

# ICE



## •Homeland Security Investigations



•Acting Group Supervisor

•Human Smuggling/Human Trafficking and Gang Unit

**BOSTON, MA**

**617-565-7400**



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## Overview

**HSI's mission** is to protect America and uphold public safety by targeting the people, money and materials that support terrorist and criminal activities.



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Homeland  
Security

Investigations

Investigative  
Responsibilities

## Homeland Security Investigations Investigative Authorities and Responsibilities:

- Narcotics Smuggling & Trafficking
- Customs Fraud & IPR violations
- Weapons & Military Technology Trafficking
- Export Enforcement
- Cyber Crimes
- Financial Crimes & Bulk Cash Smuggling
- Gang Investigations
- **Human Smuggling & Human Trafficking**
- Immigration Document & Benefits Fraud
- Worksite Enforcement & Critical Infrastructure Protection
- Human Rights Violators
- National Security



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Human  
Trafficking

## Smuggling vs. Trafficking

### SMUGGLING

- Generally a one-time interaction
- Focus is on transportation
- Crime is against sovereignty/border of a country
- Person moved is complicit

### TRAFFICKING

- Person is held or maintained for service by coercion
- Focus is on denial of liberty, not movement- no transnational border crossing necessary
- Crime is against the human rights of the victim
- Initial consent of the victim to migrate (even knowingly unlawfully) is not a factor



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## What is Human Trafficking?

- Form of modern-day slavery
- Involves the exploitation of persons for **commercial sex** or **forced labor**
- May involve crossing an international border but no require movement of a victim
- Traffickers use ***force, fraud or coercion*** to control their victims
- Can be prosecuted on a variety of grounds
- It is important to distinguish between human smuggling and human trafficking



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## Scope of the Problem

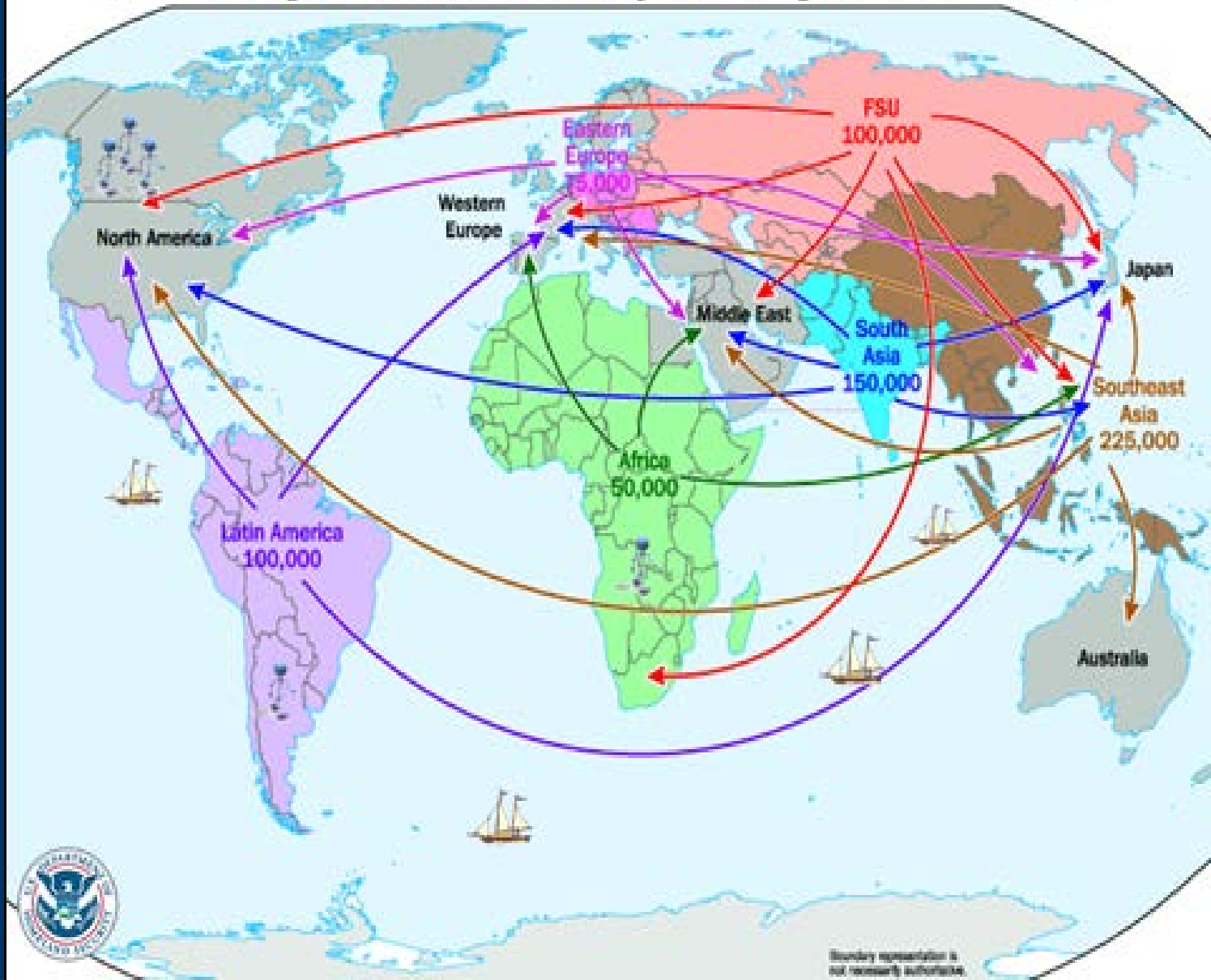
- Estimated 800,000 people trafficked worldwide annually
- Estimated 17,500 persons trafficked annually into the U.S.
- Approximately 80% of transnational victims are females and up to 50% are minors
- Estimated 12.3 million people held in forced labor, including forced sex situations
- It involves:
  - Source countries (where victims are recruited and lured),
  - Transit countries (where victims pass), and
  - Destination countries (where victims are exploited)



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## What are the routes?

Global Trafficking in Women and Children: Major Source Regions and Destinations (C)



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## Legal Overview

- Trafficking Victim Protection Act (TVPA)
- Legal Definition of Human Trafficking - TVPA
  - (1) 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
  - (2) 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
- TVPA is Victim Centered



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## TVPA Anti-Trafficking Tools

### New Crimes Under TVPA

- § 1589: Forced Labor
- § 1590: Trafficking Into Slavery
- § 1591: Sex Trafficking
- § 1592: Document Servitude
- § 1594: Attempt



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## Human Trafficking

# Sex Trafficking

- Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person through force, fraud, or coercion for the purpose of a commercial sex act, or in which the person induced to perform such an act is under 18 years of age
- When a minor is trafficked for a commercial sex act, there is no need to prove force, fraud, or coercion



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## Human Trafficking

# Forced Labor

- Forced labor includes the use of both physical and psychological force
- It includes getting someone to provide labor or services using force, threats of force, or threats of the legal system, such as threats of deportation, to create fear in a victim



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# MA Sex Trafficking Law

On November 21, 2011 Gov. Deval Patrick signed MA human trafficking bill into law. The law went into effect February 19th, 2012.

[Chapter 265 section 50 - Trafficking of persons for sexual servitude; trafficking of persons under 18 years for sexual servitude; trafficking by business entities; penalties; tort actions brought by victims](#)

Section 50. (a) Whoever knowingly: (i) subjects, or attempts to subject, or **recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography** in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by **imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000.**

Whoever commits the crime of trafficking of persons for sexual servitude upon a person **under 18 years** of age shall be punished by imprisonment in the **state prison for life or for any term of years, but not less than 5 years.** No person convicted under this subsection shall be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence.

A business entity that commits trafficking of persons for sexual servitude shall be punished by a fine of not more than

\$1,000,000.



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# MA Labor Trafficking Law

[Chapter 265 Section 51 - Trafficking of persons for forced service; victims under 18 years; trafficking by business entities; penalties; tort actions brought by victims](#)

- Section 51. (a) Whoever knowingly: (i) subjects, or attempts to subject, another person to **forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person**, intending or knowing that such person will be subjected to forced services; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of trafficking of persons for forced services and shall be punished by imprisonment in the state prison for not less than **5 years but not more than 20 years and by a fine of not more than \$25,000**.
- (b) Whoever commits the crime of trafficking of persons for forced **services upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 5 years**. No person convicted under this subsection shall be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence.
- (c) A business entity that commits trafficking of persons for forced labor services shall be punished by a fine of not more than \$1,000,000.



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## Methods of Control

- **Force** involves physical abuse to control victims. The use of force is especially frequent during the early stages of victimization to break down victims' resistance and make them easier to control
- **Fraud** often involves false offers of employment. For example, women or girls may reply to advertisements promising jobs as waitresses, maids, or dancers in foreign countries and find that such jobs are nonexistent when they arrive in the destination country. Many are then forced into prostitution as a result
- **Coercion** involves threats of serious harm or of physical restraint of a victim as well as threats to family back home
- **Debt Bondage** often utilized by traffickers to compel victims to pay off their supposed smuggling debt



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## Trafficking Motives

- Lucrative business - Low or no wages for victims
- Violators involved in other related criminal activities: (i.e. – fraudulent document production, smuggling)
- Vulnerable worldwide supply of possible victims
- Human Trafficking is more challenging for Law Enforcement to investigate and obtain willing witnesses, which makes prosecution difficult
- Endless utility of victims (can work for years and years)



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## Enforcement Results

- **FISCAL YEAR 2012**
- HSI Arrests – 967
- HSI Indictments – 559
- HSI Convictions - 381
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- **FISCAL YEAR 2013**
- HSI Arrests – 1,877
- HSI Indictments – 1,070
- HSI Convictions – 816



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## Law Enforcement Cooperation

- HT functions as a multi-jurisdictional/multi-national crime that involves numerous source, transit, and destination countries
- Successful eradication of HT rings requires cooperation between Local, State and Federal law enforcement agencies both domestic and international
- Federal LE partners can assist with coordinating investigations out of state or country, additional personnel, conducting interviews, NGO services, and most important MONEY.



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## Human Trafficking

# Human Trafficking Indicators

- Many victims live at or near their work premises
- Many victims have restricted or controlled movement – they are not free to come and go as they please
- Many victims are moved from location to location to keep them off-balance and unfamiliar with their surroundings
- A large number of people living in a very small space (i.e. – many girls living out of a hotel room or a lot of women living in a small house or apartment)



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## Human Trafficking

## Public Outreach

- 2013- The Blue Campaign. Posters placed nationwide including truck stops and public transportation areas. All materials are downloadable in English and other languages at [www.dhs.gov/bluecampaign](http://www.dhs.gov/bluecampaign)



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# Questions?

Report suspicious activity:

**1-866-DHS-2-ICE**

1-866-347-2423

**[www.ice.gov](http://www.ice.gov)**



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of our biweekly newsletter, ***Inside ICE.***

Refer media inquiries to ICE Office of Public Affairs, 202-514-2648

**Report suspicious activity:**

**Toll-Free Tip Line:**

**1-866-DHS-2ICE**

**[www.ice.gov](http://www.ice.gov)**