HUMAN TRAFFICKING AND INDIAN COUNTRY

December 10, 2010
Session Agenda

- General overview of human trafficking
- Current efforts by the Office for Victims of Crime (OVC) and the Bureau of Justice Assistance (BJA)
- Findings and recommendations from an August 2010 OVC focus group on Human Trafficking of American Indian and Alaska Native Women and Children
- Available training and technical assistance resources
What is human trafficking?

- “Human trafficking” is the obtaining or maintaining of another person in a condition of compelled labor or service through means of force, fraud, or coercion

- Often referred to as “modern-day slavery,” human trafficking occurs globally in both cities and small towns

- Fueled by economically desperate victims and demand for cheap labor and commercial sex
Human Trafficking vs. Smuggling

**Trafficking:**
- Crime against individual – movement is not needed
- Element of coercion – cannot consent to enslavement
- Ongoing exploitation
- Trafficked persons considered victims

**Smuggling:**
- Crime against the state – illegal border crossing
- No coercion
- Ends after border crossing – can become trafficking
- Smuggled persons considered criminals
Human Trafficking: General Overview

Trafficking Victims Protection Act:

- Signed into law in October 2000
- Made human trafficking a federal crime
- Provided immigration relief for “victims of a severe form of trafficking” who are foreign nationals
- Reauthorizations in 2003, 2005, and 2008 added further protections and expanded the budget to combat trafficking domestically
Human Trafficking: General Overview

TVPA Goals:

- Increase the prosecution of human traffickers in the U.S.
- Protect victims and provide federal and state assistance to victims

State Statutes:

- 42 states currently have laws criminalizing human trafficking
Human Trafficking: General Overview

Sex or Labor
(brothels, farms, factories, restaurants, truck stops, casinos, private homes)

Force, Fraud, Coercion
(physical violence, threats, false promises, physical or psychological control)

Human Trafficking
Where may trafficking be occurring in your community?
Human Trafficking: General Overview

- **Victims:**
  - Men, women, two-spirited, transgender
  - Adults, youth, children
  - Various educational backgrounds
  - U.S. citizens and foreign nationals
  - Involuntary or voluntary migrants
  - Diverse national origins and cultures

- **Characteristics of Victims:**
  - May not identify themselves as victims
  - Often blame self for the situation
  - Unaware of their rights
Perpetrators:

- Prey upon vulnerable
- Often recruit victims through promises of a better life
- Often hidden behind guise of legitimate business or service
- May be opportunistic individuals, organized crime, gangs, business owners, family or tribal members, romantic partners, diplomats – anyone
Background and Timeline:

- **2000**: Passage of Trafficking Victims Protection Act (TVPA)
- **2003**: First OVC awards for services to foreign national victims
- **2004**: Anti-Human Trafficking Law Enforcement Task Force Model created by Bureau of Justice Assistance
- **2009**: Domestic minor victims of human trafficking
- **2010**: All victims of human trafficking – including domestic adults
OVＣ Services to Victims of Human Trafficking

- Multidisciplinary task force model in partnership with BJA

- 34 programs focused on foreign national victims
  - Comprehensive services

- 6 programs focused on domestic minor victims
  - 3 funded to provide comprehensive services
  - 2 funded to provide case management
  - 1 funded to provide T/TA specific to domestic minor victims
OVC Services to Victims of Human Trafficking

- 3 “enhanced model” programs focused on all victims of human trafficking
  - Comprehensive victim services
- OVC’s Training and Technical Assistance Center (OVC TTAC)
OVC Services to Victims of Human Trafficking

- Services for male and female victims of sex and/or labor trafficking

- “Wrap around services” that meet victims where they are and support them in making informed decisions about the support they need to work through the impact of the crime
  - Domestic minor victim living in foster care, group home, detention facility, or with family
  - Adult victim living independently, in shelter, or an inpatient substance abuse treatment center
OVC Services to Victims of Human Trafficking

- Support and advocacy during interactions with law enforcement
- Emergency and ongoing assistance
- Culturally competent services
- Intensive case management
- Shelter and sustenance: emergency, transitional, and long-term housing for females, males, and minors
OVC Services to Victims of Human Trafficking

- Medical and dental care

- Mental health treatment: emergency assessments, ongoing individual and/or group counseling

- Legal immigration services
  - Explanation of legal rights and protections

- Victim advocacy and information about crime victims’ rights and services
  - Coordination with federal/state/local law enforcement, prosecution, and system-based victim advocates
OVC Services to Victims of Human Trafficking

- Literacy education and job training
- Life skills to help clients achieve self sufficiency
- Transportation
- 24-hour evening and weekend response to client emergencies and emergency calls from law enforcement
OVC Services to Victims of Human Trafficking

Seattle (2)
Portland (2)
Salt Lake City
San Francisco (2)
San Jose
Las Vegas
Los Angeles
Orange County (2)
San Diego
Phoenix
Twin Cities
Chicago (3)
Milwaukee
St. Louis
Indianapolis
District of Columbia
New York City (3)
Boston
Long Island
Buffalo
Connecticut (State-wide)
North Carolina (State-wide)
Georgia (State-wide)
Dallas/Ft. Worth
Houston (2)
San Antonio
Austin
New Orleans
Clearwater
Lee and Collier Counties
Miami-Dade
Northern Marianas (Saipan)
2010 Tribal Consultation

Focus Group on Human Trafficking of American Indian and Alaska Native Women and Children

- August 25-26, 2010
- Smithsonian National Museum of the American Indian
- 44 participants representing tribal service providers, anti-human trafficking service providers, universities, and tribal, local and federal law enforcement from:
  - Alaska
  - New Mexico
  - Arizona
  - Washington
  - Colorado
  - Wisconsin
  - Minnesota
2010 Tribal Consultation

- Selected based on knowledge and experience in the areas of human trafficking and AI/AN populations
- Facilitator: Tribal judge
- U.S. Department of Justice
  - Office of Justice Programs
    - Office for Victims of Crime
    - Office of the Assistant Attorney General
    - National Institute of Justice
    - Bureau of Justice Statistics
    - Office of Juvenile Justice and Delinquency Prevention
  - Office on Violence Against Women
  - National Advocacy Center
2010 Tribal Consultation

- Exploratory exercise
- Small and large group discussions
- Current knowledge base
  - Anecdotal
  - Research
- Who are victims?
- Types of human trafficking
- “Push” and “pull” factors
- Action plans
- Recommendations
2010 Tribal Consultation – Findings

- Labor trafficking
  - Do not know if, where, or how it occurs on reservations

- Sex trafficking
  - May be occurring in urban, suburban, small town, and reservation settings
  - Anecdotal information
  - Lack of quantitative research

- Many AI/AN communities on reservations, in villages, or in urban areas are not always aware trafficking is occurring
  - Not identified as human trafficking and little public awareness
2010 Tribal Consultation – Findings

- Traffickers’ methods to force, defraud, coerce, or otherwise obtain victims are not well understood
  - Lure of gifts, money, and luxury items
  - Capitalize on desire for more prosperous or “glamorous” lifestyle

- AI/AN human trafficking victims are not often identified
  - Cited or arrested for crimes related to trafficking
    - Solicitation, prostitution, pubic drunkenness, petty theft
  - Lack of trafficking-specific laws
  - Victims do not self-identify as such

- There is a shortage of available services to assist AI/AN human trafficking victims
2010 Tribal Consultation – Findings

- **Housing**
  - Reservations and villages have culturally appropriate services, but lack knowledge about human trafficking
  - Service providers in metropolitan areas may not offer culturally appropriate services
  - No specific housing for AI/AN trafficking victims on or off reservation
  - Emergency or transitional shelters may not afford needed protection from traffickers or others

- **Law enforcement agencies lack resources and capacity to respond**
  - Lack of trafficking laws may impact tribal law enforcement’s level of awareness and authority to arrest specifically for human trafficking offenses
  - Lack of tribal law enforcement and Bureau of Indian Affairs personnel dedicated to investigating trafficking proactively
Training, Awareness, and Capacity Building

- Focus on raising awareness and understanding of human trafficking among local tribal leaders and elders
- Provide training to law enforcement on the basics of human trafficking and cultural competency to work with AI/AN victims
  - Tribal law enforcement and BIA special agents
  - Parameters of human trafficking
  - Indicators of human trafficking
  - Investigative techniques
  - Cultural competency training in metropolitan areas
- Provide opportunities to share intelligence and information across law enforcement agencies
Training, Awareness, and Capacity Building

- Provide training opportunities for tribal law enforcement and judges on the dynamics of human trafficking
  - Support participation at national and regional trainings
  - National tribal conferences should include human trafficking workshops

- Offer cultural competency training for DOJ-funded Anti-Human Trafficking Task Forces
  - Regional training forums
  - Peer-to-peer trainings to foster information exchange and enhance communication

- Provide assistance to tribal communities to develop relevant laws, statutes, ordinances, or codes on human trafficking
Victim Services

- Develop culturally appropriate services for AI/AN victims in metropolitan areas
  - Within anti-human trafficking coalitions, networks, and task forces
  - Partnerships between native and non-native service providers

- Ensure that any service delivery model is flexible to meet the needs of AI/AN victims regardless of where they live
  - Reservations/tribal lands
  - Urban/metropolitan
  - Suburban/small town
Victim Services

- Provide safe and culturally appropriate housing for AI/AN trafficking victims

- Provide transportation services
  - Connect metropolitan areas and reservations
  - Access culturally appropriate services
  - Access support system
  - Make a part of a comprehensive service delivery model for AI/AN trafficking victims
Research

- Understand victim demographics
  - Age
  - Gender
  - Types of trafficking
  - Settings
  - Contributory factors

- Identify positive or protective factors in AI/AN communities to prevent trafficking or to reintegrate victims
Research

- Explore trafficker demographics and methodologies
  - Routes of transportation
  - Types of exploitation
  - Methods used to force, defraud, coerce, or otherwise obtain victims

- Survey tribal criminal codes
  - Known model codes or statutes addressing human trafficking
  - How often trafficking cases are prosecuted under related statutes
    - Promoting prostitution
    - Money laundering
    - Labor exploitation
Training and Technical Assistance

Through OVC TTAC: www.ovcttac.gov

- OVC/BJA Anti-Human Trafficking Task Force Strategy and Operations e-Guide:
  - Direction for new and existing Task Forces
  - Links to trainings, tools, legal resources
    www.ovcttac.gov/taskforceguide

- Field Requests: OVC TTAC can send a trainer to you

- Piloting a new onsite consultation in 2011 to help community groups who want to start an Anti-Trafficking Task Force
Training and Technical Assistance

Other TTA Resources:

- Freedom Network
  - Annual Conference: March 2011, Washington, DC

- Bureau of Justice Assistance
  - HT 101 Training and Advanced Investigators Training
Thank You

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