

# Human Trafficking



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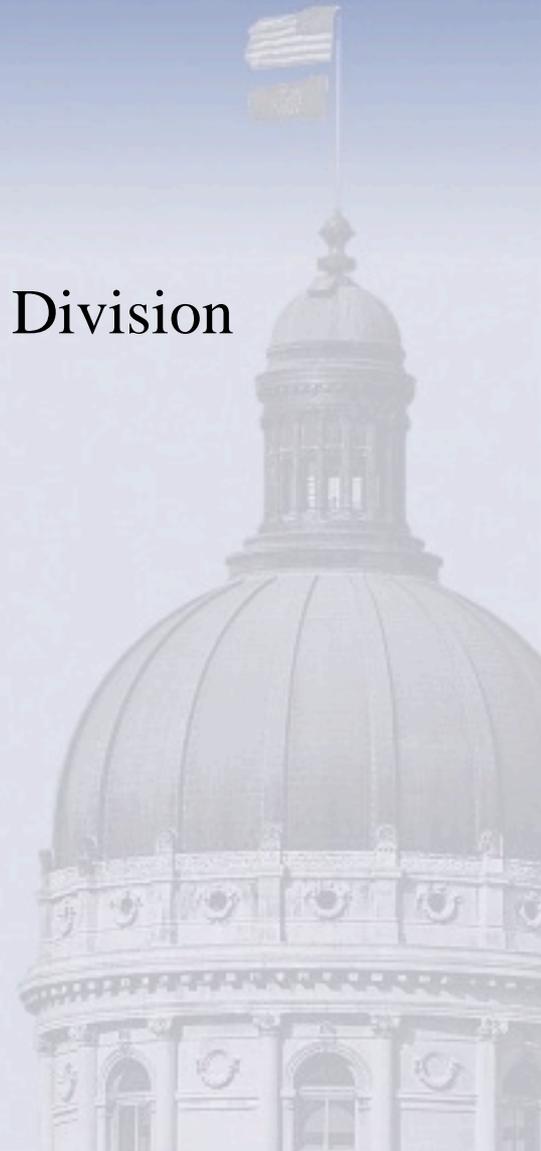
Indiana Office of Attorney General

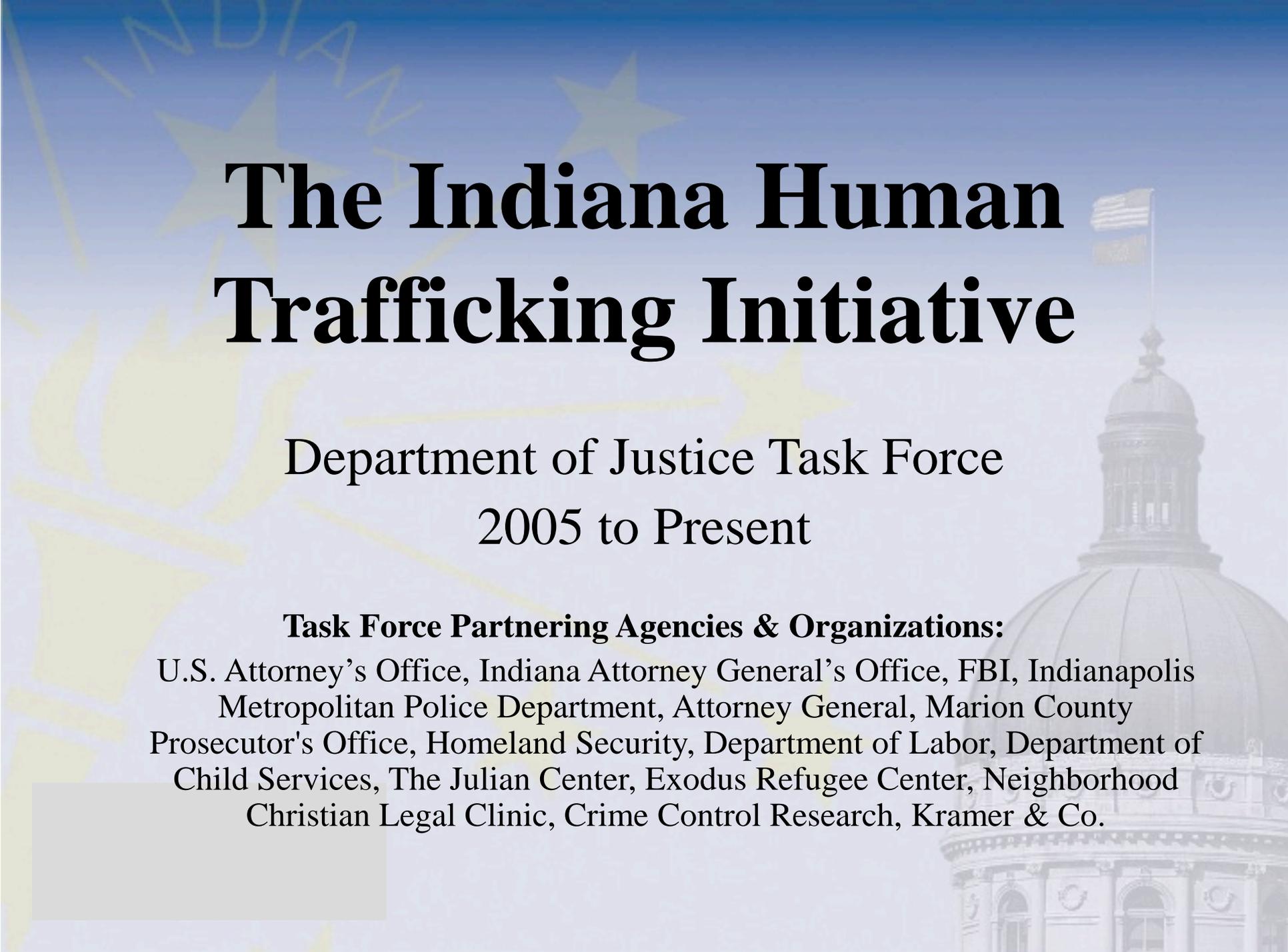
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# **The Indiana Human Trafficking Initiative**

Department of Justice Task Force  
2005 to Present

## **Task Force Partnering Agencies & Organizations:**

U.S. Attorney's Office, Indiana Attorney General's Office, FBI, Indianapolis Metropolitan Police Department, Attorney General, Marion County Prosecutor's Office, Homeland Security, Department of Labor, Department of Child Services, The Julian Center, Exodus Refugee Center, Neighborhood Christian Legal Clinic, Crime Control Research, Kramer & Co.

# **IPATH**

**Indiana Protection for Abused and Trafficked Humans Task Force**

## **PREVENTION, PROTECTION, PROSECUTION**

The Indiana Protection for Abused Trafficked Humans task force (IPATH) is one of 42 task forces nationwide funded by the Department of Justice's Office of Victims of Crime and the Bureau of Justice Assistance to address the issue of human trafficking.

The Goals of IPATH are to:

- 1) Enhance law enforcement's ability to identify and rescue victims.
- 2) Provide resources and training to identify and rescue victims.
- 3) Ensure comprehensive services are available for victims of trafficking.

# IPATH

## Indiana Protection for Abused and Trafficked Humans Task Force

Some of the nearly **60 groups** that participate in IPATH efforts are youth-related entities or serve youth in some capacity, including:

- Indiana Department of Child Services
- Indiana Department of Education
- Prevent Child Abuse Indiana, a division of The Villages
- Children's Bureau
- YWCA Domestic Violence Intervention and Prevention Program
- Girl Scouts
- Girls Inc.
- Outreach Inc.
- FREE International
- Indiana Coalition Against Sexual Assault

# What is Human 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 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. <sup>(1)</sup>

# Distinguishing Trafficking from other Crimes

- **Human Trafficking vs. Smuggling**

- Smuggling is illegal transportation of a person across international borders.
- Smuggling is typically voluntary and the person is free to leave afterwards.
- A trafficked person may be transported into a country, but the person is then exploited for financial gain through labor services.

- **Human Trafficking vs. Extortion**

- Extortion is the collection of money through force or coercion (Sometimes from family member after smuggling for a person's freedom)
- Human Trafficking involves using the victim for labor or sexual services that result in financial gain. The victim works to pay off the trafficker.

# Distinguishing Trafficking from other Crimes

- **Human Trafficking vs. Sexual Assault**

- Human Trafficking based on commercial sex requires that the person has been forced to provide sexual services for profit. If other HT factors are present, sexual assault can be a type of forced labor.

- **Human Trafficking vs. Prostitution**

- Human Trafficking requires that the person has been forced to prostitute through force, fraud or coercion. The profit is often taken by the trafficker.

- **Human Trafficking vs. Labor Violations**

- Labor Trafficking differs from other labor violations in that the victim is forced to remain in the job and that they were “obtained” for the purpose of economic exploitation.

# Human Trafficking Cases

## Case #1:

Three cousins, both under 18, move to the United States to go to school. They are promised food, housing, and enrollment at school while living with their aunt and uncle. However, once they arrive, they are forced to work long hours each day after school and on weekends, sometimes until 2 AM on school nights. They must sleep on the floor of an apartment. Other workers, many of whom are much older than they are, also live in the apartment. Two cousins still attend school, but cannot stay awake during the day because they are often forced to work through the night. They have no contact with their family back home and are told that they owe an ever increasing debt with almost no hope of ever paying it off.

## Case # 2:

A 15-year old female responds to a work ad in a Spanish language newspaper and meets two men at a hotel, supposedly for an interview for a maid's position. The men take her to a hotel room, where she is kept and forced to provide commercial sex services for 48 hours. After that time, the men leave, and she runs home. Her mother takes her to the ER, where a concerned physician calls the police. She is both physically and psychologically injured, due to the multiple rapes endured. The police arrive at the hotel within 2 hours of the girl leaving. Unfortunately, they are not able to conduct a thorough investigation, because the men had paid for the room in cash and under false names, and the room had already been cleaned.

# A Growing Problem Worldwide

Human Trafficking is tied as the **SECOND LARGEST** and **FASTEST** growing criminal industry in the world, just behind the drug trade. <sup>(1)</sup>

According to the U.S. Dept. of State's 2012 Trafficking in Persons Report (TIP), **27 million** men, women, and children are victims of human trafficking. <sup>(2)</sup>

The 2010 TIP Report stated that: <sup>(3)</sup>

– **800,000** people are trafficked across international borders every year.

– Prevalence of trafficking victims worldwide: **1.8 per 1,000** inhabitants

**161 countries** identified as being affected by human trafficking. <sup>(5)</sup>

**\$32 billion dollars** generated annually by the human trafficking industry. <sup>(6)</sup>

- 1) Administration for Children & Families, U.S. DEPT. OF HEALTH & HUMAN SERVICES, <http://www.acf.hhs.gov/trafficking/about/index.html> (last visited Jan. 13, 2012).
- 2) U.S. Dept. of State Trafficking in Persons Report (2012), available at <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>.
- 3) U.S. Dept. of State Trafficking in Persons Report (2010), available at <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.
- 4) UN OFFICE OF DRUGS AND CRIME, TIP REPORT: GLOBAL PATTERNS (2006) at p.58, available at [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf).
- 5) INTERNATIONAL LABOR ORGANIZATION (ILO), A GLOBAL ALLIANCE AGAINST FORCED LABOR (2005) at p.55, available at [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081882.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf).

# A Growing Problem Here at Home

Between **14,500 and 17,500** men, women, and children are trafficked into the United States each year. <sup>(1)</sup>

**33%** of a sample group of female commercial sex workers in Chicago began in the sex trade between the ages of **12 and 15**, with **56%** being **16 or younger**. <sup>(2)</sup>

**83%** of sex trafficking victims found in the U.S. were U.S. citizens, according to one Justice Department study. <sup>(3)</sup>

**\* Human Trafficking affects men, women, and children of all ages, nationalities, education, and socio-economic statuses**

- 1) U.S. DEPT. OF STATE TRAFFICKING IN PERSONS REPORT (2010), available at <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>; see also CONGRESSIONAL RESEARCH SERVICE, TRAFFICKING IN PERSONS: U.S. POLICY AND ISSUES FOR CONGRESS (2010) at p.2, available at <http://www.unhcr.org/refworld/topic,4565c22535,4565c25f42b,4d2d96e62,0,USCRS,,.html>.
- 2) SCHILLER DUCANTO & FLECK FAMILY LAW CENTER, DOMESTIC SEX TRAFFICKING OF CHICAGO WOMEN AND GIRLS (2008), available at [http://www.law.depaul.edu/centers\\_institutes/family\\_law/pdf/sex\\_trafficking.pdf](http://www.law.depaul.edu/centers_institutes/family_law/pdf/sex_trafficking.pdf).
- 3) This statistic is based on one study of confirmed sex trafficking incidents opened by federally funded U.S. task forces. *Human Trafficking/Trafficking In Persons*, Dept. of Justice, Bureau of Justice Statistics, <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=40> (last visited 1/14/2012).

# A Problem Involving Children

Every year **1 million children** are exploited by the commercial sex trade. <sup>(1)</sup>

**100,000 to 300,000 U.S. children** are victims of commercial sexual trafficking each year, according to the National Center for Missing and Exploited Children. <sup>(2)</sup>

**12-14 is the average age** of entry into commercial sex in the U.S. <sup>(3)</sup>

- 1) U.S. DEPARTMENT OF STATE, THE FACTS ABOUT CHILD SEX TOURISM (2005) at p.22 (2005), *available at* <http://www.state.gov/documents/organization/47255.pdf>.
- 2) *Testimony of Ernie Allen* (July, 2010), NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, *available at* [www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en\\_US&PageId=4312](http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4312).
- 3) Some research indicates that the average age of entry for U.S. girls is 12 to 14, while the average age for U.S. boys and transgender youth is 11 to 13. See Amanda Walker-Rodriguez and Rodney Hill, *Human Sex Trafficking*, FBI LAW ENFORCEMENT BULLETIN, (March, 2011), *available at* [http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march\\_2011/human\\_sex\\_trafficking](http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/human_sex_trafficking). See also POLARIS PROJECT, CHILD SEX TRAFFICKING AT-A-GLANCE, (2011), *available at* [http://loveandlighttofreedom.org/uploads/Child\\_Sex\\_Trafficking\\_\\_Polaris\\_Project-\\_Jan\\_2012\\_.pdf](http://loveandlighttofreedom.org/uploads/Child_Sex_Trafficking__Polaris_Project-_Jan_2012_.pdf). See also Ernie Allen, President and CEO of the National Center for Missing and Exploited Children, speaking to the House Victims' Rights Caucus Human Trafficking Caucus, Cong. Rec., 111th Cong., 2nd sess., 2010. See also U.S. Children are Victims of Sex Trafficking (April 2008), HUMANTRAFFICKING.ORG, <http://www.humantrafficking.org/updates/801>.

# Midwest/Indiana statistics

Of **73 investigations** opened by Indiana law enforcement (2008-2012), **28** cases involved **32 minors** who were potential victims.

	Cases in US (2008-2010)	Cases in Midwest (2008-2010)	Cases in Indiana (2008-2013)
DOJ Anti-Trafficking Task Forces	2,552	276	73 (law enforcement) 44 (service providers)
Immigration and Customs Enforcement (ICE)	651	90 (69 sex, 21 labor)	
	300 arrests 151 indictments 144 convictions	43 arrests 25 indictments 22 convictions	
FBI	925	61 (37 sex, 27 labor)	

# Human Trafficking & Sporting Events

Studies have shown that there is an increase in the demand for commercial sex services surrounding large sporting events or conventions such as the *Super Bowl*, *World Series*, etc.

Any **increase** in the **commercial sex industry** also **increases** the potential risk for exploitation and **human trafficking**.

A study conducted by *KLAAS KIDS Foundation and F.R.E.E. International*, in conjunction with law enforcement, during the 2012 Super Bowl, found that online escort ads were monitored weekly to show increase of activity:

- Thursday, January 12<sup>th</sup>: **17** <sup>(1)</sup>
- Thursday, January 19<sup>th</sup>: **18** <sup>(1)</sup>
- Thursday, January 26<sup>th</sup>: **28** <sup>(1)</sup>
- Thursday, February 2<sup>nd</sup>: **118** <sup>(2)</sup>
- Friday, February 3<sup>rd</sup>: **129** <sup>(3)</sup>

**68** commercial sex arrests were made before and on the 2012 Super Bowl <sup>(4)</sup>  
**2** human trafficking victims were identified <sup>(4)</sup>  
**2** other potential human trafficking victims were identified <sup>(4)</sup>

1) KLAAS KIDS FOUNDATION, BACKPAGE.COM MULTI-STATE MONITORING REPORT (Dec. 2011 - Jan. 2012).

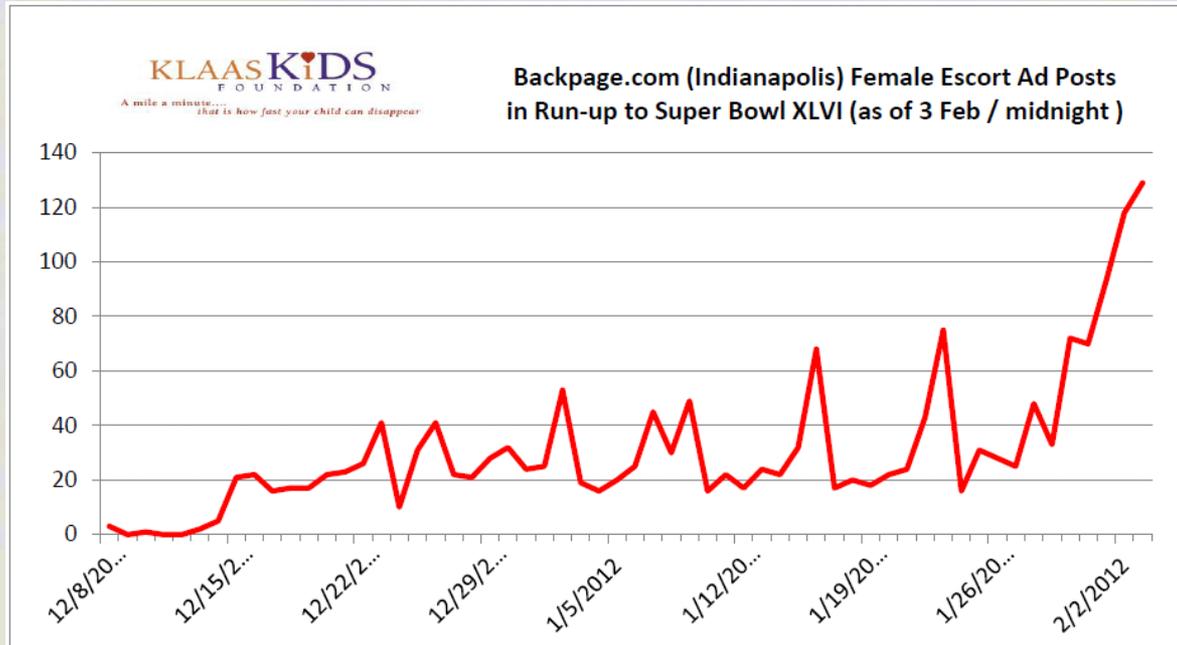
2) KLAAS KIDS FOUNDATION, TACKLE THE TRAFFICKER OUTREACH AND MONITORING INITIATIVE (Feb. 2, 2011).

3) KLAAS KIDS FOUNDATION, TACKLE THE TRAFFICKER OUTREACH AND MONITORING INITIATIVE (Feb. 3, 2011).

4) E-mail from Jon Daggy, Detective Sgt. Indianapolis Metropolitan Police (on file with author) (Feb. 17, 2012).

# Human Trafficking & Super Bowl 2012

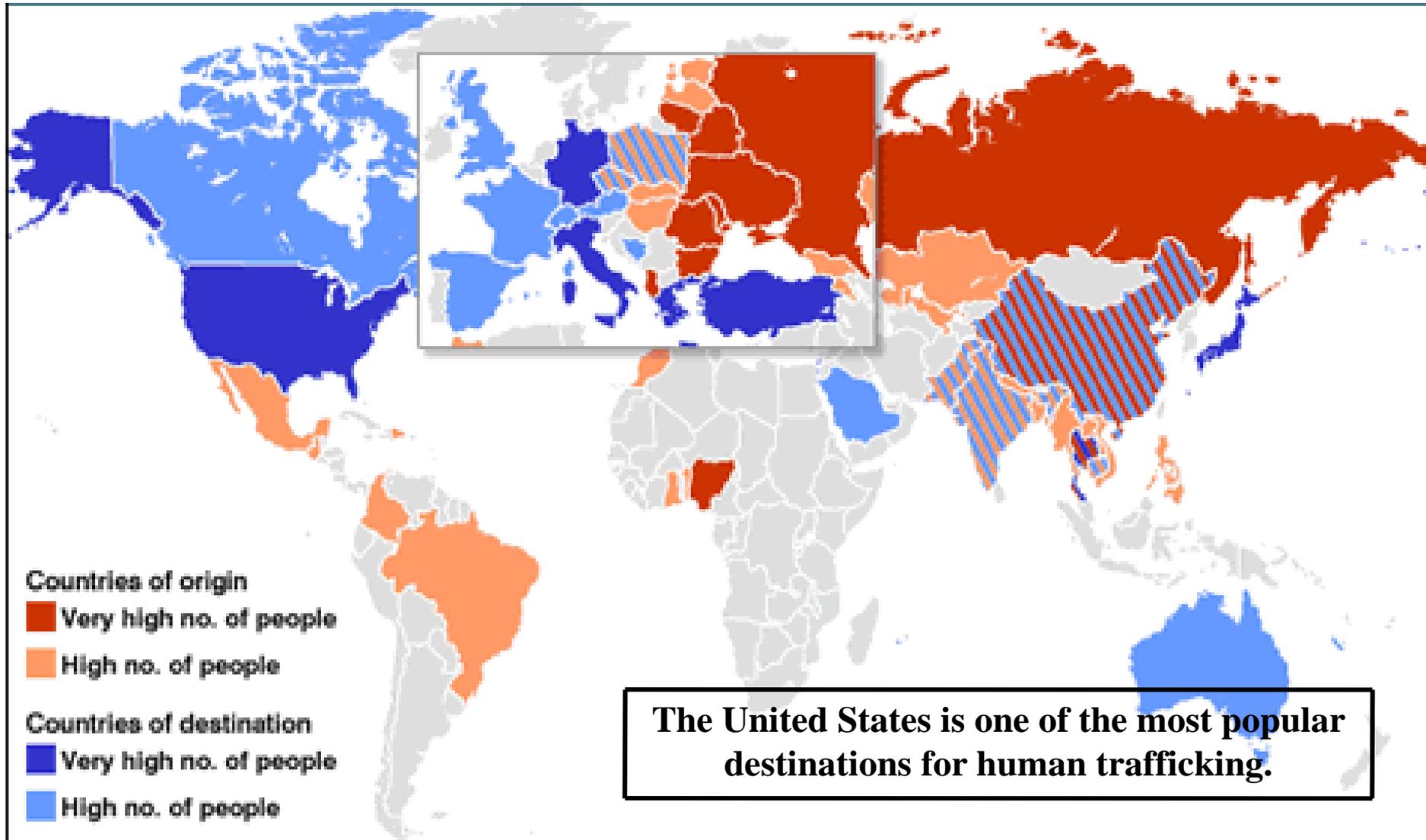
A study conducted by KLAAS KIDS Foundation found significant increases in Backpage escort ads leading up to the 2012 Super Bowl. (1)



An artist's interpretation of an advertisement on Indianapolis Backpage February 02<sup>nd</sup>. (2)

1) KLAAS KIDS FOUNDATION, TACKLE THE TRAFFICKER OUTREACH AND MONITORING INITIATIVE (Feb. 3, 2011).  
2) KLAAS KIDS FOUNDATION, BEHIND CLOSED DOORS.

# Origin & Destination Countries



# Who is involved in trafficking?

- The **recruiter** gains the victim's trust and then sells them for labor or to a pimp. Sometimes this is a boyfriend, a neighbor, or even a family member.
- The **trafficker** is the one who controls the victims. Making the victim fearful through abuse, threats, and lies the trafficker gains power over his/her victim.
- The **victim** could be anyone.
- The **consumer** funds the human trafficking industry by purchasing goods and services. Often s/he is unaware that someone is suffering.

# The Trafficker

- The trafficker will likely be in a **lucrative business enterprise** as the heart of human trafficking is exploiting cheap labor.
- The trafficker may be part of a **larger organized crime ring**, or may be **profiting independently**.
- Most often, he/she is the same **race/ethnicity** as the victim.
- Might be someone who **knew the victim** and victim's family.
- Will likely be **bilingual**.
- Will likely be an **older man with younger women** who seems to be **controlling**, watching their every move, and correcting/instructing them frequently.

# The Trafficked Person

Human Trafficking reaches every culture and demographics. *Regardless of their demographics*, victims are vulnerable in some way, and the traffickers will use their particular vulnerability to exploit the victim.

## Some risk factors include:

- Youth
- History of childhood abuse
- Prior involvement in child welfare system
- Poverty
- Unemployment
- Desperation
- Homes in countries torn by armed conflict, civil unrest, political upheaval, corruption, or natural disasters
- Family backgrounds strife with violence, abuse, conflict
- Homelessness
- A need to be loved
- Immigration Status

# The Trafficked Person

## A Vulnerable Life Before Victimization \*

Of boys and girls recruited into commercial sex:

- **57%** had been **sexually abused as children.** <sup>(1)</sup>
- **49%** had been **physically assaulted.** <sup>(1)</sup>
- **85%** were victims of incest as girls, and **90%** had been **physically abused.** <sup>(2)</sup>
- **61.5%** were frequently hit, slapped, pushed, grabbed, or had objects thrown at them by a member of their household. <sup>(3)</sup>
- **40%** of the above were kicked, hit, beaten, raped, or threatened and/or attacked with a weapon by a member of their household. <sup>(3)</sup>

*\* These studies considered commercial sex in general, not only sex trafficking. Due to the hidden nature of this crime, little research is available strictly on trafficking. However, it should be noted that anyone used in commercial sex who is under 18 or is being forced or coerced is a victim of trafficking.*

- 1) Melissa Farley & Howard Barkan, *Prostitution, Violence Against Women, and Posttraumatic Stress Disorder*, 27 *WOMEN & HEALTH* 37-49 (1998), available at <http://www.prostitutionresearch.com/ProsViolPosttrauStress.html>.
- 2) Hunter, S.K., *Prostitution is Cruelty and Abuse to Women and Children*, 1 *MICH. J. GENDER & L.* 1-14 (1993).
- 3) Jody Raphael & Deborah L. Shapiro, *SISTERS SPEAK OUT: THE LIVES AND NEEDS OF PROSTITUTED WOMEN IN CHICAGO*, CENTER FOR IMPACT RESEARCH (2002) at p.15, available at <http://www.impactresearch.org/documents/sisterspeakout.pdf>.

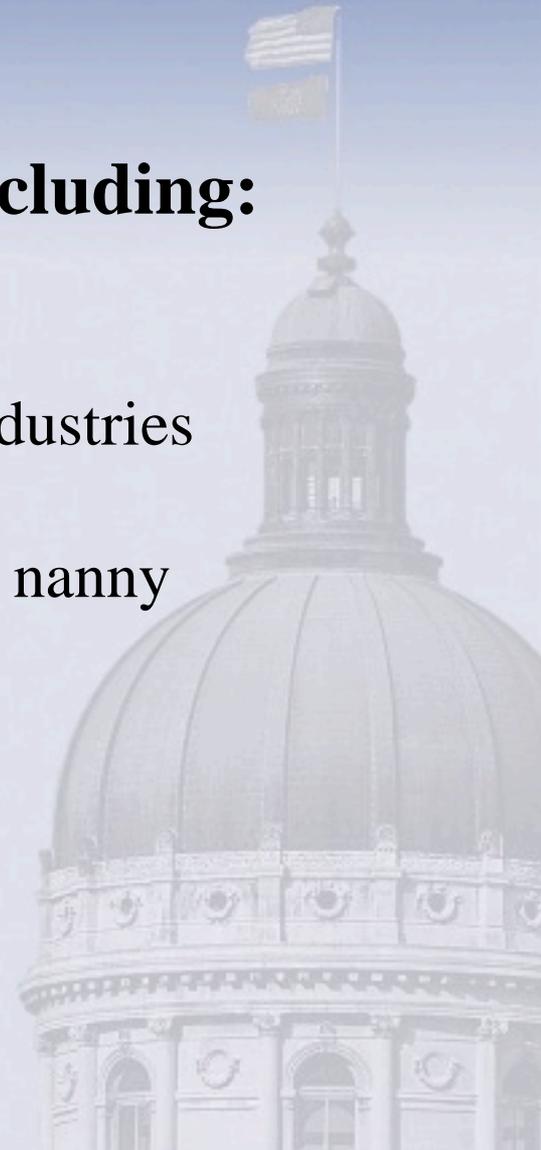
# The Trafficked Person

- Likely **has been lied to** about the work they will be doing in the U.S.
- Was **economically motivated** to come the United States or to seek a new job.
- **Believes they have a real debt** to pay and takes this very seriously.
- **Has been lied to** about their rights in this country and what will happen to them if they seek help.
- Does not have any **meaningful social network**.
- **Is extremely embarrassed** about what is happening to him/her.
- **May not see themselves as a victim** – they may feel blame for their situation.
- May be **holding out hope** that if he or she proves their worth, things will get better

# Where are trafficked persons found?

**Trafficking is found in many industries including:**

- The sex industry
- Forced labor in agricultural or construction industries
- Factories, restaurants, hotels
- domestic servitude as servant, housekeeper or nanny
- Health and beauty industries
- As a bride
- As beggars or peddlers
- As a child soldier



# How Are Youth Recruited?

Ways that youth are especially recruited: <sup>(1)</sup>

- Grooming process
- Telephone chat-lines
- Clubs
- On the street
- Through friends
- At malls
- Traffickers using girls to recruit other girls at schools and after-school programs

1) U.S. DEPARTMENT OF EDUCATION OFFICE OF SAFE AND DRUG-FREE SCHOOLS, HUMAN TRAFFICKING OF CHILDREN IN THE UNITED STATES: A FACT SHEET FOR SCHOOLS 1 (June 26, 2007), available at <http://www2.ed.gov/about/offices/list/osdfs/factsheet.pdf>.

# Why don't Trafficked Persons Escape?

- They are afraid of being deported.
- They may be in danger if they try to leave.
- The traffickers have such a strong psychological and physiological hold on them.
- They fear for the safety of their families in their home countries or in the U.S.
- They may fear the U.S. legal system because they may not understand the laws that protect them.
- They may not be able to support themselves on their own.
- They have nowhere to go.

Therefore, it is our responsibility to protect and assist people being exploited.

# Who Might Identify Trafficked Persons?

Referrals about human trafficking cases can come through a variety of means:

- Other Social Service Agencies
- Local Law Enforcement
- Labor Issue Complaints
- Federal Investigations
- Local/National Hotlines
- Other Government Agencies
- Churches
- Concerned Community Members



# Identification: Social Indicators

- Potential victim is accompanied by another person who seems controlling and/or insists on speaking for the victim
- Frequent relocation
- Numerous inconsistencies in his or her story or restricted or scripted communication
- Neglected healthcare needs
- Are not in control of their own money
- Lack of control of identification documents
- Individual is using false identification papers

Rescue and Restore Campaign

The National Symposium on the Health Needs of Human Trafficking Victims

Shared Hope International

# Identification: Social Indicators

- Excess amount of cash
- Hotel room keys
- Chronic runaway/homeless youth/juvenile prostitution
- Signs of branding (tattoo, jewelry)
- Lying about age
- Lack of knowledge of a given community or whereabouts
- Exhibits behaviors including hyper-vigilance or paranoia, nervousness, tension, submission, etc.

Rescue and Restore Campaign

The National Symposium on the Health Needs of Human Trafficking Victims

Shared Hope International

# Identification: Health Indicators

- Signs of physical abuse
  - Bruises
  - Black Eyes
  - Burns
  - Cuts
  - Broken teeth
  - Multiple scars
- Malnourishment
- Poor Dental Hygiene

# Mental Health Indicators of Human Trafficking Victims

- Symptoms of psychological trauma; <sup>(1)</sup>
- Extreme sadness and hopelessness; <sup>(1)</sup>
- Risks for suicide, memory loss, and presenting as withdrawn; <sup>(1)</sup>
- Difficulty concentrating, demonstrations of aggression and anger; <sup>(1)</sup>
- Trauma bonds; <sup>(2)</sup>
- Anxiety and mood disorders, panic attacks; <sup>(3)</sup>
- Substance-related disorders. <sup>(3)</sup>

- 1) UNITED NATIONS OFFICE ON DRUGS AND CRIME, UNITED NATIONS GLOBAL INITIATIVE TO FIGHT HUMAN TRAFFICKING, AN INTRODUCTION TO HUMAN TRAFFICKING: VULNERABILITY, IMPACT AND ACTION 84 (2008), *available at* [http://www.unodc.org/documents/human-trafficking/An\\_Introduction\\_to\\_Human\\_Trafficking\\_-\\_Background\\_Paper.pdf](http://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf).
- 2) LINDA A. SMITH, SAMANTHA HEALY VARDAMAN, & MELISSA A. SNOW, SHARED HOPE INTERNATIONAL, THE NATIONAL REPORT ON DOMESTIC MINOR SEX TRAFFICKING: AMERICA'S PROSTITUTED CHILDREN 28-31 (May, 2009), *available at* [http://www.sharedhope.org/Portals/0/Documents/SHI\\_National\\_Report\\_on\\_DMST\\_2009.pdf](http://www.sharedhope.org/Portals/0/Documents/SHI_National_Report_on_DMST_2009.pdf).
- 3) ERIN WILLIAMSON, NICOLE M. DUTCH, & HEATHER J. CLAWSON, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION, EVIDENCE-BASED MENTAL HEALTH TREATMENT FOR VICTIMS OF HUMAN TRAFFICKING (April, 2010), *available at* <http://aspe.hhs.gov/hsp/07/HumanTrafficking/MentalHealth/index.shtml>.

# Victim Needs that Social Service Providers May Encounter

- Basic needs, (i.e. medical attention, shelter and safety, food, clothing, long term housing, etc.);
- Safety planning;
- Ongoing counseling and therapy that are culturally sensitive;
- Treatment for substance-related disorders;
- ESL training;
- Interpretation;
- Legal and immigration services;
- Life skills, educational, and vocational training.



Psychological Disorders Victim of Sex Trafficking May Face	
1. Anxiety and Stress Disorder	11. Anxiety Disorders <ul style="list-style-type: none"> <li>• Panic Attacks</li> <li>• Agoraphobia</li> <li>• Social Phobia</li> </ul>
2. Attachment Disorder	12. Dissociative Disorders
3. Attention Deficit/Hyperactivity Disorder (ADHD)	13. Eating Disorders <ul style="list-style-type: none"> <li>• Anorexia Nervosa</li> <li>• Bulimia Nervosa</li> </ul>
4. Conduct Disorder	14. Impulse Control Disorders
5. Depression (Major, Dysthymia )	15. Mood Disorders <ul style="list-style-type: none"> <li>• Major Depression</li> <li>• Dysthymia</li> <li>• Bipolar</li> <li>• Hypothymia</li> </ul>
6. Developmental Disorders	16. Personality Disorders <ul style="list-style-type: none"> <li>• Borderline P.D.</li> <li>• Histrionic P.D.</li> <li>• Narcissistic P.D.</li> <li>• Paranoid P.D.</li> <li>• Anti-Social P.D.</li> <li>• Avoidant P.D.</li> <li>• Dependent P.D.</li> <li>• Obsessive Compulsive P.D.</li> </ul>
7. Eating Disorders	17. Self-Harming Disorders <ul style="list-style-type: none"> <li>• Self-mutilation</li> </ul>
8. Learning Disorders	18. Sleep Disorders <ul style="list-style-type: none"> <li>• Insomnia</li> <li>• Hypersomnia</li> </ul>
9. Acute Stress Disorder	19. Somatic Disorders
10. Post Traumatic Stress Disorder	20. Substance Abuse Disorders

# Potential Mental Health Issues (DSM) Facing Victims of Sex Trafficking <sup>1</sup>

1) LINDA A. SMITH, SAMANTHA HEALY VARDAMAN, & MELISSA A. SNOW, SHARED HOPE INTERNATIONAL, THE NATIONAL REPORT ON DOMESTIC MINOR SEX TRAFFICKING: AMERICA'S PROSTITUTED CHILDREN (May, 2009), *available at* [http://www.sharedhope.org/Portals/0/Documents/SHI\\_National\\_Report\\_on\\_DMST\\_2009.pdf](http://www.sharedhope.org/Portals/0/Documents/SHI_National_Report_on_DMST_2009.pdf).

The background features a blue gradient with a faint, large-scale Indiana State Seal on the left, showing a sunburst and the word "INDIANA" in an arc. On the right, a grayscale image of the Indiana State Capitol building is visible, including its prominent dome and a flag flying from the top. The text is overlaid on the left side of the image.

# **Mary Hutchison**

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# Human Trafficking Cases

## Case #1:

A runaway teenage girl was picked up by her “boyfriend.” He convinced her that she needed to make some money and set up prostitution appointments for her, driving her to the appointments. She didn’t want to testify against him because she believes he loves her and would never have really hurt her.

## Case # 2:

Kids came to stay with their family for a better opportunity. The family paid for their flights and paperwork. Once here the kids dropped out of school, because they were too tired from the work at home and the jobs they had to work to pay back the family. They had to sleep on the floor, cook all the meals, clean the house, babysit and get a job to pay for their room and board. They had become servants.

# Human Trafficking Cases

## Case #3:

A 19 year old girl was kept to pay off mother's drug debt. She was forced to strip and after she had been beaten enough that she could no longer strip, she was forced into prostitution. She was kept over a month, moved from hotel to hotel. The defendant maintained control via threats and violence, degrading her to the point that she would not have run even if left alone. She was discovered by police when they responded to a run to the hotel room, where she was found hiding in the bathtub.

## Case #4:

An Indian woman was brought to the United States by her husband. She was mentally and physically abused, kept in the back of his semi truck for one week without food and water. When they arrived in Indianapolis, the husband tried calling numerous men to sell her for the night. She was rescued when her husband got locked out of the apartment and called the police on her.

# State and Federal Laws

- **State:** IC 35-42-3.5: Human and Sexual Trafficking <sup>(1)</sup>
- **Federal:** Victims of Trafficking and Violence Prevention Act—2000; <sup>(2)</sup> William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. <sup>(3)</sup>

1) Human and Sexual Trafficking, Ind. Code § 35-42-3.5, *available at* <http://www.in.gov/legislative/ic/code/title35/ar42/ch3.5.pdf>.

2) Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 (2000), *available at* <http://www.state.gov/documents/organization/10492.pdf>.

3) William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law No: 110-457 (2008), *available at* <http://www.govtrack.us/congress/bill.xpd?bill=h110-7311>.

# What are the Options for Relief and Recovery?

Criminal Prosecution

Civil Law Remedies

Repatriation

Immigration



# Three Elements of Trafficking

In order to be considered trafficking on both federal and state levels, all three of these elements must be identified:

Recruiting  
Harboring,  
Moving, or  
Obtaining  
A person



By  
Force,  
Fraud or  
Coercion



For the purpose  
of  
Involuntary  
servitude,  
Debt bondage,  
Slavery or  
Sex Trade

# What is Force, Fraud, & Coercion?

## Force

Kidnapping  
Torture  
Battering  
Threats with Weapons  
Sexual Abuse  
Confinement  
Forced use of Drugs  
Forced Abortions  
Denial of Medical Care

## Fraud

Promises of Valid Immigration  
Documents  
Victim told to use false travel  
papers  
Contract signed for Legitimate Work  
Promised Job differs from actuality  
Promises of Money or Salary  
Misrepresentation of Work Conditions  
Wooing into Romantic  
Relationship

## Coercion

Debt Bondage  
Threats of Harm to Victim or  
Family  
Control of Children  
Controlled Communication  
Photographing in Illegal  
Situations  
Holding ID/Travel Documents  
Verbal or Psychological Abuse  
Control of Victims Money  
Punishments for Misbehavior

# Indiana Law IC 35-42-3.5

The background of the slide features a faded image of the Indiana State Capitol dome on the right side, topped with an American flag. The left side of the background is decorated with a pattern of yellow stars and the word 'INDIANA' in a large, light blue, serif font, partially obscured by the stars.

- Human and Sexual Trafficking
  - Definition
  - Restitution
  - Civil Action

# Indiana Law: IC 35-42-3.5 -1

## Human and Sexual Trafficking

**Section 1. (a):** A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors or transports another person: <sup>(1)</sup>

(1) to engage the other person in:

(A) forced labor; or

(B) involuntary servitude; or

(2) to force the other person into:

(A) marriage;

(B) prostitution; or

(C) Participating in sexual conduct

commits promotion of human trafficking, a Class B felony.

# Indiana Law: IC 35-42-3.5 -1

SB 509 would amend Indiana law to make it easier to prosecute persons who engage in trafficking of children by raising the age to less than 18 at which the prosecution need not prove force or threat of force: <sup>(1)</sup>

IC 35-42-3.5-1 (b) A person who knowingly or intentionally recruits, harbors, or transports a child less than sixteen (16) years of age with the intent of: <sup>(2)</sup>

(1) engaging the child in:

(A) forced labor; or

(B) involuntary servitude; or

(2) inducing or causing the child to:

(A) engage in prostitution; or

(B) participate in sexual conduct (as defined by 11 IC 35-42-4-4);

Commits promotion of human trafficking of a minor, a Class B felony. It is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

1) S.B. 509, 118th Gen. Assem., Reg. Sess. (Ind. 2013).

2) Human and Sexual Trafficking, Ind. Code § 35-42-3.5, available at <http://www.in.gov/legislative/ic/code/title35/ar42/ch3.5.pdf>.

# Indiana Law: IC 35-42-3.5 -1

## Human and Sexual Trafficking

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than sixteen (16)\* years of age for the purpose of prostitution or participating in sexual conduct commits sexual trafficking of a minor, a Class A felony. <sup>(1)</sup>

\* SB 509 would raise the age to “less than 18.” <sup>(2)</sup>

1) Human and Sexual Trafficking, Ind. Code § 35-42-3.5, available at <http://www.in.gov/legislative/ic/code/title35/ar42/ch3.5.pdf>.  
2) S.B. 509, 118th Gen. Assem., Reg. Sess. (Ind. 2013).

# Indiana Law: IC 35-42-3.5 -1

## Human and Sexual Trafficking

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

- (1) forced labor;
- (2) involuntary servitude; or
- (3) prostitution;

commits human trafficking, a Class C felony. <sup>(1)</sup>

# Indiana Law: IC 35-42-3.5

## Human and Sexual Trafficking

- Section 2: Restitution Orders
  - In addition to any sentence or fine imposed for a conviction of an offense under section 1, the court shall order the person convicted to make restitution to the victim of the crime under IC 35-50-5-3.<sup>1)</sup>

# Indiana Law: IC 35-42-3.5

## Human and Sexual Trafficking

- Section 3: Civil Cause of Action <sup>(1)</sup>
  - If a person is convicted of an offense under section 1 of this chapter, the victim of the offense:
    - Has a civil cause of action against the person convicted of the offense; and
    - May recover the following from the person in the civil action:
      - Actual Damages
      - Court Costs
      - Punitive Damages
      - Attorney’s Fees.

# Federal Law: Trafficking Victims Protection Act of 2000

## A Comprehensive Law:

### Areas of Focus:

#### – Prevention

- Public Awareness, Outreach and Education

#### – Protection

- T-Visa, Certification, Benefits and Services to Victims

#### – Prosecution

- Created Federal Crime of Trafficking, New Law Enforcement Tools and Efforts

# Highlights of TVPA:

- Protection provided to trafficked persons through legal assistance and other benefits
- New crimes of trafficking and forced labor defined
- State Department reports annually on how countries are doing in combating trafficking
  - Lowest ranked countries are subject to sanctions

# Federal Crimes and Penalties

<b>Forced Labor</b>	<b>Up to 20 years</b>
<b>Trafficking into Servitude</b>	<b>Up to 20 years</b>
<b>Sex Trafficking</b>	<b>Up to life</b>
<b>Involuntary Servitude</b>	<b>Up to 20 years</b>
<b>Peonage (Debt Bondage)</b>	<b>Up to 20 years</b>
<b>Document Servitude</b>	<b>Up to 5 years</b>
<b>Conspiracy Against Rights</b>	<b>Up to life if kidnapping, sexual abuse or death</b>

# If you believe someone is a victim of Human Trafficking:

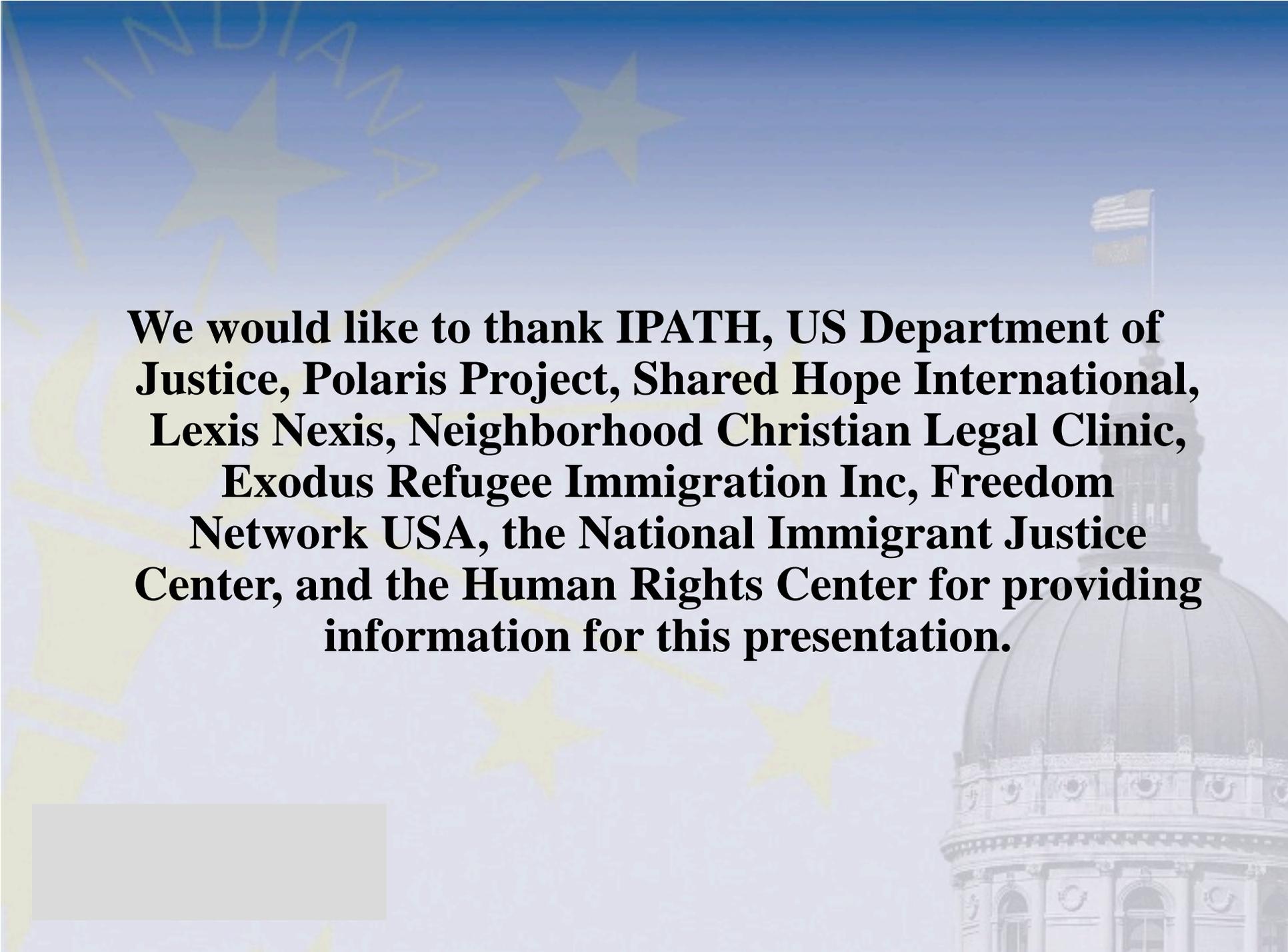
- Contact your local police department and be transferred to the human trafficking detective on duty.
- Indianapolis Trafficked Persons Assistance Program 24-hour hotline: **1-800-928-6403**
- National Human Trafficking Resource Center Hotline Number **1-888-3737-888**

# Other Contacts:

**Neighborhood Christian Legal Clinic**  
3333 North Meridian St. Suite 201  
Indianapolis, IN 46208  
(317) 415-5337  
[nclegalclinic.org](http://nclegalclinic.org)

**The Julian Center**  
2011 North Meridian St  
Indianapolis, IN 46202  
(317) 941-2200  
[www.juliancenter.org](http://www.juliancenter.org)

**Exodus Refugee Immigration Inc.**  
1125 Brookside Ave, Suite C9  
Indianapolis, IN 46202  
(317) 921-0836  
[www.exodusrefugee.org](http://www.exodusrefugee.org)

The background features a blue gradient with a faint, large-scale Indiana state seal on the left, showing a star and the word 'INDIANA'. On the right, there is a grayscale image of the Indiana State Capitol building with an American flag flying from its roof. Several yellow stars are scattered across the blue background.

**We would like to thank IPATH, US Department of Justice, Polaris Project, Shared Hope International, Lexis Nexis, Neighborhood Christian Legal Clinic, Exodus Refugee Immigration Inc, Freedom Network USA, the National Immigrant Justice Center, and the Human Rights Center for providing information for this presentation.**