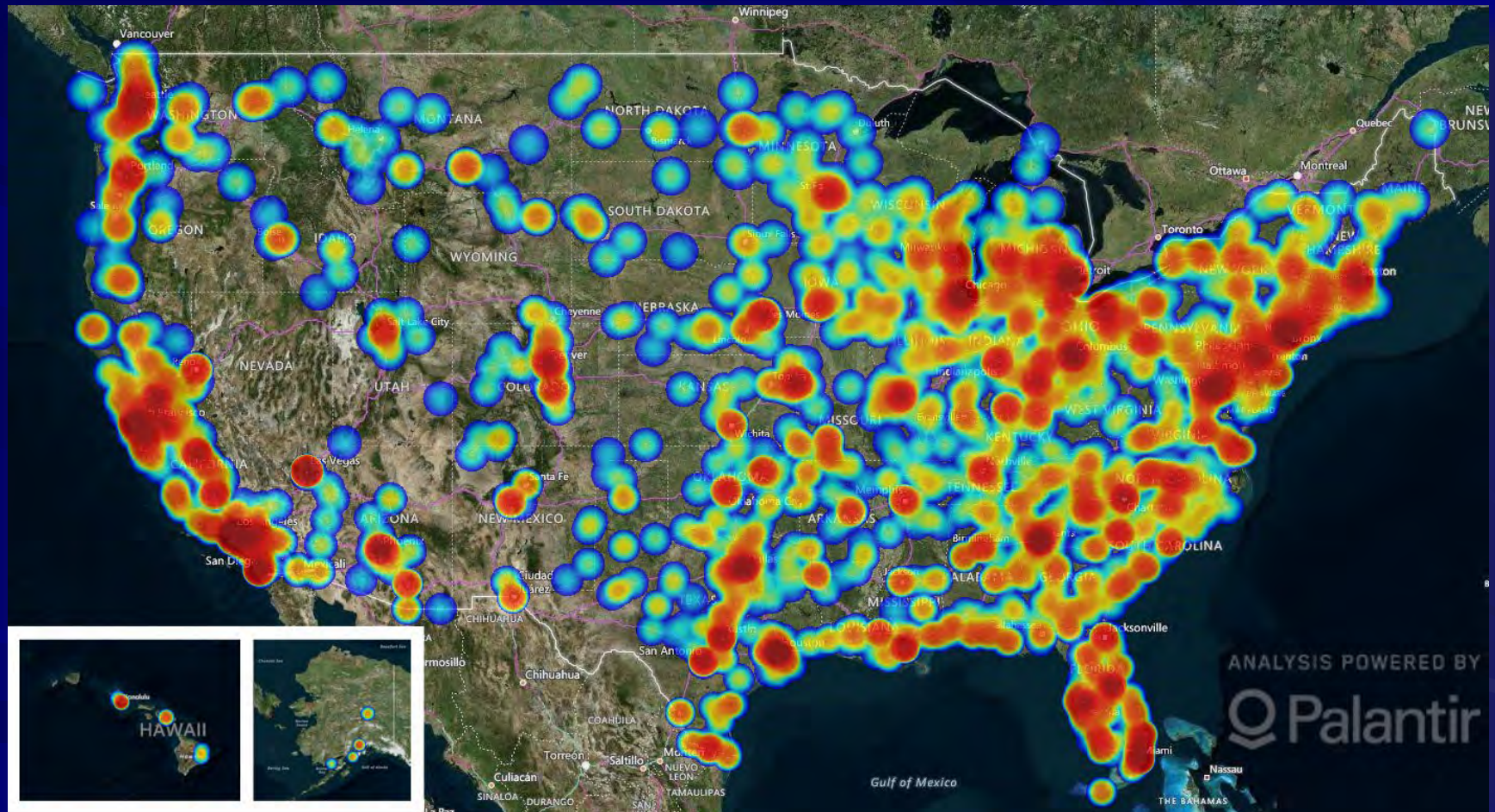
- It doesn't happen in the US
- Victims are all undocumented immigrants
- If victims agree to trafficking conditions-there is no crime ("consent" to prostitution)
- If victims are paid a certain amount, there is no crime
- If victims are not physically restrained there is no crime

# Scope of Problem

- United States:  
Tier 1 country for HT
- Cases have been investigated in ALL 50 states



# Polaris Locations of Human Trafficking in the U.S.





# High Intensity Child Prostitution Areas (HICPA)-Child Sex Trafficking



Chicago  
Dallas  
Detroit  
Las Vegas  
Los Angeles  
Miami  
Minneapolis  
New York  
San Diego  
San Francisco Bay Area  
St. Louis  
Tampa  
Washington, D.C.

# The Key Laws Addressing Human Trafficking in the United States

- October of 2000, the Trafficking Victims Protection Act of 2000 (TVPA) made human trafficking a federal crime.
- It established the 3Ps of the fight against human trafficking: protection, prevention and prosecution. In 2009, a 4<sup>th</sup> P (partnerships) was added
- It was reauthorized and improved over the years including in 2022
- Victim centered law that defined severe forms of human trafficking and provided effective punishment and rights for victims

# Summary of Human Trafficking Laws

As defined under U.S., CA and other states, victims of human trafficking can be divided into three populations:

- Children under age 18 induced into commercial sex (prostitution, pornography)
- Adults aged 18 or over induced into commercial sex through force, fraud, or coercion
- Children and adults induced to perform labor or services through force, fraud, or coercion (Hospitality, Construction)

# Human (Sex) Trafficking of Minors

- No deprivation of liberty needed so no force, fraud or coercion required
- Consent is NOT a defense
- Mistake of fact as to Victim's age – NOT a defense



# TVPRA Includes a Civil Remedy

- The Reauthorization of the TVPA in 2003 created a new civil action that allowed trafficking victims to sue their traffickers in federal court
- The 2022 Reauthorization added provisions for employment opportunities for victims and survivors

# **All States Passed their own version of federal human trafficking laws**

- 2005 California enacted a Human Trafficking law that was also victim centered
- Proposition 35 (2012) made CA State laws more similar to the Federal Laws
- All States passed their own version of human trafficking laws

# Vacatur and Expungement Laws

- States have a variety of relief statutes for victims and survivors that result from human trafficking
- Vacatur is the strongest remedy allowing for true relief
- Many states only allow expungement

# Human Trafficking has a clear intersection with our Schools

- The U.S. Department of Education published in 2015 : “Human Trafficking in America’s Schools” with strong incorporation of SD school model
- **CA Education Code and most states have education codes that address human trafficking in schools. U.S. Department of Justice** is now engaged in vetting and providing Human Trafficking prevention education in schools

# **Mandated Reporting of Commercially Sexually Exploited Children**

- **In CA, Mandated Reporting of CSEC Commercial Sexual Exploitation of Children- Sex Trafficking became mandatory in January 1, 2016:**
- new Penal Code section 11165.1(c)(1-3) adds a definition of “Commercial Sexual Exploitation” to the Child Abuse and Neglect Reporting Act (CANRA)
- **Many States interpret mandated reporting for teachers, doctors, etc. as including sex trafficking**

# **Out of the Shadows: A Tool for the Identification of Victims of Human Trafficking**

## **Vera Institute**

One of the biggest obstacles to providing human trafficking victims with the services and support they need is the lack of an effective tool to identify them.



# **Groundbreaking NIJ 2015 Study: “Measuring the Nature and Extent of Gang Involvement in Sex Trafficking in San Diego”**

- Dr. Ami Carpenter, University of San Diego and Dr. Jamie Gates, Point Loma Nazarene University
- National Institute of Justice Grant
- The Next slides are adapted with some modifications from Power Point from Researchers Carpenter & Gates 2015



# Study: How Big is San Diego's Underground Sex Economy?

**\$810 Million**

**\$536.000 per facilitator (Trafficker)**

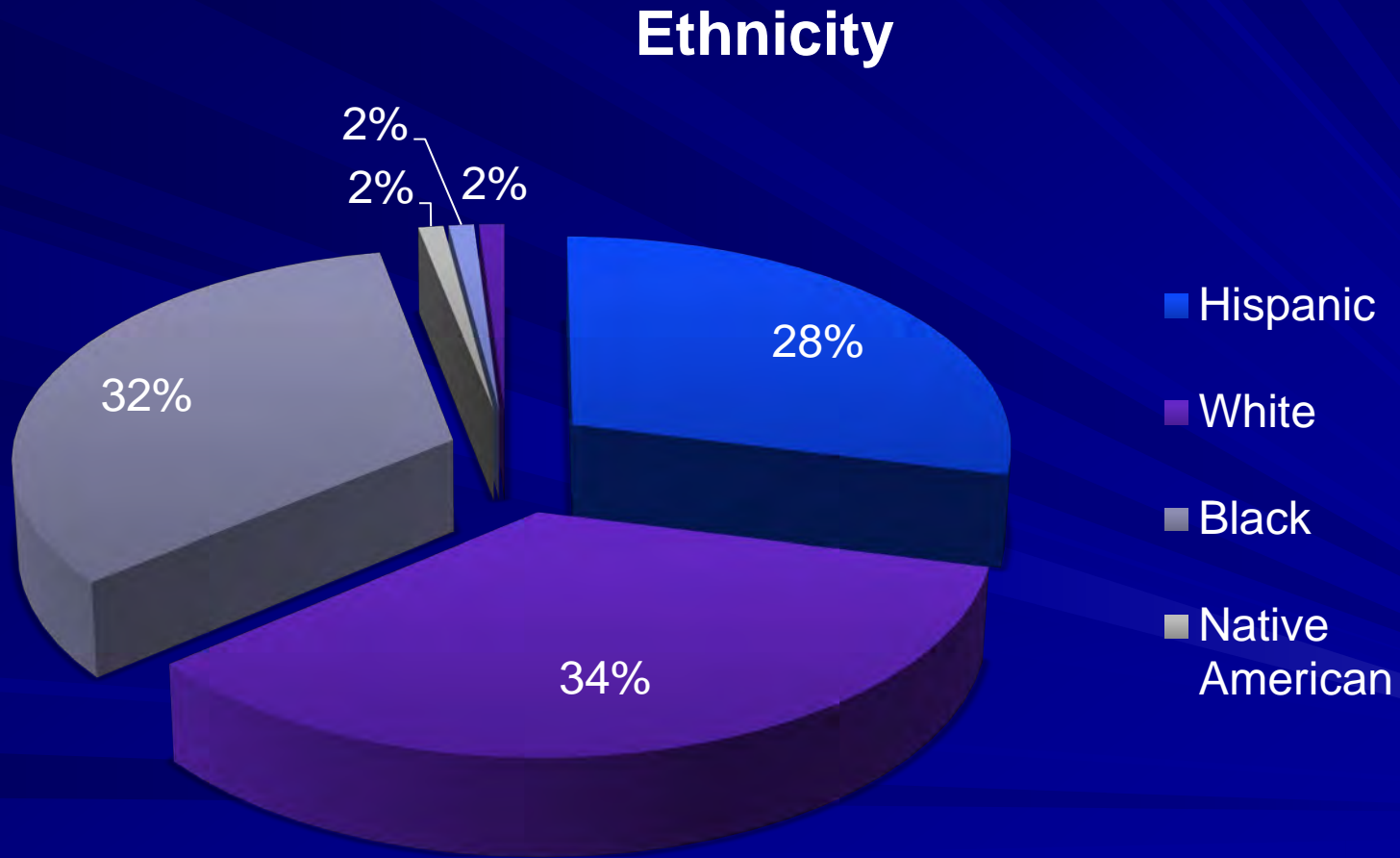
- San Diego Padres:  
**\$800 million**

# Study: Gang Members Involvement

- 85% of facilitators were gang-affiliated
- 110 gangs involved in underground sex economy



# Study: Gang Ethnicity



# Study: Victim Ethnicity and Nationality

Country Of Origin	Percentage
----------------------	------------

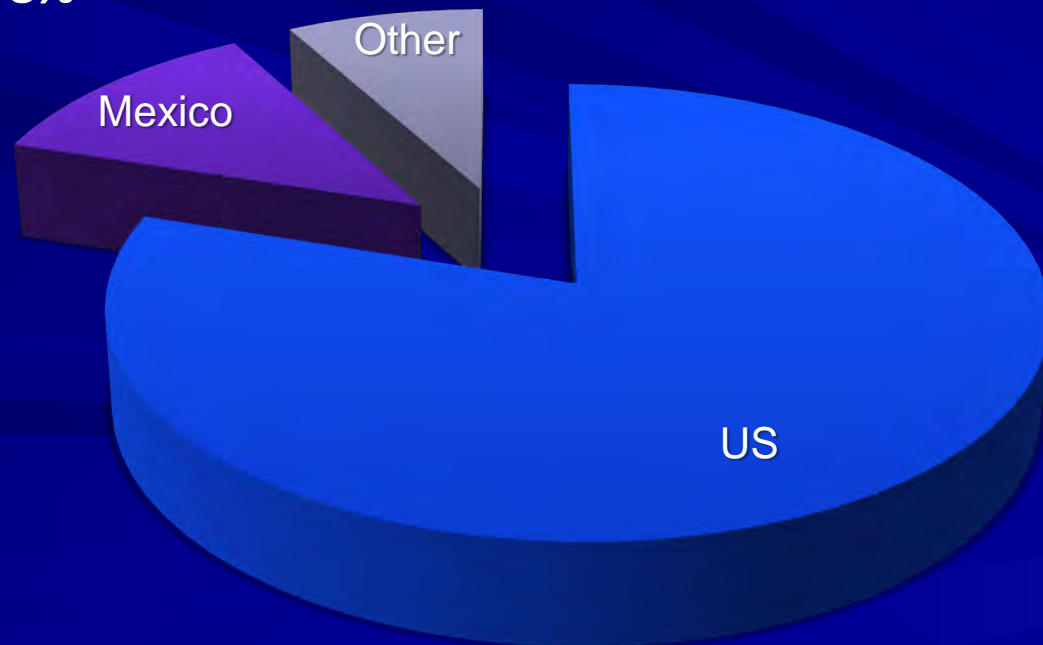
United States:	80%
----------------	-----

Mexico:	12%
---------	-----

Other:	8%
--------	----

Including:  
Taiwan, Russia,  
China, Korea  
Philippines,  
Honduras,  
Germany,  
Puerto Rico,  
Colombia,  
Cameroon

80% of sex-trafficking  
victim/survivors are  
**domestically trafficked**  
  
**20% are foreign born**

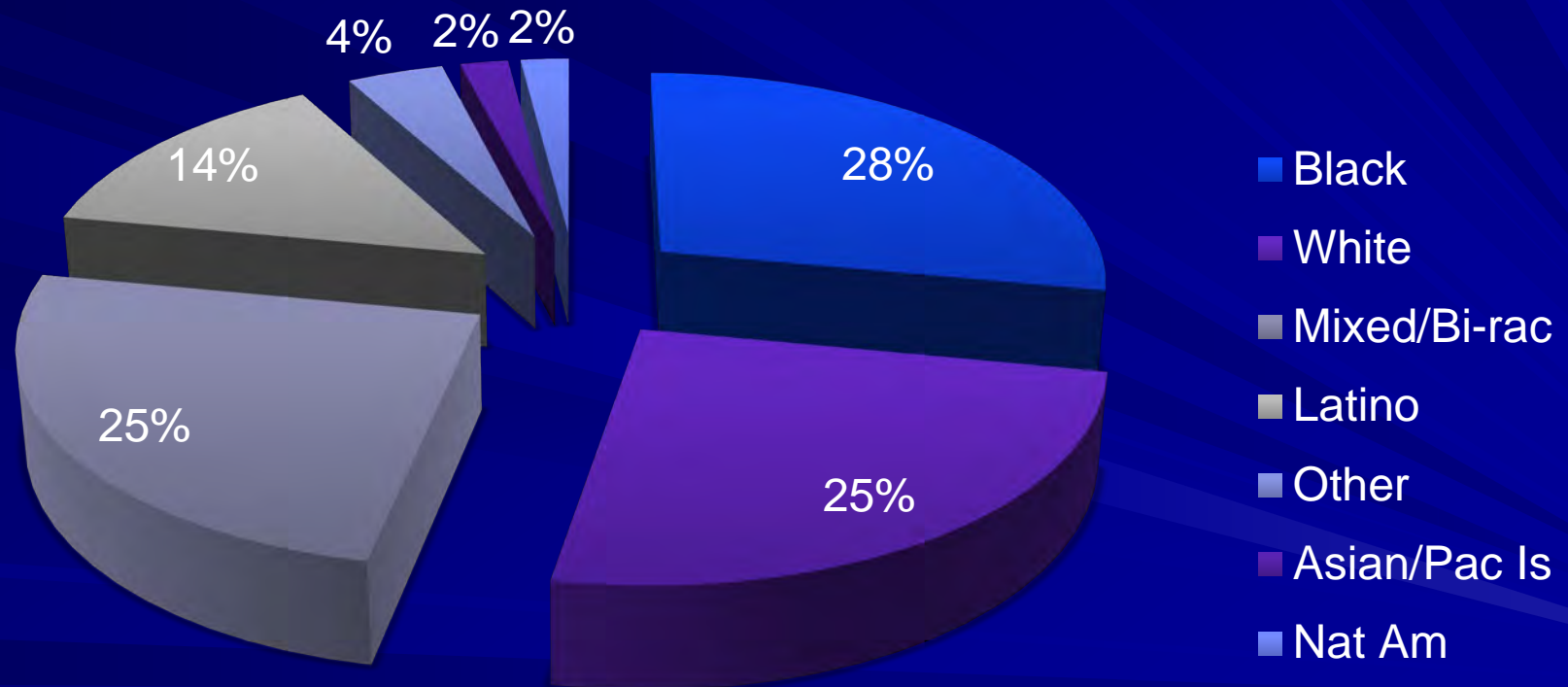




# Study: Ethnicity of Victims

The majority are Black, White and mixed ethnicity

Ethnicity of Victims



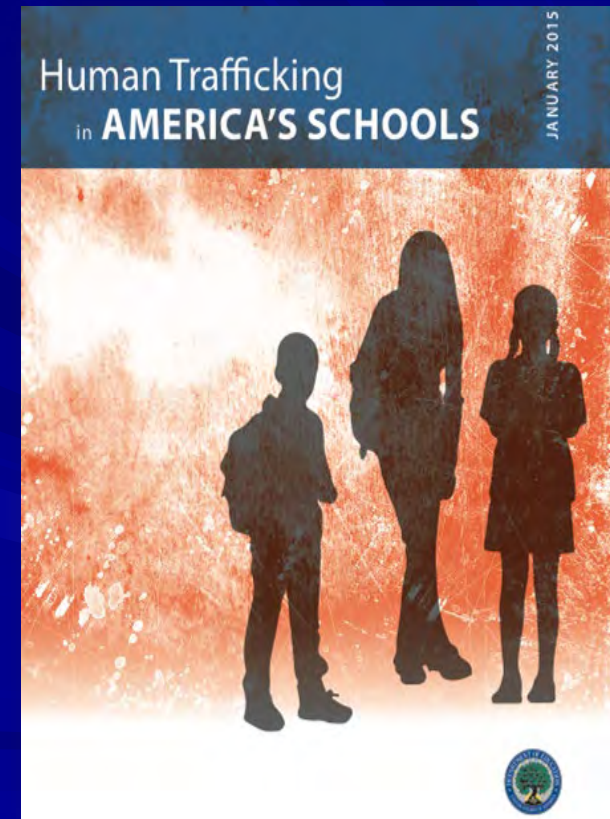
# Study: Average Age of Entry into Sex Trafficking: 16

- Victims in our schools
- Average entry into sex trafficking High School Age 15-16 average entry so some younger and some older

# Study: Human Trafficking in San Diego's Schools

## County-wide recruitment in middle schools and high schools

- Focus groups from all **20 schools** identified suspected victims; **90% confirmed CSEC cases**
- **30% of facilitators** witnessed or participated in sex trafficking recruitment related to schools

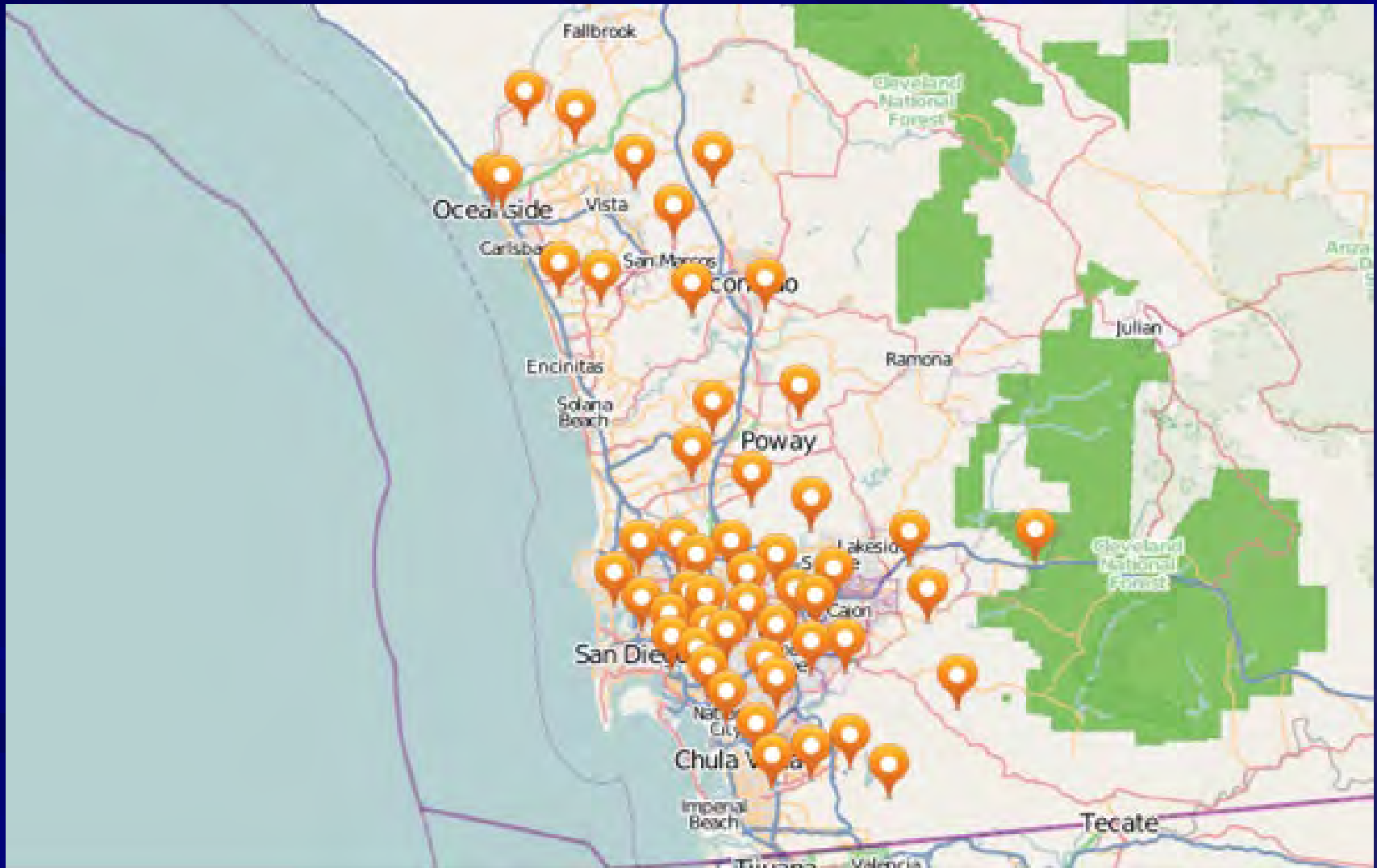




# Study: 20 schools visited represent sites from the entire San Diego County region



# Study: County-Wide Problem Residence of Victims/Survivors

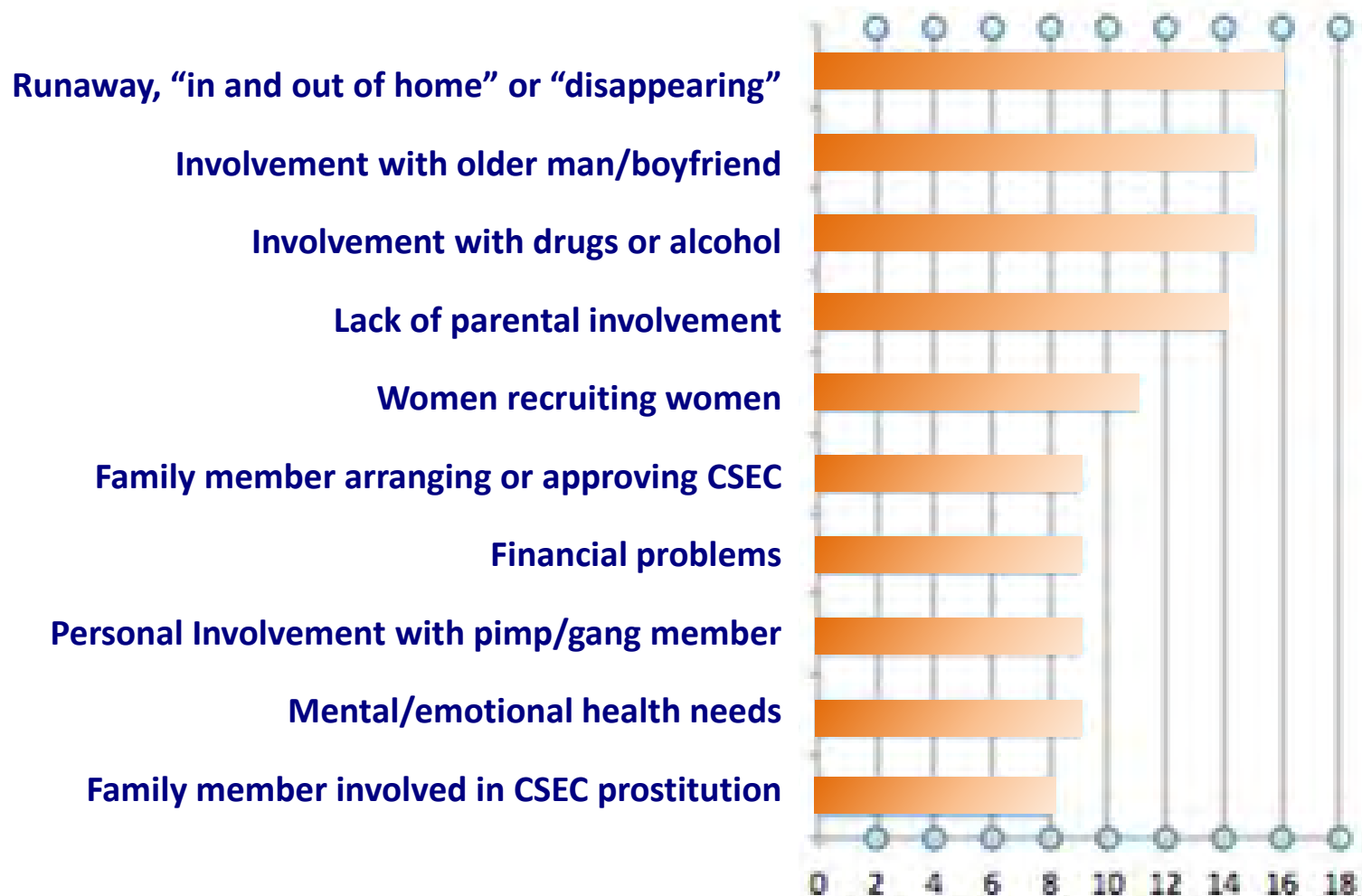


# **Study: Annual Number of Victim/Survivors**

**3417-8108 victims annually**

- Available long term shelter is a huge gap:  
33 total beds available specific for human  
trafficking survivors especially minors

# Study: Top 10 Recruitment Risk Factors



# Who are the Perpetrators?

- Older Boyfriend
- Girlfriend
- Friends and family
- Organized crime
- Local gangs



# Study: How Teens are Recruited

- “Boyfriend” asks his girl “just this one time”...
- Social Media
- Girl recruiters
- Material enticements
- Involvement with drugs, payment for drugs
- Fraudulent job offers
- Parents offering their kids to friends/associates for money
- Family members (generational or cultural ties)

# Study: Recruitment Hotspots

- Trolley and bus stops
- House parties
- Neighborhood parks near schools
- Alternative high schools
- Social media
- Tattoo parlors
- Malls





# Particularly vulnerable populations

- 55% had experienced homelessness
- 28% had been in the Foster Care system

# Current Research in the U.S. on Labor Trafficking

- \*All were immigrants working in the U.S. 71% entering on a temporary Visa (H-2A, H-2B);
- By the time escaped 69% unauthorized
- Worked in agriculture, domestic service, construction and hospitality

Urban Institute Oct. 2014: "Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States"

# Labor Trafficking Study

- Traffickers were both foreign nationals and US citizens, and were most often males in their 30's and 40's- Family connection operated through 3rd and 4th party employment agencies. Fee about \$6000
- Recruitment – through social networks in home country. Promise of more opportunities

Urban Institute Oct. 2014: "Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States

# Polaris Top Recruitment Tactics Sex Trafficking

- Intimate partner/marriage proposition
- Familial
- Posing as a Benefactor
- Job offer
- False promises/fraud

Polaris 2017 Statistics from the National Human Trafficking Hotline and BeFree Textline



# Polaris Top Recruitment Tactics

## Labor Trafficking

- Job offer
- False promises/fraud
- Smuggling related
- Familial
- Posing as a benefactor

Polaris 2017 Statistics from the National Human Trafficking Hotline and BeFree Textline

# The Internet Hides the Crime in Plain Sight

- Hotels are the top location where the crime of sexually based human trafficking occurs
- **The DEMAND:** Buyers that drives sex trafficking: 98 Unique criminal purchasers “Johns” responded to 4 ads on Backpage in a 24 hour period
- Approximately 70% of the transactions utilize social media
- Criminal buyers conduct transactions while on the job in businesses-Legal Responsibility for Businesses and Corporations

# Demand Fuels Exploitation

## CEASE Network Project:

*≈ 533 Ads a Day*

Friday, 04/28/2017	574
Saturday, 04/29/2017	523
Sunday, 04/30/2017	430
Monday, 05/01/2017	508
Tuesday, 05/02/2017	555
Wednesday, 05/03/2017	578
Thursday, 05/04/2017	561
TOTAL	3729

*≈ 125 response per Ad*

Friday, 04/28/2017	206
Saturday, 04/29/2017	162
Sunday, 04/30/2017	191
Monday, 05/01/2017	68
Tuesday, 05/02/2017	98
Wednesday, 05/03/2017	72
Thursday, 05/04/2017	91

**A day in San Diego: 66,000 potential responses to sex ads**

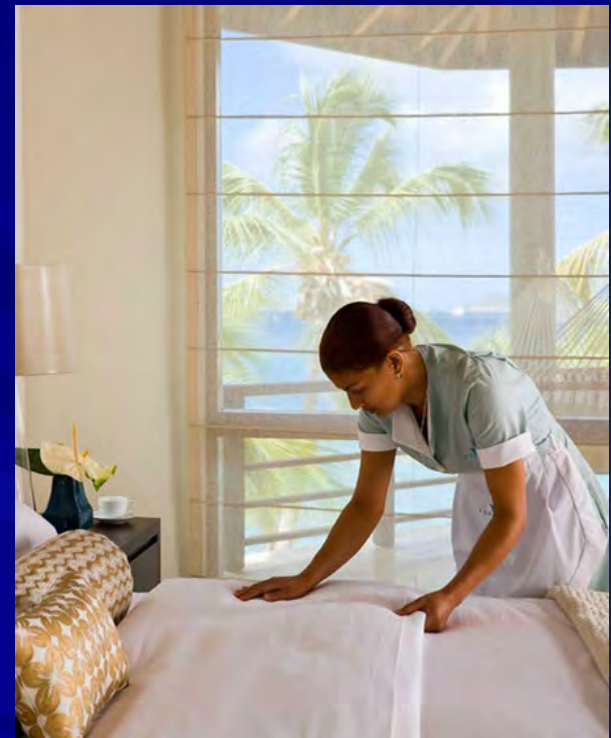
# Essential Partnership with Hospitality Industry

- Keep Your Hotel/Motel SAFE!
  - Trafficking brings other crimes, violence, drugs, theft
- Know how to spot and report crime
- Don't make it easy or comfortable for buyers
- Don't let traffickers make money in your hotel



# Looking for Labor Trafficking Warning Signs

- Are they not being paid?
- Is their work different than what they were promised or told?
- Does anyone at work make them feel scared or unsafe?
- Did anyone at work harm or threaten to harm them?
- Do they feel they cannot leave their work or where live?
- Do they have control of their documents



# **Violence and risk is elevated with Commercial Sexual Exploitation of Children = Sex Trafficking**

- Violence is very common among CSEC victims
- twelve times more likely to have pelvic inflammatory disease, three times more likely to become pregnant, and twice as likely to abuse drugs, have an STD or have uncontrolled asthma.

# Medical and Mental Health Issues

The Department of State groups health problems related to sex trafficking into six categories:

1. Infectious diseases
2. Non-infectious diseases: malnutrition, dental health problems, and skin diseases
3. Reproductive health problems
4. Substance abuse
5. Mental health problems
6. Violence

# Factors Promoting Exploitation

- homes where minors experienced child abuse and domestic violence
- Minors who are in foster care or group homes
- Being a runaway teen is one of the highest risk factor for being exploited by a trafficker
- Truancy from school, learning disabilities, mental health issues and substance abuse
- No family is immune from this public safety epidemic because of the use of social media that allows the traffickers to recruit girls



# **Challenges and Considerations with Minors with trauma especially CSEC victims:**

- Safety, risk, fear, shame, guilt
- Hostile and cynical attitude about help
- May not see themselves as victims
- View their situation as an improvement
- View exploiter as a 'boyfriend'
- Experience poor recall of important events or an impaired sense of time
- Fear of retribution and distrust of adults and authority figures may lead to refusal to disclose information, or to provide false information

# **Barriers to detecting child victims include:**

1. isolation from others;
2. constant monitoring while in public;
3. victim reluctance to disclose abuse;
4. victim attachment to abuse lifestyle or abuser
5. lack of awareness of victimization;
6. lack of knowledge or resources to escape,
7. mistrust of authorities and professionals



# **Partnerships with Hotels-Motels-Businesses to Combat Sex Trafficking Training on warning signs:**

- A young looking girl (mostly) with an older male
- Appears to lack knowledge of current/past whereabouts or orientation to time
- Does not have the usual suitcase/travel belongings
- Dressed inappropriately for weather and conditions

# Warning Signs

- ✓ Are there bruises, tattoos or other signs
- ✓ Are there new items that are not accounted for: purse, clothes, jewelry
- ✓ Are there signs of psychological abuse? Isolation, lack of interest
- ✓ Is the person being controlled? Appears hypervigilant and secretive?
- ✓ weight loss or signs of poor health?
- ✓ Is the person a minor engaged in commercial sex?
- ✓ Does a minor appear to be in a relationship with an older person?



# Continued Warning Signs

- Does not have access to proper ID, money, or cell
- Does not make eye contact or freely engage in conversation
- Belongings carried in plastic bags
- Person in charge rents more than one room
- Individuals in hallway or appear to be monitoring a certain room

# Operation Reclaim and Rebuild




# California Posting Law

## *Other States have Posting requirements*

- California Civil Code section 52.6
- required certain businesses, **hotels**, airports, truck stops to post certain information about trafficking  
<http://www.sdcda.org/helping/victims/victim-services.html>
- Launched January 30, 2014



# AB 260 (January 2018)



## VICTIMS OF SLAVERY AND HUMAN TRAFFICKING

**CALL - 1-888-373-7888**  
**TEXT - BeFree or 233733**

**HELP**

If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex (prostitution), housework, farm work, construction, factory, retail, or restaurant work, or any other activity - **CALL** to access help and services the

National Human Trafficking Resource Center  
at 1-888-373-7888 or  
TEXT: Be Free or 233733  
or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2FRE(EDOM) or 1-888-539-2373

The hotlines are:

- available 24 hours a day, 7 days a week
- toll-free
- operated by non-profit, non-governmental organizations
- anonymous and confidential
- accessible in more than 160 languages
- able to provide help, referral to services, training, and general information

Victims of slavery and human trafficking are protected under United States and California law

Si usted o alguien que usted conoce está siendo forzado a participar en una actividad y no lo dejan ir - ya sea sexo comercial (prostitución), trabajo doméstico, trabajo agrícola, trabajo de construcción, fábrica, venta al por menor, o en restaurantes, o cualquier otra actividad - **LLAME** para obtener ayuda y servicios al

Centro Nacional de Recursos para la Trata de Personas  
al 1-888-373-7888 o  
Envíe el TEXTO: Be Free o 233733  
O llame a la Coalición de California Para Abolir la Esclavitud y Trata de Personas (CAST) al 1-888-KEY-2FRE(EDOM) o 1-888-539-2373

Las líneas telefónicas:

- Están disponibles las 24 horas del día, 7 días a la semana
- Son gratis
- Son manejadas por organizaciones sin fines de lucro, no gubernamentales
- Son anónimas y confidenciales
- Ofrecen servicio en más de 160 idiomas
- Pueden brindarle ayuda, remisión a servicios, capacitación e información

Las víctimas de esclavitud y trata de personas están protegidas bajo las leyes de Estados Unidos y California.

Kung ikawo may kakilala na napipilitang sumali sa anumang gawain at hindi pinapayagang umalis - ibo man ay komersyal na sex (prostitusyon), gawaing-bahay, pagsasaka, konstruksyon, pabrika, pagtitinda o trabaho sa restawran, o anumang iba pang gawain - **TUMAWAG** para humingi ng tulong at serbisyo sa

National Human Trafficking Resource Center sa  
1-888-373-7888 o TEXT: Be Free or 233733  
O sa California Coalition to Abolish Slavery and Trafficking (CAST) sa 1-888-KEY-2-FRE(EDOM) o 1-888-593-2373

Ang hotlines ay:

- Pwedeng tumawag anumang oras, buong linggo.
- Libreng Tawag
- Non-profit at organisasyon di-pampamahalaan ang nagpapatakbo
- Anonymous at kompidensyal
- Magagamit sa higit sa 160 wika
- Makapagbibigay ng tulong, referral sa mga serbisyo, pagsasanay, a pangkalahatang impormasyon

Biktima ng pang-aalipin at trafficking ng tao ay protektado sa ilalim ng batas ng Estados Unidos at California

[www.FightHumanTraffickingSD.com](http://www.FightHumanTraffickingSD.com)

# STOP Human Trafficking

If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity -

**text 233-733 (Be Free)**

or call the National Human Trafficking Hotline at **1-888-373-7888** or the California Coalition to Abolish Slavery and Trafficking (CAST) at **1-888-KEY-2-FRE(EDOM)** or **1-888-539-2373** to access help and services.

Victims of slavery and human trafficking are protected under United States and California law.

The hotlines are:

- Available 24 hours a day, 7 days a week
- Toll-free
- Operated by nonprofit, nongovernmental organizations
- Anonymous and confidential
- Accessible in more than 160 languages
- Able to provide help, referral to services, training, and general information

# COMBAT PLAN

Prevention

Protection

Prosecution

Partnerships



# Combat Strategies

- **SD County Human Trafficking and Commercial Child Sexual Exploitation Advisory Council**

*(Multi disciplinary: Child Welfare, Prosecution, Law Enforcement, Education, Victim Services, Survivor-Leader, Research and Data, Community + Medical pending)*

# Education Prevention-Intervention Strategies

- Training of professional school staff: High School focus currently
- Training of students
- Training of parents
- Training of medical staff
- Law enforcement training
- Legal, Judicial and Community training

# Legal Associations Addressing Human Trafficking

- ABA
- NAWJ
- Lawyers Club
- Judges' Journal dedicated
- to Human Trafficking
- Articles from judicial and
- Legal perspectives



# Intersection with Legal Practice

- Civil Practice
- Criminal Practice- Federal, State, Prosecution, Defense
- Juvenile and Dependency Practice
- Family Law Practice
- Business Law Practice
- Corporate Law Practice- Transparency chains
- Employment Law Practice

# Intersection with Institutions-Society

- Schools
- Colleges and Universities
- Child Welfare
- Courts
- Probation/Parole
- Law Enforcement
- Hospitals, Medical Facilities
- Churches



# Intersection with Business

- Hotels and Motels
- Rentals
- Biotech, law firms, businesses
- Restaurants
- Hospitality
- Construction
- Agriculture
- Massage Parlors

# DA's Office Sex Crimes and Human Trafficking Unit

*aka: (SVU Law and Order Special  
Victims Unit)*

# The Ugly Truth

- Award winning Survivor based messages
- Radio, health clubs, bus-trolley, mobile, movie theatres
- Millions of impressions
- [TheUglyTruthSD.org](http://TheUglyTruthSD.org)

**The PROSTITUTION MYTH**

# **Sex trafficking? Not in America's Finest City.**

**The BIG TRUTH**

**According to the FBI, traffickers are  
exploiting people here every day.**

The widespread myth is that drug addiction is responsible for all prostitution. Every year, thousands of women and children are exploited in commercial sex. In some cases, the victims are young girls who are sold into prostitution by their parents. In other cases, the victims are women who are sold into prostitution by their partners. In some cases, the victims are women who are sold into prostitution by their partners.

**San Jose, California**

**San Jose, California**



***Sex trafficking.  
It's not just global.  
It's local.***

Get the facts at [TheUglyTruthUSA.org](http://TheUglyTruthUSA.org)





THE PROSTITUTE MYTH

# It's the world's oldest profession.

THE NEW TRUTH

*It's a dangerous form of exploitation.*

This is a society where women are treated as commodities. The sexual industry is the most  
dangerous of industries. It is a world where women are treated as commodities. It is a world where  
women are treated as commodities. It is a world where women are treated as commodities. It is a world  
where women are treated as commodities. It is a world where women are treated as commodities.

For more information, visit [www.anti-trafficking.org](http://www.anti-trafficking.org)

© 2008 Anti-Trafficking International



## **The PROSTITUTION MYTH**

**Get  
rich.  
Work  
in  
prostitution.**

## **The REAL TRUTH**

**Pimps keep the profits, and prostituted women often pay with their lives.**

There is no money in prostitution. Pimps are the only ones who make money. They keep 80% of the money. The rest goes to the women. They are often paid with their lives. They are often paid with their health. They are often paid with their freedom. They are often paid with their dignity. They are often paid with their soul.

For more information, visit [www.anti-trafficking.org](http://www.anti-trafficking.org)

© 2010 Anti-Trafficking Resource Center



## *The Ugly Truth: Myth*

*If a woman chooses to sell her body  
that's her business*

### *The UGLY TRUTH*

***Prostitution is rarely a choice.***

Most prostituted people entered the sex trade while still in their teens, after fleeing abusive homes. They're coerced by pimps and johns who too often abuse them. And without economic support, breaking free is more difficult than you might think.

*The* PROSTITUTION MYTH

# **Sex trafficking? Not in America's Finest City.**

*The* UGLY TRUTH

**According to the FBI, traffickers are  
exploiting people here every day.**

The underground sex trade in San Diego prostitutes as many as 4,000 local women and girls every year, generating over \$600 million dollars in annual revenue. And because prostitution and sex trafficking can occur at private homes, hotels, casinos and false marriage parlors, it's happening more often than you think. And doing more damage than most of us can imagine.

Get the facts at [TheUglyTruthSD.org](http://TheUglyTruthSD.org)

For help call 1-800-875-5262 or your nearest law enforcement.



# Knowledge is Power







“The only thing necessary for the triumph of evil is for good [people] to do nothing.”

*Edmund Burke, English Philosopher*