

## **GOAL 1: To have useful data that reflects and is used to evaluate the prevention of human trafficking, protection and support for victims and success in prosecuting traffickers.**

This Goal is divided into three sections. The first discusses trafficking trends, the second details major human trafficking prosecutions that took place in Florida from 2004 to 2010 and the final section discusses data. The first two sections provide extensive qualitative data and paint a picture of the wide scope of human trafficking in Florida, the tactics used by traffickers and the breadth of harms endured by victims. These cases also illustrate the extensive work done by state and federal officials and service providers across the state to bring traffickers to justice and to assist victims. The third section on data illustrates, once more, that quantitative data on the number and extent of human trafficking in Florida is elusive and more needs to be done to obtain more complete and accurate information.

### **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.

**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.

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

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.

## Florida Trafficking Prosecutions, 2004-2010

Since 2004, Florida has witnessed a series of prosecutions for human trafficking, the majority of them in federal courts. Notably, such cases included sex trafficking and labor trafficking of both immigrants and U.S. citizens. Examined together, the cases reveal patterns of crime and of victimization that are occurring throughout the entire state and that involve tremendously varied perpetrators and victims.

**Boca Raton Manuel and Baldonado labor trafficking case (2010).** In November of 2007, over 50 workers from the Philippines were brought to Boca Raton by Filipino natives Sophia Manuel and her husband Alfonso Baldonado. Owners of two employment leasing companies called “Quality Staffing Services Corporation” and “DAR Workforce Solutions USA,” Manuel and Baldonado promised the workers free housing and full-time jobs in food service at a Boca Raton country club. The workers were all recruited in the Philippines through a Manila-based agency that specialized in providing laborers to the United States. The Filipino recruiters lured potential workers with pictures of upscale Florida homes, beautifully manicured lawns, and scenes from Disney World.

Each of the workers recruited incurred debts of between \$3,000 and \$8,000. The Filipino recruiting agency charged them the money upfront and the workers were left to borrow the funds from family or from loan sharks in order to pay the initial “recruiting fee.” The Filipino company also filled out their immigration paperwork, advising them to lie to U.S. consular officials regarding the exact employer supposedly sponsoring them. All of the workers entered the United States legally on H-2B temporary work visas.

Upon their arrival, a very different world awaited the migrant workers than the one they had seen in the recruiters’ brochures. Instead of the work and the accommodations promised them, they instead found low-paying part-time jobs, and as many as 30 of them were forced to live in a three bedroom house in Boca Raton. Manuel and Baldonado confiscated the workers’

passports and return airline tickets, and threatened them with deportation if they complained. The workers were not allowed to leave their residence without permission, and money was routinely deducted from their earnings to supposedly cover the costs of uniforms, transportation, and visa renewals. After the weekly wage deductions by Manuel and Baldonado, none of the workers earned a federal minimum wage. The defendants also told the workers that they could buy out their contracts for \$10,000 to \$15,000, and this too was added to the debt that each worker believed that he or she owed.

In addition to their overcrowded living conditions, the newly-arrived workers were provided with little to no food. It was when they began begging for food donations at a local Catholic church that their plight was brought to the attention of Angelo Macatangay, the Honorary Consulate General of the Philippines in south Florida. Investigating their situation, he and his wife discovered that the 30 plus workers held in the one Boca Raton house were sleeping in the yard, in the garage, in piles of garbage, and on the floor. A number of them were sorting through the garbage for food when they were rescued.

Many of the victims were from rural areas of the Philippines, and proved especially susceptible to the false promises made by the Filipino recruiting company and the Filipino-owned contracting companies in the U.S. Still other victims were merchant sea men who had staked everything they had ever earned on the prospects of finally acquiring a “land job.” Numerous victims expressed great fear of what the loan sharks back in their home country would do to their families if the loans they took out to pay off their recruitment fees were not paid back. Still others were told that they would be prosecuted by the Filipino government if they abandoned the employer who had sponsored them for their H-2B visa. Upon their rescue, the needs of the victims proved especially challenging for Florida non-governmental service providers. Finding emergency housing for such a large group proved daunting, and many of the abused workers were eventually provided shelter by the Florida Coalition Against Human Trafficking (FCAHT). Most, though not all, of the victims were granted Continued Presence by ICE, and have remained in south or central Florida.

It was not a federal investigation but rather a wage and hour lawsuit filed by the Florida Attorney General that launched the case. Named in the civil lawsuit were Manuel and Baldonado as owners of the labor contracting company, along with the Boca Woods Country Club Association and Boca Woods Property Owners' Association, as the owners of the Boca Woods Country Club. Under the Florida Deceptive and Unfair Trade Practices Act, The Attorney General's Office sought \$10,000 per labor violation and an injunction prohibiting the owners and companies under investigation from engaging in any kind of business involving temporary workers. Florida Attorney General Bill McCollum declared of the victims: "these people came to Florida believing they would have a chance at the American dream of earning a decent wage to provide for their families. Instead, they were trapped in low-wage positions and have had to depend upon handouts from friends to survive because of the apparently deceptive manner in which they were recruited."

More than two years later—in April 2010—a federal grand jury in West Palm Beach indicted Manuel and Baldonado on human trafficking offenses, also charging Manuel with visa fraud and falsifying information to obtain foreign labor certifications. Manuel and Baldonado pled guilty to the federal charges in September 2010 and currently await sentencing. This forced labor case is testimony to the manner in which human trafficking can infest legitimate Florida industries, as well as the reality of how so-called "middlemen" labor contractors remain among Florida's most notorious human trafficking offenders. The case is a further reminder of how human trafficking can pervade Florida's most upscale country clubs and resorts, and how trafficking victims can be found housed even in Florida's most affluent neighborhoods.

The *Manuel and Baldonado* case also provides a glimpse of how rife for abuse the H-2B visa program is, especially for its lack of scrutiny regarding employers. The very nature of the visa—allowing the foreign worker to be employed only by the petitioning employer—creates a dependency relationship that all too readily lends itself to human trafficking. And finally, the case illustrates how important proactive efforts by state agencies can be in combating modern

trafficking abuses. In this instance it was action by the Florida Attorney General's Office—and not the federal government—that launched the case and served as a “placeholder” for over two years before a federal grand jury was convened to pursue the case criminally on human trafficking grounds.

**Orlando Nelson domestic sex trafficking case (2010).** Escort agencies advertising through the internet have become a mainstay of Florida's commercial sex industry. Part of the law enforcement response to this situation in central Florida has been the formation of the Metropolitan Bureau of Investigation (MBI) in the 9<sup>th</sup> Judicial Circuit. MBI brings together law enforcement agents from several jurisdictions, along with state attorneys, in order to combat vice crimes that often cross city and county boundaries.

In late 2009, MBI conducted an escort detail monitoring potential prostitution operations being perpetrated through internet advertising. In the course of their investigation, they encountered a young woman engaged in prostitution in a local hotel. During her initial police interview, the young woman mentioned that her participation in the prostitution scheme had been the result of a debt she initially incurred when she borrowed money from a man named Benji Nelson to repair her car. She had been slowly paying him back when she was arrested on shoplifting charges. Nelson bonded her out of jail, but then told her she would have to work for him in prostitution to pay back the bond money she owed.

Along with a juvenile female accomplice, Nelson then induced the victim to engage in hotel-based prostitution advertised through an internet website. Nelson and his accomplice posted the victim's photo on the internet escort site, arranging for her to go to local hotels to perform the acts of prostitution. The victim had a five month-old child, and Nelson and his fellow perpetrator would make her drop the child off to them as collateral. The child would not be returned to her until she had turned over a required amount of money to them on a daily basis. MBI investigators recognized the indicators of sex trafficking in her account, and helped arrange

a meeting between the pimps and the victim at a local Walmart parking lot in order to rescue the victim's child.

The two perpetrators were arrested and charged under Florida's statute criminalizing sex trafficking. The juvenile suspect chose to make a plea deal for lesser charges but Nelson elected to take his case to trial. MBI and its victim advocates maintained close contact with the victim throughout the prosecution, including providing transportation for her to the depositions and the trial itself. The victim's personal testimony at trial proved crucial, and the jury found Nelson guilty of sex trafficking. The victim chose to speak at the criminal sentencing, and her testimony clearly moved the judge. Nelson was sentenced to 12 years prison—a significant criminal penalty under state law.

As one of the first jury trials in Florida to be successfully prosecuted under the state's new human trafficking statute, the *Nelson* case sets an important precedent. It demonstrates the viability of Florida's anti-trafficking laws, as well as the ability of Florida juries to convict under these laws. The case is also a testimony to the seasoned investigative work of the MBI, and the strong prosecutorial work done by 9<sup>th</sup> Circuit prosecutor Bob Welch. In a case that involved a victim who also had a criminal record, investigators and prosecutors nonetheless framed the case in such a way that the victim proved to be a very credible witness at trial. And as an example of the domestic sex trafficking of a vulnerable U.S. citizen, the case has additional significance. It provides a textbook example of how a U.S. citizen victim—in this case a college educated woman, caught up in financial hardship—can become prey to a pimp/trafficker. The collusion of a juvenile minor female in the victim's exploitation is a further sobering reminder of how varied human traffickers can be in modern America.

**Tampa Bay “Treasure Island” sex trafficking case (ongoing, 2010).** Less than two weeks after completing Florida's 40 hour Advanced Investigator's Training on Human Trafficking, Detective Jeremy Lewis of the Pinellas County Sheriff's Office broke open a sex trafficking case in the waterfront Tampa community of Treasure Island. Upon investigation, the case revealed that

pimps had exploited numerous U.S. citizen women for forced prostitution and dancing in a number of Tampa's strip clubs. When they were not exploiting the women for commercial sex, the pimps allegedly held them in virtual slavery in a luxury waterfront home where the pimps resided. While being held at the home, the women had their clothes, credit cards, identification documents, and money confiscated by the pimps.

The women were also subjected to extreme physical violence and emotional abuse that law enforcement investigators described as the equivalent of torture. One of the investigators noted that he had never seen this kind of brutality in his many years of law enforcement service. When the women failed to bring home prescribed amounts of money from prostitution conducted out of the strip clubs, they would face nightly beatings and sexual assaults at the hands of the accused perpetrators. One perpetrator slept in front of the door at night to prevent any attempts at escape. When not being exploited, the women were plied with drugs and alcohol, and detectives also found hundreds of movie DVDs in the home meant to entertain the victims on the one free day a week that they were allowed. Neighbors who were interviewed noted that they rarely saw the women outside the home except when they apparently left for work in the early evenings.

The accused perpetrators include three men who resided with the victims in the luxury home, as well as a female dancer from one of the strip clubs who allegedly recruited the young women for exploitation. Brutality and emotional control were the hallmarks of the criminal conspiracy. The three pimps allegedly took the women six nights a week to the Vegas Showgirls strip club in Tampa where the women were forced to dance and prostitute themselves. "Handlers" trailed the victims while they engaged in the forced prostitution or were participants in local escort services. The pimps were vindictive in actively tracking down any woman who attempted to escape.

The victims in this case were for the most part white females between the ages of 18 – 26, almost all of whom were from outside Florida. With their families and support systems many

miles away, the young women proved especially vulnerable to trafficking. The first victim to be identified reported initially as a sex crime victim, but did not want to pursue a case against her traffickers. She did agree, however, to show investigators the home where the other women continued to be held and brutalized. Conspicuously absent from the trafficking scheme was any sort of debt servitude. The traffickers instead simply sought out young American women from abusive or unhappy backgrounds and offered them the promise of a better life. The recruiting allegedly done by the young female dancer who was in league with the pimps proved crucial to the success of the sex trafficking scheme. One victim was held for eight months in this hellish existence.

All of the alleged perpetrators have been charged with human trafficking under the Florida statute, and the criminal investigation remains ongoing. Law enforcement officers from the Clearwater Human Trafficking Task Force (including Clearwater police and FDLE investigators) provided critical support in the investigation to date. Multiple units within the Pinellas County Sheriff's office were engaged in the case, including officers from homicide, economic crime, narcotics, patrol, and crimes against persons. Three different Florida search warrants were used in the investigation: warrants for searching residences, vehicles, and computers.

In June 2010 one of the secondary perpetrators was found not guilty in a jury trial. Accused of serving as a driver for the operation, he had maintained his innocence on trafficking charges. As of the fall of 2010, charges against the alleged principal perpetrator remained pending. The ongoing Treasure Island case is significant for many reasons. It is perhaps the highest profile domestic sex trafficking case investigated to date in Florida. Equally important, the case is being investigated by a Florida Sheriff's office, and prosecuted under Florida anti-trafficking law, by a state attorney. The case furthermore sheds light on the types of physical force and psychological coercion that can be brought to bear against U.S. citizen victims of trafficking. The complicity of Florida's adult entertainment industry in sex trafficking also remains an issue of great importance raised by this case.

**Gainesville Haitian labor trafficking case (ongoing 2010).** Following a federal investigation that continued for several years, a grand jury in June 2010 issued a four count indictment against members of a Haitian crime affiliate on charges of human trafficking, forced labor and conspiracy, visa fraud, and document servitude. According to the indictment, three Haitian nationals—one of whom was a fugitive—engaged in a conspiracy to entice 34 Haitian migrant farm workers to the Gainesville area to pick beans and peas with false promises of lucrative jobs that would lead to permanent residence.

The perpetrators allegedly arranged for the workers to initially pay substantial recruitment fees in Haiti, procured by funds fronted by loan sharks and often secured by the victims' own property as collateral. Once the victims arrived in the United States on H-2A agricultural worker visas, the defendants then confiscated the victims' passports, threatening to report them to law enforcement or have them deported back to Haiti where they would owe insurmountable debts. In addition to the labor trafficking charges, the defendants have also been accused of engaging in visa fraud by making false statements in documents filed with the U.S. Department of Labor as part of the H-2A visa application process.

The Gainesville investigation and prosecution remain ongoing as of fall of 2010. The case is yet another example of the abuses engendered by the H-2A agricultural worker visa program and its proclivity for human trafficking exploitation. On the positive side, the case is an illustration of how an evolving (and unfunded) anti-trafficking coalition can make a remarkable difference in a local human trafficking situation. Numerous state actors in the Gainesville area (including the Alachua County Sheriff's Office, the Alachua County Housing Authority, the Alachua County Victim Services and Rape Crisis Center, and the Alachua County Health Department) played key collaborative roles in victim care during the extended investigation. The support services of non-governmental organizations also proved crucial, including those offered by the Child Advocacy Center of Gainesville, Florida Legal Rural Services in Fort Myers, Florida Freedom Partnership in Miami, World Relief in Jacksonville, and numerous shelters and faith-based organizations in the Gainesville area.

**Tallahassee and Clearwater Melchor and Monsalve sex trafficking case (2008).** In July of 2006, a woman in an upscale Tallahassee neighborhood was startled by two young Guatemalan women knocking frantically on her back window and crying out in Spanish for help. This “Good Samaritan” neighbor discovered that the young women were fleeing a sex trafficker—Colombian national Jorge Melchor—who had held them in a “safe house” in the same neighborhood, since their arrival two days earlier. Each of the preceding evenings, the women had been driven to trailers and apartments on the outskirts of Tallahassee where they had been forced to engage in multiple sex acts as part of a larger prostitution scheme. Taken to a hospital and the Tallahassee police station, the women’s accounts of their ordeal led Florida law enforcement agents to a two year, multi-jurisdictional investigation that eventually dismantled an international sex trafficking ring.

Melchor, investigators learned, was a mere lieutenant in the sex trafficking operation. He was in fact a “franchise” operator, charged with running the prostitution venture in Tallahassee. The conspiracy actually stretched throughout Florida, involving additional brothel operations in Jacksonville, Orlando, Clearwater, Tampa, and Miami. It was Melchor’s boss—a fellow Colombian named Carlos Monsalve—who was the leader and founder of the criminal conspiracy. Sometime in 2004, Monsalve had begun smuggling women into Florida from Latin America for purposes of prostitution. His business apparently thrived, becoming even more profitable after the 2005 disaster of Hurricane Katrina. Monsalve built his illegal business by catering to a particular, and very discrete, client pool: single males in Florida’s Spanish-speaking migrant community. In the wake of Katrina, workforces composed largely of male Hispanic migrants undertook much of the rebuilding of the U.S. Gulf Coast, and this group became Monsalve’s preferred customer base. While he appears to have initially utilized immigrant women who were consenting participants in the prostitution scheme, at some point Monsalve began luring women to the U.S. with false promises of jobs and then forcing them into prostitution with the abrupt imposition of a large smuggling debt.

Monsalve's sex trafficking operation featured an innovation that is now being duplicated in other parts of Florida and the U.S.: it flourished through the use of "mobile brothels." Monsalve rarely operated a stationary brothel (as had been typical in previous sex trafficking cases in Florida). Instead, pimps such as Melchor delivered women to clients' private apartments or trailers, charging \$30 for a 15 minute sexual encounter. The business, moreover, was a "bulk operation": a pimp would not deliver a woman unless at least three "johns" were present and willing to pay for sex. As a business venture, the sex trafficking scheme proved extremely lucrative. The women were forced to engage in 25-35 sex acts a night, with \$15 going to the traffickers as a direct return on their investment, and the other \$15 going to pay off the women's supposed smuggling debt. Many of the women were reduced to depending on tips from clients in order to buy food, medicine, and living items.

The Assistant U.S. Attorney prosecuting the case mandated court testimony on the part of a number of the clients of the prostitution ring. Their accounts in court provided a revealing—and troubling—depiction of how modern sex trafficking can thrive. The phone records of one client alone demonstrated that he had called the prostitution service over 67 times in the course of a five month period in 2006. Those who testified in court spoke one after another of having ordered prostitutes delivered to their apartments or trailers on multiple occasions. None disclosed any awareness that the women engaged in such prostitution might have been doing so against their will. What the male clients characterized as matter-of-fact, consenting sexual encounters, the women victims described as multiple acts of rape.

The perpetrator and victim profiles in the *Melchor* and *Monsalve* cases were decidedly different than those of previous sex trafficking cases in Florida. To begin with, the victims were recruited from multiple different countries throughout Latin America. Over the course of the criminal conspiracy, women were brought to Florida from Guatemala, El Salvador, Honduras, Puerto Rico, the Dominican Republic, Nicaragua, and Colombia. The multiplicity of countries from which they were recruited indicates that sex trafficking is no longer the sole provenance of "mom and pop" criminal enterprises or merely of opportunistic foreigners exploiting their

fellow foreign nationals. Instead, the Colombian sex trafficking operation bore all the hallmarks of organized crime: varied recruiters, multiple smugglers, organized safe houses, and telecommunications that crossed not only state but also national borders. One woman interviewed recounted that police and military had been bribed throughout Central America in order to facilitate her smuggling.

Finally, the victim profiles of the women exploited by the Colombian crime ring reveal that sex trafficking in Florida and elsewhere is more complex than perhaps previously thought. The scenarios presented by the *Melchor* and *Monsalve* cases involved varying degrees of exploitation, including some that defied black and white characterization. That is, the traffickers exploited women who had knowingly migrated for sex work alongside women who had been completely deceived and coerced into forced prostitution. The cases posed additional challenges when they revealed that a number of the women had paid off their smuggling debt through months of brutal sexual servitude but then remained working in prostitution, splitting the proceeds with their trafficker-pimps. Modern sex trafficking, it is clear, involves more than “iconic victims”—women who are stereotypically deceived or forced into prostitution, and subsequently rescued. Situations being encountered on the ground by law enforcement are infinitely more complex and challenging.

Finally, as a business venture, the Colombian sex trafficking conspiracy is instructive. No websites were ever discovered to have been involved in advertising the prostitution services. However, cell phones were crucial to the growth and profitability of the criminal scheme. The advertising techniques employed by the traffickers were decidedly “low-tech”: they relied upon word of mouth communications and the distribution of generic business cards at local bars, Mexican restaurants, and ethnic food stores. By flying “low under the radar screen” and targeting a discrete, and largely undocumented segment of clients, the Colombians attracted almost no law enforcement attention for almost two years of their initial operations. This business formula is certain to be repeated elsewhere. Florida law enforcement investigators note that even now this *modus operandi* for sex trafficking continues to be refined. Cards

advertising prostitution services continue to circulate through Florida communities, though pimps now ask for passwords or the home addresses of prospective clients in order to screen them.

**Miami Paulin labor trafficking case (2008).** Maude Paulin was a Haitian immigrant and a middle school teacher who lived in the south Miami community of Cutler Bay. She came from a successful family in Haiti that had run an orphanage for many years there in a mountain village. A young Haitian girl (“Anna”) was taken by Paulin’s parents from her biological mother at the age of five and kept for seven years at the orphanage run by Paulin’s family. When the young girl reached the age of twelve, Paulin’s mother, Evelyn Theodore, removed the girl from the orphanage and brought her to the family home in Haiti to live and work as a house servant there. In 1999, the family then smuggled Anna into the United States where she was kept as a house slave for another six years in Paulin’s Cutler Bay home.

Anna’s life for six years was one of complete domestic servitude. She worked 15 hours a day, seven days a week. Her daily chores included yard work, laundry, making beds, cleaning the family’s bathrooms, and scrubbing floors on her hands and knees. When she failed to perform adequately, she was repeatedly beaten by Theodore or Paulin. She slept on a floor, ate leftovers, and bathed with a bucket or using the backyard hose. Her only clothes were secondhand ones that had been donated to the family orphanage. Paulin also “rented” out the young girl to perform housecleaning services, including to her sister Claire Telasco.

Anna’s contact with the outside world was carefully monitored and constrained during her six years of servitude. Never allowed by her school teacher-trafficker to attend school, she instead learned English by watching television while she babysat. She was prohibited from using the telephone, from making friends, or leaving the house by herself. When guests visited Paulin’s home, Anna was locked in a closet or the garage. Paulin’s defense attorney later defended these practices, declaring that Paulin and her family were attempting to shield the girl “from a life of inappropriate relationships.”

The child exploitation perpetrated by Paulin did not completely escape public notice. On one occasion child welfare workers arrived at the family home as the result of an anonymous tip alleging child abuse. Feeling trapped by the knowledge that she was penniless and knew no one in the United States, Anna lied to the DCF workers. Later investigations would reveal that in addition to repeated physical abuses, Anna had also been subjected to persistent psychological coercion such as threats that she would be deported to Haiti and jailed there. Driven to desperation, she unsuccessfully attempted to commit suicide by drinking motor oil at the age of seventeen. In June 2005 she finally escaped her traffickers with the assistance of a friend of the Paulin family who had witnessed her exploitation.

The *Paulin* case once again brought the Haitian *restavek* practice—a tradition of ceding the custody of children to other Haitian families, who supposedly can offer the children prospects for a better life—under great scrutiny. The *restavek* cultural practice often results not in education or better opportunities for the children, but instead in slave-like conditions of exploitation. Paulin’s attorney, in fact, tried to characterize the entire criminal prosecution as a case of cultural misunderstanding. He declared that Paulin and her family “took [Anna] to improve her chances of having a good life.” The federal jury clearly disagreed, convicting Paulin and her mother of forced labor and of harboring an illegal alien. Paulin received an 87 month prison sentence, and was ordered to pay \$162,765 in restitution to the victim.

**Immokalee Navarette labor trafficking case (2008).** Immokalee, Florida has been the site of numerous farm labor trafficking cases in the past decade, leading federal prosecutor Douglas Molloy to refer to it as “ground zero for modern slavery.” The Coalition of Immokalee Workers (CIW) has played a critical role in both bringing these cases to light and in providing victim care to workers who escape trafficking and labor abuses. In November of 2007, a new case arose in Immokalee when Mariano Lucas Dominguez punched his way through the roof of a box truck in which he had been locked by his employer-traffickers, the Navarette family. Dominguez was among a number of migrant workers who had been victimized by the Navarettes for months at a time.

Recruited for farm labor, the victims had all been promised room and board at a reasonable rate. Instead, they found themselves locked nightly into the box trucks in the junk-strewn yard of the Navarette family. The box trucks had no toilets or running water, and the farmworkers were left to urinate and defecate in a corner. The Navarettes furthermore deducted money weekly from the workers' wages to cover the cost of this "residence," and charged them additional money for two meager meals allowed per day. Even cold showers from a garden hose cost the workers \$5 each.

The Navarettes created a "debtor system," plying the workers with beer and drugs, and adding these "costs" to those of the room and board charges. Fifteen workers were denied pay, and were also told that they could not leave until they had paid off their debts. Ten hour workdays were the norm, and anyone who refused to work was slashed with knives, tied to posts, or shackled in chains. One victim was handcuffed nightly with his arms behind his back in order to prevent his escape.

The agricultural slave labor was very much a "family business." Cesar Navarette, described as the "young patriarch of the family," served as the recruiter in the conspiracy. His brother Geovanni played the enforcer. Their mother and three other family members were also fully complicit in the forced labor scheme. The two brothers leading the conspiracy ultimately pled guilty to charges of forced labor, felony re-entry into the country, Social Security fraud, and harboring undocumented foreign nationals for private gain. They both received 12 year prison sentences. The mother was released on time served, and a half brother was sentenced to 46 months incarceration. The six convicted members of the Navarette family were also required to pay back nearly \$240,000 in restitution to the victims.

The *Navarette* case indicates that Florida continues to witness tremendous human rights abuses in the farm labor sector, and that contractors are typically those directly responsible for the forced labor. The ongoing exploitation of migrant farm workers by their fellow foreign

nationals also remains a pronounced trend: the Navarettes were all Mexican, and their victims were likewise Mexican or Guatemalan. Unlike other human trafficking cases, the victims in the *Navarette* case appear to have been recruited locally in the Collier County area. Curiously, their exploitation was induced not through any kind of smuggling debt but rather through general debts that were incurred after they came under the control of their traffickers. This is a new twist in Florida cases involving forced labor.

Once under investigation, the case highlighted the continued challenges of finding secure and appropriate housing for male victims after they have been rescued or have escaped trafficking situations. And finally, the case very much supports the contention of the Coalition of Immokalee Workers that an entire spectrum of human rights violations continue in Florida's agricultural industry, with trafficking being merely one extreme in an entire continuum of abuses.

**Destin King labor trafficking case (2008).** Labor trafficking is not confined to Florida's agricultural sector, but is increasingly found in Florida's hospitality and tourism industries as well. The Florida Panhandle was the location of a criminal investigation that culminated in the 2008 conviction of both U.S. citizen Justin King and a number of Russian nationals for smuggling aliens to work in Florida resorts.

The Okaloosa County Sheriff's Office had for several years been scrutinizing patterns of labor trafficking in the area of Destin and Fort Walton Beach. Beginning as early as 1999, Russian nationals Anna Czerwien, Aleksander Berman, and Stan Finkel began supplying young Eastern European men and women to Panhandle resorts for janitorial and maid services. Operating under the name of Eurohouse Holding Corporation, they brought the Eastern European workers to the Florida Panhandle for short term work on temporary J-1 or H-2B visas. The vast majority of the workers were females between the ages of 19 and 23. Moreover, most were also students who were intent upon returning after several months to their homes in Eastern Europe to continue their studies.

Many had been promised non-existent jobs when they were recruited in their home countries. Upon their arrival in the Florida Panhandle, they were instead employed for substandard wages by Eurohouse and assigned to work in local hotels and resorts. Eurohouse operated as a labor subcontractor, providing services to hotels such as the Sandestin Hilton. Eurohouse was able to offer the “low bid” on labor contracts precisely because they did not pay federal minimum wages to their employees. They further charged the students between \$1500 and \$2500 each for visa processing, job placement, and transportation fees. In addition, the young workers were charged to stay 15 to 20 persons per condominium throughout a variety of locations throughout the Panhandle. Enforcement was carried out by verbal abuse, threats of violence, and threats of fines or non-payment of wages. Almost all the young workers had a plane ticket allowing them to return to their home countries at the end of the summer tourism season, but they would have incurred substantial costs were they to try to fly home at an earlier date. The labor trafficking conspiracy overall proved lucrative and seemingly insulated from law enforcement oversight: because the victims were exploited on a temporary basis, they most often simply chose to return home at the end of the summer without reporting the exploitation or participating in an investigation.

This pattern finally changed in 2003 with the exploitation of a group of foreign nationals predominantly from Bulgaria and Rumania. With their assistance, the Okaloosa County Sheriff’s Office discovered a further criminal conspiracy that involved even more extensive visa fraud and alien smuggling on the part of Eurohouse officials. The ensuing investigation also revealed that U.S. citizen Justin King was employed as the front man for Eurohouse, negotiating new contracts with hotel owners and communicating with state and federal agencies to further the conspiracy. As part of his role in the criminal operation, King submitted over a thousand fraudulent visa applications. King and his co-conspirators were found to have brought in over 200 foreign nationals to work as hotel housekeepers through the use of these illegally-obtained visas.

Evidence presented at trial showed that King and his co-conspirators had used forged hotel letterheads to further their scam. Most of the foreign national workers brought in through the fraudulent visa scheme were eventually contracted out to hotels and resorts other than those who had supposedly sponsored them for their visa. Finally, it was revealed that when the federal government had become suspicious and stopped issuing visas to Eurohouse, King and the other defendants had continued their fraudulent activity under the guise of a new labor contracting company called Woland. King was convicted on seven counts of visa fraud and alien smuggling and sentenced to 41 months in prison. Czerwien, Berman, and Finkel received respective sentences of 18, 23, and 12 months in prison. The defendants were also found to be liable for joint forfeiture of \$1 million.

Curiously, human trafficking charges were not a part of the prosecution. The U.S. Attorney for the Northern District of Florida would later note that the criminal behavior had in fact included all the elements that would have established forced labor under Title 18 Section 1589 (in particular, the use of labor obtained through false promises, through threats of serious harm, or through abuse of law or of legal process—i.e., threats of deportation).

The *King* labor trafficking case is a very clear indicator of the degree to which forced labor and abusive labor practices may have permeated the Florida hotel and tourism industries in recent years. The Eurohouse investigation furthermore revealed that numerous companies acting as “temp labor” staffing agencies are operating throughout Florida and the nation. Many of these agencies are owned and operated by people from Eastern Europe (Poland, and the Czech Republic) or states of the former Soviet Union (Estonia, Russia, and Uzbekistan). There appears to be a high degree of interconnectivity between the companies, strong indicators of organized crime, and similar patterns of exploitation practiced by the suspect companies.

Ongoing investigations of labor trafficking throughout Florida also demonstrate that U.S. citizens are increasingly involved in the exploitative practices. They operate what have been referred to as “quasi-legitimate companies” relying once again on the labor of foreign nationals

who arrive on J-1 or H-2B visas. These labor leasing companies are recruiting laborers from countries not traditionally associated with providing workers for Florida's hospitality industries: Argentina, Costa Rica, Jamaica, the Philippines, and Brazil. The companies increasingly lease workers on a weekly or monthly basis to hotels, resorts, construction companies, golf courses, condominium rental properties, restaurants, and souvenir/tee-shirt shops.

Investigations to date indicate that this is a multi-million dollar a year business in Florida alone and is growing. It is also a business that is essentially unregulated. Because they are for the most part unlicensed, these labor leasing companies in Florida are not subject to DBPR investigations or sanctions. The Florida Labor Pool Act (Chapter 448, Florida Statutes) addresses day laborers, but does not cover seasonal workers. A similar gap exists in Florida Migrant Labor laws—Chapter 450, Florida Statutes addresses temporary agricultural laborers but there is no corresponding Florida law to protect temporary workers in the hospitality industry. These gaps are an invitation for exploitative labor practices, and need to be redressed immediately by legislative and regulatory responses. Hundreds of victims are estimated to be exploited annually in this manner throughout Florida.

**Miami Osley and Greer sex trafficking case (2007).** Domestic Minor Sex Trafficking has long been overlooked by many U.S. communities, and constitutes an area of human trafficking clearly punishable under the TVPA. In November of 2006, officers of the Miami Beach Police Department conducted a street level prostitution sting on Ocean Drive in Miami Beach. In the course of this operation, they encountered a 17 year old girl who propositioned an undercover policeman. An investigation ensued that revealed both the young woman's minor status and her brutal sexual exploitation at the hands of a pimp.

Months earlier, the young woman had met Demond Osley at a payphone in her native Detroit. Osley promised her a better life in south Florida. He told her that if she accompanied him there she would be his girlfriend, would be given jewelry, and that they would go on trips together to the Bahamas. Osley, in reality, was a pimp who claimed to be a music producer. Originally from

Detroit himself, he had moved to south Florida in 2005. He already had been arrested numerous times previously on charges ranging from fraud and carrying a concealed weapon to possession of cocaine and assault. Osley went by the street name of “D-Lo.”

Osley and the young woman flew together to Fort Lauderdale. Shortly after their arrival on October 31, 2006, Osley forced the young woman into street prostitution. Holding her in a Marriott Hotel in Miami Beach, he ordered her to earn at least \$500 a day for him through streetwalking. When she fell short of this amount, Osley beat her, stuck a gun in her mouth, and threatened to kill her. He subsequently sold her to another pimp named Stacey Greer.

Greer, originally from Dallas, Texas, went by the street name of “Snake.” He had an arrest record for drug crimes, auto theft, and domestic violence. Upon “purchasing” the young girl, Greer forced her to engage in prostitution at the Hallandale Best Western Hotel. He videotaped himself having sex with her, and also took nude photos of the girl that he intended to post on the internet.

Shortly after her arrest, the young woman was identified as a juvenile and as a victim of sex trafficking. She was not charged, and instead was taken to a safe location. Her case was then investigated by the Innocence Lost Task Force, which included members of the Miami Beach Police Department, the Miami Police Department, and the FBI. After a jury trial, Osley was convicted of sex trafficking of a minor, of Mann Act violations, and of coercing and enticing a minor to engage in sexual activities. He was sentenced to 30 years and 5 months.

The *Osley-Greer* sex trafficking case epitomizes the human trafficking abuses that result from the “pimp” culture that is still prevalent in U.S. street life and often glorified in the American media. It demonstrates the tremendous vulnerability of U.S. runaway or “throw-away” youth to commercial sexual exploitation, especially after they have been physically relocated by pimps to distant states or cities. The case also provides a glimpse of the role that the internet is playing

both as a means of advertising underage youth for commercial sex, and of actual exploitation by means of photos or videos that can be posted on websites.

**Orlando *Telichenko* sex trafficking case (2006).** Not all immigrant victims of sex trafficking are recruited in their home countries, and neither are all sex trafficking offenses the result of extensive criminal networks. The *Telichenko* sex trafficking case involved the exploitation of a young Russian woman who was visiting her best friend in Pennsylvania. The victim had come to the United States on a B-2 tourist visa, and met Ukrainian national Yelena Telichenko in a family-owned Russian restaurant in the Philadelphia area. Telichinko, who worked as a court interpreter in Orlando, persuaded the 22 year old to accompany her back to Florida. Upon their arrival, Telechinko at first required the young woman to do all the cooking and cleaning in her Orlando apartment, and began physically abusing her when she did not perform up to expectation.

Telichenko then abruptly informed the young woman that she would have to begin having sex with male customers to cover the costs of her room and board. Three men arrived at their apartment one weekend and gang raped the young woman. A period of commercial sexual exploitation then began that was based on “incall prostitution”—the customers of the prostitution venture would routinely come to Telichenko’s upscale apartment where the commercial sexual transactions occurred. Telichenko was both the pimp and the enforcer of this “boutique” single-victim prostitution scheme. She locked the Russian victim into a bathroom each night, and would awaken her in the morning with kicks or by beating her with a pot. Battered as the result of one such assault, the victim was ordered by Telichenko to tell customers that day that she had been in an auto accident.

Psychological coercion as well as physical assaults were employed against the young woman to ensure her continued compliance. Telichenko informed the victim that she had powerful friends in the Florida court system who could jail or deport her whenever Telichenko gave the word. She also threatened harm to the victim’s family back in Russia. Telichenko went even further,

attempting to extort money long distance from the young woman's grandmother in Germany and from her mother in Russia. In response, the mother called the Russian Embassy in Washington, prompting a law enforcement investigation. U.S. Immigration and Customs Enforcement (ICE) agents encountered the victim taking out the trash late one evening and detained her. They contacted Catholic Charities in Orlando, which sat in on the initial interview and provided victim service support from the outset of the case. The perpetrator disappeared, but was found a week later hiding in the closet of a Kissimmee apartment with \$17,000 in a fanny pack. Telichenko eventually pled guilty at trial to forced labor violations, and received a six and one half year prison sentence. Already ordered deported previously, Telichenko will face immediate removal after completing her prison sentence.

**Palatka Evans labor trafficking case (2006).** U.S. citizens, as well as foreign nationals, are increasingly victimized in labor trafficking crimes in Florida. Homeless African-American men were the target of a labor trafficking conspiracy perpetrated for a number of years by farm labor contractor Ronald Evans in northeastern Florida. Evans built up his labor contracting business by cruising homeless shelters across the American Southeast (including Tampa, Miami, Jacksonville, and Orlando) in order to recruit homeless men who often suffered from substance abuse issues.

Evans supplied these workers to farms that grew potatoes and cabbage in northeast Florida, and he maintained a labor camp in East Palatka. The business formula that Evans capitalized on was a simple one: he extracted the greatest economic benefit at the cheapest possible cost from the homeless people that he recruited. Workdays were as long as 16 hours, and accommodations were primitive. Evans and family members who were part of the conspiracy charged the laborers \$50 a week for room and board. Evans also built his criminal operation around the concept of the "company store." At the end of every weekday dinner, he allowed workers to purchase generic beer, unlicensed contraband cigarettes, and crack cocaine on credit and at very high prices. The workers' room and board costs, in addition to drug and alcohol purchases made on credit, were deducted from the laborers' weekly paychecks. The

result was that the vast majority of the workers earned little to no money and in fact became perpetually indebted to Evans. Many were later found to have worked for many years for Evans in this homegrown version of debt servitude.

Homeless workers who managed to escape this hellish cycle of forced labor and facilitated substance abuse eventually spread word about the exploitation. The Coalition of Immokalee Workers and a Miami-based homeless outreach organization investigated the situation and reported it to federal authorities in 2003. The ensuing investigation revealed what one federal official termed “a house of horrors”—brutal work conditions and a type of modern slavery that preyed upon the vulnerabilities of some of America’s most marginalized citizens.

The investigation of the Evans criminal operation involved numerous federal and state law enforcement agencies, and revealed a host of other violations in addition to the labor trafficking. The U.S. Environmental Protection Agency became involved when it was discovered that Evans had dumped raw human excrement from the camp’s septic tanks directly into a stream that fed into the St. John’s River. The sale of unlicensed cigarettes triggered the involvement of the IRS Criminal Investigation Office. The subsequent IRS investigation revealed that Evans’ criminal conspiracy had required large reserves of cash for the purchase of crack cocaine on a regular basis. Evans had secured this money by cashing checks written by his farmer clients. He instructed the farmers to structure the payments in amounts less than \$10,000 in order to evade federal reporting requirements. Evans later sought to further obstruct justice when he pressured one farmer to deny the existence of the cash structuring scheme. The attempt led to his further prosecution on charges of witness tampering.

The *Evans* investigation culminated in a ten-day jury trial in August of 2006. Evans was convicted for multiple offenses (though not for human trafficking) and sentenced to 30 years incarceration. His wife Jequita received a 20 year sentence for distribution of crack cocaine and structuring cash transactions to avoid financial reporting requirements. Their son received an additional 10 year sentence. The *Evans* case once again raised troubling questions about the

propensity for labor trafficking that appears almost inherent in Florida’s agricultural sector, especially on the part of farm labor contractors. It also revealed the “diverse criminal portfolio” that traffickers can develop—in this case, a portfolio that not only included forced labor but also drug trafficking, environmental crimes, and financial fraud.

**Cape Coral Pascual labor and sex trafficking case (2006).** “Maria” (not her real name) was ten years old when she met Fernando Pascual in her native Guatemala. Pascual was 19 at the time and worked as a chauffeur for Maria’s stepfather. A year later, Pascual paid the stepfather 2000 quetzales (approximately \$263) to buy the young girl. After purchasing her, he raped the 11 year-old repeatedly, ultimately impregnating her. As a result of the routine beatings that he inflicted upon her, Maria later gave birth to a stillborn child.

Pascual attempted to illegally enter the United States three times with Maria but they were intercepted each time upon entry and deported. On their fourth attempt they were successful and went to live with Pascual’s sister in Cape Coral, Florida. Pascual ran a landscaping business there, and Maria was held in the sister’s home as a house slave. Forced to rise at 4:00am every morning, Maria was required to cook and clean for Pascual and other residents of the house. She was also forced to service Pascual sexually on a daily basis.

Maria was not allowed to leave the house unaccompanied. Neither was she allowed any access to the telephone. The only time she was alone in the house was on Sunday mornings when Pascual, his sister, and the other residents of the house went to a local flea market. Before leaving the house, they would lock Maria in a bedroom, the windows of which were boarded over from the outside. Living in a quiet neighborhood of Cape Coral, Maria was physically, culturally, and linguistically isolated. Her case grew from labor trafficking (domestic servitude) to sex trafficking when Pascual allowed his brother Mario to rape the girl in exchange for forgiveness on a gambling debt.

In 2003, at the age of thirteen, Maria became pregnant for a second time. Pascual continued to beat her throughout the pregnancy. Shortly before the delivery, Maria sought the help of a neighbor, who brought her to a local hospital. There, Maria gave birth to a boy, and Pascual signed the birth certificate as the father. Upon contact with police and service providers, Maria did not immediately venture the information that she had been bought and raped by Pascual, nor that she had been held as a house slave. She in fact referred to Pascual as her husband, and for over a year refused to talk to law enforcement officials. Maria was repeatedly brought to the police before in 2004 she at last disclosed details of the crimes committed against her.

It was a Lee County social service provider who had contact with Maria who first recognized potential indicators of human trafficking in her situation. The criminal case was initially investigated as a sexual battery. As part of a plea agreement at trial, Pascual pleaded guilty to charges of sex trafficking and harboring an illegal immigrant for commercial gain. He received a ten year sentence—lighter than the charges might normally warrant—in return for the young victim not having to testify in open court.

The *Pascual* case is notable for a number of reasons. It demonstrates first how abusive relationships and slave-like working conditions that in a victim's home culture might be tolerated are actually criminal when they occur in the United States. The case is also a textbook example of the complexities that arise when a child is subjected to human trafficking. The victim in this instance "protected" the perpetrator for over a year after she came into contact with law enforcement, even referring to him as her husband. And despite repeated interactions with law enforcement officials, she chose not to disclose the details of her exploitation until a service provider earned her trust. Finally, the case is a strong reminder that plea bargains are a useful and necessary prosecutorial tool when they can spare a victim from having to relive traumatic memories on the witness stand.

The prosecutions of Florida trafficking cases since 2004 indicate that patterns of forced prostitution and forced labor remain prevalent throughout the state. There are a wide range of

victims in Florida: undocumented immigrants, immigrants brought here legally on migrant worker visas, runaway American citizen children, and U.S. citizens who are vulnerable because of homelessness, debt, or substance abuse problems. The perpetrators are similarly varied. They include pimps, unscrupulous labor contractors, and Colombian, Haitian, Korean, and Russian crime affiliates. Increasingly, the cases demonstrate that legitimate businesses in Florida’s agricultural or hospitality industries are linked—knowingly or unknowingly—with many of these human trafficking abuses. The vast majority of Florida human trafficking prosecutions have been brought by federal authorities, often working with local law enforcement and local anti-trafficking NGO’s as well as with federal counterparts. The advent of successful state trafficking prosecutions is good news and a trend that must continue to grow in concert with expanded federal prosecutions if Florida is to keep pace with the rampant growth and presence of human trafficking.

### **Recommendations**

1. State prosecutors and law enforcement should continue and expand their focus on human trafficking cases. Coordination of investigations will remain crucial to successful prosecutions of human trafficking cases.
2. State prosecutors, the Attorney General’s Office and the Statewide Prosecutor’s Office, including prosecutors, investigators, victim advocates and other key staff, should receive training on human trafficking including human trafficking investigations, working with trafficked persons and techniques of successful prosecutions.
3. All prosecutors including the Statewide Prosecutor, Florida’s 20 State Attorneys and the Attorney General’s Office should aggressively pursue traffickers and charge them with all appropriate violations of the law. The crime of “human trafficking” often contains many other underlying offenses and a host of other criminal and civil activities. Traffickers can also be charged civilly and criminally with offenses other than “human trafficking” as the cases involving Filipino workers (*Baldonado* and *Manuel*) showed.

4. Prosecutors should work with law enforcement and where appropriate prioritize and certify trafficked persons as “victims of trafficking” so that they can receive benefits and relief to which they are eligible.
5. Prosecutors should aggressively pursue orders of restitution for victims of trafficking and pursue the collection of these awards for victims.
6. Human trafficking is an extremely lucrative enterprise, and as such prosecutors should investigate and use civil and criminal Racketeer Influenced and Corrupt Organizations (RICO) charges against human traffickers.

## Florida Trafficking – By the Numbers

### Background and Observations

Data on the number of human trafficking victims nationwide continues to be elusive, and the number of victims exploited in Florida is similarly unclear. The U.S. Department of State has recently estimated that 14,500 to 17,500 international trafficking victims enter the United States annually, though it does not offer Florida-specific numbers.<sup>2</sup>

By most estimates, however, Florida remains one of the prime destinations for trafficking victims in the United States. Many of the factors that are conducive to the trafficking of international victims in the United States—large immigrant communities, the availability of low wage jobs, entire sectors of the economy that operate with little governmental regulation (such as agricultural labor), and thriving commercial sex venues—all exist in Florida. Many of the same factors also make Florida a preferred location for domestic trafficking, including the fact that Florida has always been a mecca for teenage runaways from around the country. A comprehensive statistical analysis of the exact number of trafficking victims in Florida lies beyond the scope of this *Strategic Plan*. However, a number of data sources have emerged that offer glimpses of how many victims there may be in Florida.

Data collected by the Department of Children and Families since it instituted a human trafficking maltreatment code for Florida hotline operators indicate that from May 1, 2009 through June 30, 2010, there were 156 trafficking incidents reported to DCF in Florida. 22 verified trafficking cases resulted from these reports, most of which occurred in Broward, Hillsborough, Lee, and Miami-Dade counties<sup>3</sup>. There were an additional 180 potential trafficking cases involving children, and of this number 136 dealt with children aged 13 or older. The majority of the children's cases involved female minors. It is clear from the Florida DCF

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<sup>2</sup> <http://nhtrc.polarisproject.org/images/nhtrcdocs/human-trafficking-statistics2.pdf>

<sup>3</sup> Data provided by the Florida Department of Children and Families, Family Safety Program Office.

numbers that at least a segment of the general Florida population is already beginning to recognize—and report—incidents of trafficking, especially when they involve children.

Another perspective on Florida trafficking is available from data compiled by the National Human Trafficking Resource Center (NHTRC), which administers and operates the national human trafficking hotline number (1-888-3737-888). While explicitly noting that its numbers are not to be construed as a comprehensive measure of trafficking, data generated by the NHTRC nonetheless serves as another yardstick by which to approximate the scope of the problem in Florida. The NHTRC Call Data Breakdown indicates that Florida was the third leading state nationwide for calls to the hotline in 2009 (Texas and California led the nation, and New York shared the third ranking for having received the same volume of calls as Florida).<sup>4</sup> The national hotline received a total of 296 calls from Florida during the 2009 calendar year. The calls to the hotline were made from cities all over Florida, led by Miami, and then in descending order, Orlando, Tampa, Jacksonville, and Fort Myers. The sheer diversity of caller locations is revealing as an indicator of the scope of trafficking in Florida.

A final statistical gauge of human trafficking incidents in Florida comes from data generated as a result of federal benefits dispensed to international trafficking victims throughout the state in recent years. The benefits—which are identical to those given to refugees here in the United States—are distributed under the auspices of the U.S. Conference of Catholic Bishops, through its Office of Refugee Programs. USCCB data reveals that between April 1, 2006 and August 31, 2010, a total of 274 trafficking victims in Florida received federal benefits. Interestingly, male victims (147) outnumbered female victims (127). Also notable is the disparity between labor and sex trafficking cases: USCCB figures reveal that labor trafficking victims (212) who received benefits far outnumbered sex trafficking victims (46), with another 11 victims having suffered both types of exploitation.

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<sup>4</sup> [http://nhtrc.polarisproject.org/images/nhtrcdocs/2009\\_annual\\_report\\_executive\\_summary.pdf](http://nhtrc.polarisproject.org/images/nhtrcdocs/2009_annual_report_executive_summary.pdf)

USCCB data on their clients' countries of origin also afford a broad brush depiction of how diverse Florida's international trafficking victims are: by far the largest source country was Haiti (81), followed by the Philippines (65), Mexico (42), Guatemala (13), Honduras (12), Romania (9), Thailand (8), Nicaragua (8), Thailand (8), Peru (6), Sri Lanka (3), India (3), Argentina (3), Colombia (3), and the Dominican Republic (3). These numbers reveal a tremendously varied pool of Florida victims, reflecting the vulnerability of immigrants from all over the world to trafficking schemes perpetrated here in Florida.

### **Analysis of Needs and Gaps**

The lack of comprehensive data on Florida trafficking victims in general remains a significant gap for state policymakers to address. Florida is not alone in needing to collect comprehensive data. Wisconsin probably has done the most to collect data to reflect the realities of human trafficking in that state.<sup>5</sup> Other states, California and Virginia, have also reported and collected some data.<sup>6</sup> Numbers from Florida service providers should at some point in time be correlated with law enforcement records of human trafficking investigations and arrests. Both should be correlated with Florida figures compiled from the national hotline number to perhaps triangulate data so as to arrive at a more representative estimate of Florida trafficking cases.

Confidentiality is of paramount importance to both law enforcement agencies and to the service providers who are tasked with caring for trafficking victims (especially legal service providers who are bound by attorney client privilege), so this statistical analysis must proceed with great care. However, other very sensitive areas of crime and victimization—such as child sexual assault, domestic violence, and rape—all raise many of the same issues, none of which have proven insurmountable in compiling reliable figures on criminal or victim trends.

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<sup>5</sup> This study was conducted using survey research and reported information on a wide range of topics relevant to awareness of human trafficking, training and the numbers of cases of human trafficking encountered by survey respondents. [ftp://doafp04.doa.state.wi.us/doadocs/Human\\_Trafficking\\_Report\\_Final.pdf](ftp://doafp04.doa.state.wi.us/doadocs/Human_Trafficking_Report_Final.pdf)

<sup>6</sup> <http://nhtrc.polarisproject.org/images/nhtrcdocs/human-trafficking-statistics2.pdf>

Conspicuously absent from the above-mentioned sources is specific data on U.S. citizen trafficking victims, and particularly on domestic minor sex trafficking victims. The acute lack of figures on the number of U.S. children victimized in Florida through commercial sexual exploitation is a yawning gap requiring an even more urgent response. A study assessing the relationship between the incidence of teenage runaways and of the commercial sexual exploitation of children is a statistical task of particular relevance to Florida policymakers.

Finally, some Florida state agencies could begin to track data on human trafficking cases. Foremost in this list is the Florida Department of Law Enforcement. Human trafficking calls and arrests should be tracked and should also include data on human trafficking cases received from other state agency law enforcement officers. As mentioned previously, the Department of Children and Families now tracks human trafficking cases through its Hotline. Other offices within that agency, specifically the Offices on Homelessness, Substance Abuse and Mental Health, Domestic Violence, ACCESS and Adult Protective Services, should begin to collect data on persons they assist who are victims of trafficking. Other state agencies that should also begin to collect this data include the Departments of Agriculture and Consumer Services, Health, Juvenile Justice, Education, Environmental Protection, Business and Professional Regulation and the Agency for Workforce Innovation. These inspectors and caseworkers in these agencies are regularly in workplaces, homes, hotels, restaurants, and agricultural venues where human trafficking is likely to be present. Requiring data collection will not only offer a more accurate picture of human trafficking in Florida, but it will keep the issue prominent in the minds of those who conduct inspections and have contact with the public.

### **Recommendations**

7. The Florida Legislature should commission a statistical study of Florida trafficking victims, to include data relating to DCF hotline reports and investigations, data capturing figures on trafficking investigations by federal and Florida law enforcement agencies, and data provided by service providers that would comport with confidentiality requirements.

8. The Legislature should commission a specific study of child sexual exploitation cases in Florida that would fall within the parameters of Florida statutes defining and proscribing sex trafficking of children.
9. The Legislature should commission a study examining the relationship between the incidence of teenage runaways in Florida and domestic minor sex trafficking.
10. The Legislature should consider how other states have utilized statistics to guide policymakers in creating alternatives to traditional incarceration for minors exploited through sex trafficking.
11. Any agency of state government in Florida that is likely to come in contact with victims of trafficking, particularly the Departments of Agriculture and Consumer Services, Children and Families, Health, Juvenile Justice, Education, Environmental Protection, Business and Professional Regulation and the Agency for Workforce Innovation should collect and report to FDLE data on the number of human trafficking cases suspected or encountered.