

## Current Trafficking Trends

Research conducted by the FSU Center for the Advancement of Human Rights between 2004 and 2010 reveals that human trafficking very much remains a Florida reality. Moreover, trafficking appears to be evolving in recent years. Based upon case research as well as FSU interviews conducted with law enforcement officials and service providers throughout the state, the following are discernible trends in trafficking here in Florida:

**Labor trafficking is the most prevalent type of human trafficking that occurs in Florida.** The largest number of trafficking victims identified in Florida between 2004 and 2010 involved persons exploited for forced labor, and debt servitude is often the preferred means of coercion. The two sectors of Florida's economy where forced labor appears most prevalent are **(1) the agricultural sector** and **(2) the tourism and hospitality industries.** Florida's agricultural sector has long been rife with labor exploitation. The pre-eminent farm workers' rights group in the state, the Coalition of Immokalee Workers, notes that human trafficking represents merely one extreme on an entire continuum of systemic farm labor abuses. Recent years have also witnessed the emergence of patterns of human trafficking in Florida hotels, resorts, and tourism venues. Unregulated temporary employment agencies are typically the actors responsible for this trafficking. One investigator in a Panhandle Sheriff's Office observes that exploitation and human trafficking appear to be the rule, rather than the exception, among Florida's unregulated "temp" agencies. Such companies routinely violate wage and hour law, use physical force and psychological coercion against employees, and refuse to pay medical treatment for injured workers. Traffickers also continue to prey on victims' vulnerabilities, for instance targeting workers who have histories of homelessness, substance abuse or mental illness.

It is common practice for contractors to rent a house, and then use that residence to house as many as 10-20 seasonal workers, often requiring them to sleep on the floor or two to a bed. The contractors typically deduct money from the workers' paychecks, charging them for housing fees, transportation fees, cleaning fees, uniform fees, visa fees, etc. Such deductions

invariably cause the hourly rate paid to the workers to drop far below the federal minimum wage, at times even resulting in workers receiving a net pay of zero. Workers who complain are often threatened with eviction or deportation.

**Domestic Minor Sex Trafficking constitutes the other most prevalent and yet most under-reported and under-prosecuted human trafficking offense in Florida.** While international victims of trafficking remain especially vulnerable in Florida, U.S. citizen minors exploited in prostitution and in Florida's adult entertainment industry potentially constitute the state's other very sizable victim population. Perhaps the most important step taken by the U.S. anti-trafficking community in recent years has been the gradual recognition that thousands of our own U.S. citizen children are in fact victims of trafficking. It is estimated that at any given moment, there are between 30,000 to 40,000 pre-teen and teenage runaways in Florida. As a group, they are tremendously vulnerable to exploitation by pimps or to abuses in Florida's adult entertainment industry. Advocates note that the "recruiting" of runaway or throw-away children for sexual exploitation is increasingly done on the street, at schools and in malls, online through Myspace and Facebook, and even outside juvenile courts.

When encountered by the law enforcement and judicial systems, many of these exploited children are often erroneously dealt with as criminals. Yet just as minors cannot consent to sex, neither can they legally consent to prostitution. Both state and federal law are clear that prostituted children are victims rather than criminals. Nonetheless, children under the age of 18 are at times still arrested for prostitution in Florida. There is, moreover, very little funding available for their care or protection. Two non-governmental organizations in Florida—Kristi House in Miami, and the KlaasKids Foundation in Pensacola—are among the leading organizations in the state to both care for U.S. domestic minor victims of sex trafficking and to call attention to their plight. Secure housing remains the most acute need for these children, as well as intensive recovery and support services.

**Sex trafficking remains a scourge throughout Florida.** Florida law enforcement continues to find and investigate sex trafficking schemes throughout the state. In contrast to earlier Florida sex trafficking cases (such as the 1997-1998 *Cadena* case), sex trafficking operations now rely much less on stationary brothels. Increasingly, they instead comprise “mobile brothels”—prostitution delivery services in which the women are driven to clients’ private residences or receive clients in rented hotel rooms. The utilization of mobile brothels appears to be motivated by more than the need to simply avoid law enforcement scrutiny. It is also an effort to avoid the armed robberies that have plagued the immigrant community in recent years in Florida. In addition to being mobile, Florida sex trafficking has also become a circuit. Victims appear to be moved frequently, often being brought in from out-of-state to a variety of Florida cities for short periods of time. One Florida detective notes that the internet has become the new “virtual street corner” for prostitution and sex trafficking. Whereas a few years ago prostitution might have been advertised primarily in the back pages of free community newspapers, it is now more frequently facilitated through websites such as Craigslist or Backpage.com.

A number of recent Florida sex trafficking schemes have relied on decidedly “low-tech” means of advertising in order to evade law enforcement detection. The *Melchor* and *Monsalve*<sup>1</sup> sex trafficking rings in north and central Florida depended on the distribution to local Hispanic males of small “business cards” which contained only the pimp’s cell phone number and a silhouette of a taxi or a nude woman. The same two cases also confirmed that Florida sex trafficking has very much become a multinational venture: while the perpetrators in these cases were almost exclusively Colombian, they lured and exploited victims from all over Latin America (including women from Guatemala, El Salvador, Honduras, Puerto Rico, the Dominican Republic, Nicaragua, and Colombia). Earlier Florida sex trafficking cases more typically witnessed the exploitation of women by their fellow foreign nationals. In its newfound diversification in Florida, sex trafficking once again appears to embody the dark underside of globalization.

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<sup>1</sup> See pages 21 – 24 for a full description of these cases.

**Sex trafficking is more complex and nuanced than perhaps previously thought.** Early sex trafficking cases reported in Florida often involved very “black and white” scenarios of exploitation, in which the women exploited sexually constituted what are now termed “iconic victims.” That is, they were women who had unquestionably been deceived by false promises of jobs and then forced into prostitution by the brutal use of force or at times by threats of force against family members back in the victims’ home countries. More recent Florida cases do not always admit of such black and white characterizations. Brothel raids and prostitution investigations by Florida law enforcement are instead revealing cases now in which women who have willingly migrated for sex work are found alongside women who are being trafficked sexually against their will. Law enforcement officials are encountering scenarios that are much more complex because they involve both consenting and non-consenting participants in prostitution ventures.

Importantly, even women who have supposedly “consented” to prostitution may still be trafficking victims. The *Melchor* and *Monsalve* sex trafficking investigations identified a number of women who by their own admission had been smuggled into the United States knowing that they would pay off their smuggling debts through prostitution. They had not, however, consented to what actually awaited them: the requirement that they undergo 35-40 sexual transactions per night, a complete loss of their freedom of movement, and the confiscation of their identity documents by pimps. These women became trafficking victims notwithstanding the fact that they may have initially consented to prostitution.

This reality underscores how imperative it is that law enforcement investigators establish a relationship with the potential sex trafficking victims whom they interview. Victims often do not self-identify immediately, and will only disclose the complete details of their exploitation after a measure of trust has been established with their interviewer. The full magnitude and the complexity of commercial sexual exploitation may become discernible only after a more in-depth assessment of what may initially appear to be consensual prostitution. As always, victim-

centered investigations are absolutely imperative. Potential victims should be “interviewed” and not “interrogated.”

**The psychological coercion exercised against trafficking victims assumes many forms and should not be underestimated by law enforcement investigators.** One of the most formidable challenges facing law enforcement officials in Florida and throughout the country is the task of recognizing the multiple forms of psychological coercion (the “invisible chains”) that increasingly are used to control trafficking victims. Modes of coercion such as debt servitude, threats against the victim’s family, or threats of deportation are never immediately visible. Law enforcement officials not only need to be alert to indications of such coercion, but must also better credit the full effect of such threats upon victims.

**Males are increasingly being identified as human trafficking victims in Florida.** While women and children remain especially vulnerable to exploitation, male victims of human trafficking are increasingly encountered throughout the state. This includes U.S. citizen males (for example, the homeless men exploited for field labor in the *Evans* case in Palatka) and foreign national males (routinely exploited in the agricultural sector as seasonal migrant workers or as seasonal workers in the hotel and tourism industries). Secure housing remains a particularly acute problem for male victims after they are rescued. Even basic victim identification in cases involving males can prove difficult. For reasons of culture or learned gender roles, many men resist seeing themselves as “victims,” and instead merely refer to their exploitation as “bad jobs” from which they cannot escape.

**After personal safety, housing remains the overwhelming need of human trafficking victims in Florida.** While males face especially daunting challenges in finding housing after rescue or escape from trafficking situations, this is true to some degree for almost all trafficking victims in Florida. Many shelters have very strict limitations on how long residents may stay there, and long-term housing for trafficking victims is particularly difficult to secure. Because the

prosecutions in which trafficking victims may be involved as witnesses can stretch on for months—or even years—safe and affordable housing becomes even more vital.

**Somewhat ironically, the housing needs of U.S. citizen victims can be even more difficult to meet than those of immigrant victims.** The most critical need in this respect is for housing that is both secure and therapeutic for **domestic minor victims of sex trafficking**. Advocates for these U.S. citizen child victims point out that there is an almost complete dearth of housing that is appropriate for these minors. Because many have been victimized by pimps who continue to exercise great emotional control over them, a secure housing option that approximates a “lockdown” situation is virtually necessary when they are first encountered. On the other hand, such children are victims rather than criminals, and outright detention is therefore inappropriate. Group homes and foster care placements are not viable alternatives, because such teenagers comprise strong flight risks whose first instinct is often to return to their pimp. Kristi House in Miami has been a strong advocate of Florida adopting “**Safe Harbor**” legislation such as has been proposed in the California and New York legislatures. A Safe Harbor Act would result in the creation of short-term “safe shelters” in Florida for the care of sexually exploited children. These shelters would be secure facilities (much as a detention center would be) but would not duplicate the more draconian elements of actual detention facilities. They would instead comprise “home-like” environments where a sexually exploited child would be housed after having been encountered by law enforcement, juvenile detention officials, or professionals serving runaway or homeless youths. Unlike foster homes or group homes, such facilities would in fact be secured in order to preclude flight on the part of the child. While the child remains in residence, he or she would receive intensive therapy, counseling, and support services. As a secure facility, the safe harbor house would nonetheless preclude contact between the child and their exploiter (namely pimps). In addition to the child receiving very targeted therapeutic care during their stay in the safe harbor home, he or she would also be afforded the time to understand that their pimp is not a caregiver but rather a predator.

**There is a need for proactive law enforcement work.** Police and prosecutors alike throughout Florida noted that their roles in investigating trafficking cases have been almost exclusively reactive to date. That is, they have responded to trafficking cases when they encountered a victim or were referred a case by a non-governmental organization. A number of the prosecutors and law enforcement officials who were interviewed emphasized that in order to more effectively combat human trafficking, a law enforcement investigatory model that is proactive will be required. One officer urged that tools such as those utilized against organized crime and drug traffickers—wiretaps, paid confidential informants, and undercover work—should likewise be employed against human traffickers. A Florida prosecutor added that law enforcement should also begin gathering “intelligence” on hotels or growers who appear to be profiting from trafficking, and should utilize plea bargains with lower level offenders in order to successfully prosecute those higher up the “chain.”

**A statewide intelligence database for Florida law enforcement officials regarding human trafficking leads and perpetrators is very much needed.** State and local law enforcement officers interviewed for the Strategic Plan were almost unanimous in their call for the creation of a statewide database on human trafficking for law enforcement. They recognized that the very nature of human trafficking means that it is a crime that invariably crosses county lines and involves multiple jurisdictions, and that any number of local Florida law enforcement agencies might be simultaneously investigating the same case. State and local investigators suggested that the following be included in such a database:

- **Suspects**
- **Known pimps**
- **Businesses identified or being scrutinized for human trafficking**
- **Massage Parlors and their owners**
- **Addresses, telephones, and aliases of potential suspects**
- **Vehicles and license plates associated with potential suspects**
- **Networks of agricultural brothels**

- **Subcontractors in Florida agriculture, hospitality, or service sectors who appear to rely on labor trafficking or exploitation**
- **Current leads on cases**

This database, agreed all the law enforcement officials interviewed, should be confidential and secured for law enforcement use only.

**The Florida Department of Law Enforcement has already assumed an important role in state investigations, and will be crucial for coordinating and supporting trafficking investigations on a statewide level.** FDLE has assumed a central role in Florida trafficking investigations, and it is logical that they should continue this leadership. The creation and maintenance of a statewide database on trafficking would furthermore be a natural role for FDLE, which has tremendous expertise in this area. Another important contribution on the part of FDLE would be for the agency to post information about domestic minor sex trafficking on its Missing Endangered Person Clearinghouse website, underscoring the vulnerability of runaway and missing children to commercial sexual exploitation.

**Training for veteran Florida law enforcement agents is still needed.** While the Florida Legislature has mandated that all new Florida law enforcement recruits receive eight hours of training on human trafficking, there is no such requirement for officers already in the field. This could be accomplished through the institution of a mandatory four to eight hour training on human trafficking that all sworn officers in Florida would be required to complete within four years. FDLE has already created both a basic curriculum on human trafficking for training recruits, and an advanced 40 hour curriculum for Florida investigators. The agency is therefore optimally suited for developing a mandatory statewide training on trafficking for all active duty Florida law enforcement officers. Ideally this training would be available both as a live training module in Florida police academies and community colleges where ongoing training has traditionally been made available to active duty officers, and also through an online curriculum that could be completed in sections. In addition, Florida's Sheriff offices and police departments

could complement this longer training with shorter in-service trainings such as briefings and roll calls.

**Training for Florida prosecutors is urgently needed.** Florida has had state laws criminalizing human trafficking since 2004, but to date few cases have been prosecuted. There may be a number of reasons for this dearth of state trafficking prosecutions: the Florida law has yet to be “tested” in court, there is no case law to guide prosecutors, and prosecutors’ dockets are critically overloaded as a result of state budget cuts. Nonetheless, some state and local law enforcement officers report bringing cases to state attorneys that are not acted upon. Clearly training on human trafficking cases and on state law criminal statutes should be made available to the 20 State Attorney offices throughout Florida. It is almost always local law enforcement officers who encounter and recognize human trafficking crimes. Unless they are confident that their local prosecutor will pursue a case, they have little incentive to do so themselves.

**The Office of the Statewide Prosecutor could play a critical role in Florida’s efforts to counter human trafficking.** Just as FDLE’s statewide mandate makes it an optimal law enforcement agency to investigate trafficking, the Office of the Statewide Prosecutor is likewise ideally situated to prosecute trafficking cases that cross the boundaries of Florida’s judicial circuits (which means virtually every trafficking case in Florida). Moreover, Florida human trafficking cases bear all the hallmarks of other crimes that the Office of the Statewide Prosecutor has particular expertise in: **organized crime, money laundering, violent crime**, and—especially relevant to the recruiting of U.S. citizen minors for prostitution—**internet predators**.

**Training for state agencies is crucial—and it pays off.** Trainings that have been implemented to date for state agencies on human trafficking have borne striking results. In the first year after the Florida Immigrant Advocacy Center, under contract with the Department of Children and Families (DCF), the FSU Center for the Advancement of Human Rights and others designed and implemented the training for DCF Hotline workers, child protective investigators and community based care agencies on human trafficking, there were 156 trafficking investigations,

with 22 verified cases resulting from those investigations. In a similar vein, two weeks after completing the FDLE Advanced Investigative Training on Human Trafficking, a detective from the Pinellas County Sheriff's office broke the "Treasure Island" sex trafficking case that involved the exploitation of multiple U.S. citizen women in strip clubs and escort services in the Tampa Bay area. And in West Palm Beach, Department of Health nurses making a home call on an immigrant teenage mother alertly recognized that she was an ongoing victim of sex trafficking and were able to arrange for her rescue within 24 hours by the FBI. The trend is unmistakable: once provided training, Florida agencies can play a crucial role in identifying and combating human trafficking.

**However successful enhanced law enforcement efforts are, ultimately human trafficking in Florida cannot be eradicated by employing only a "law enforcement approach."** An increase in human trafficking investigations and prosecutions—especially by local law enforcement and by state prosecutors—is certainly crucial for reining in patterns of modern slavery. The role of the Florida Attorney General Office in prosecuting unfair trade cases and labor violations is also vital. However, given the pervasiveness and the sheer profitability of human trafficking in Florida, the criminal justice system alone will not significantly reduce human trafficking. State regulatory agencies that maintain licensing or investigative branches also have a crucial role to play in countering human trafficking. This includes the **Department of Business and Professional Regulation (DBPR)** — and particularly DBPR's **Division of Alcoholic Beverages and Tobacco (ABT)** and its **Farm Labor Contractor Program**, along with the Departments of **Financial Services (DFS)**, **Health (DOH)**, **Environmental Protection (DEP)** and **Agriculture and Consumer Services (DOACS)**. The role of such state agencies is especially vital in combating labor trafficking, through vigilant contract and licensing monitoring.

Moreover, licensing and regulatory officials enjoy routine access to sites where trafficking occurs but where sworn law enforcement officials might require a warrant to search. These include premises such as bars, massage parlors, restaurants, agricultural fields, construction sites and other places where trafficked workers can be found. And because they visit these worksites on such a regular basis, regulatory officials may provoke little to no suspicion on the

part of traffickers. In addition to their regulatory functions, such officials can therefore serve as the “eyes and ears” of their local community.

**Some kind of “vetting” process for emerging community groups is now most likely necessary.**

A host of new community and non-governmental groups are evolving in response to human trafficking in the state of Florida. Such groups play an increasingly important role in efforts to engage civil society in the battle against modern slavery. This trend, however, has not been without complications. Florida has witnessed a number of scams in recent years, often perpetrated by persons claiming to raise funds for human trafficking victims. Given the sensationalism of sex trafficking, many such schemes promise comfort and care for young women victimized by sex traffickers. Scrutiny of such groups often reveals that the only operative feature of their organization is the “Donate” link on their website. Some kind of regulation of emerging service providers is clearly needed, both for the safety of victims who these organizations purport to assist and for the general public so that it can safely rely on the organizations’ claims before donating money.

Well-meaning community organizations are also evolving with the mission of rescuing victims from human trafficking situations. In some instances they cross the line into the realm of law enforcement investigations, impeding or compromising professional law enforcement efforts to surveil and arrest traffickers. Non-governmental organizations should be very clear that it is the task of sworn law enforcement officers to provide armed intervention in cases involving human trafficking—and not that of well-intentioned civilians. Accomplished non-governmental groups such as the Klaas Kids Foundation and the Coalition of Immokalee Workers continue to set the standard for how private organizations can engage in successful rescue efforts that complement law enforcement roles and responsibilities.