

HUMAN TRAFFICKING IN SAN LUIS OBISPO COUNTY:  
ASSESSING THE LOCAL LAW ENFORCEMENT'S MECHANISMS FOR PREVENTION

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HUMAN TRAFFICKING IN SAN LUIS OBISPO COUNTY:  
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Paige K. Wopschall

**I. Research Proposal**

He begins by explaining that he doesn’t know the name of his father or mother. According to the United States’ government, he is 28 years old. He vividly remembers being in his country of origin, the Philippines. He remembers the last day he saw his mother. She took him into the forest where they met a man. He recalls seeing the exchange of money and at that moment he was sold into sexual slavery at the age of three. He then shows me a picture of a cage, similar to the one in Figure 1. He describes this as the “beginning of the end” (Personal Interview 2010). He remembers seeing “red specks” all over the cage and wondering why paint was splattered. He soon realized that those “red specks” were not paint.



**Figure 1.**

Trafficked victim and survivor, “Danilo”<sup>1</sup> was trafficked from the Philippines to the United States, where he was re-trafficked about thirteen times. His new cage eventually became the suburbs of California, where he was locked in a room for a year, beat, raped, and tortured. At the age of eleven, Danilo’s “owners” were a husband and wife who would invite their family members over to the house where they would take turns raping and molesting Danilo.

So, what is human trafficking? The issue of human trafficking is poorly understood. As the fastest growing crime in the world, human trafficking is the second largest crime in profits; first being drug trafficking. The total profits that are generated through the human trafficking industry are \$32 billion per year (ILO 2005, 46). This is more than the profits of Starbucks, Google, and Nike combined. According to *The Protocol to Prevent, Suppress and Punish Trafficking in Persons* (UN Palermo Protocol), ‘trafficking in persons’ shall mean:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>2</sup>

For the past fifteen years, the terms ‘trafficking in persons’ and ‘human trafficking’ have been used as umbrella terms for when one obtains or holds someone in compelled service. The definition of trafficking has three main elements, which include the action of trafficking, the means, and the purpose. If all elements are present, then the fact that a victim initially consented is irrelevant. This financially driven crime has become a global phenomenon. According to the UN, “161 countries are reported as being affected by human trafficking by being an origin, transit, and/or destination country” (UN Global Compact 2009, 1). Human trafficking occurs on every continent and in every type of economy. This is a borderless crime; however, trafficking also

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<sup>1</sup> Fake name in order to keep survivor’s identity confidential.

<sup>2</sup> United Nations Convention Against Transnational Organized Crime. (November 2000). *Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. (General Assembly Resolution 55/25). Geneva, Switzerland: United Nations Office On Drugs and Crime.

commonly occurs internally within a country (see Figure 2). *Global Human Trafficking in 2010* shows various countries with low, medium, high, and extreme risk of trafficking. This data was determined by assessing the following:

- 1) Whether and to what extent police and immigration officials are complicit in trafficking;
- 2) Whether the government makes a significant effort to combat human trafficking;
- 3) And whether investigations and penalties act as a deterrent.

As shown in this map, countries that are destination countries are at a larger risk due to the increase in victims (UN Global Compact 2009, 3).

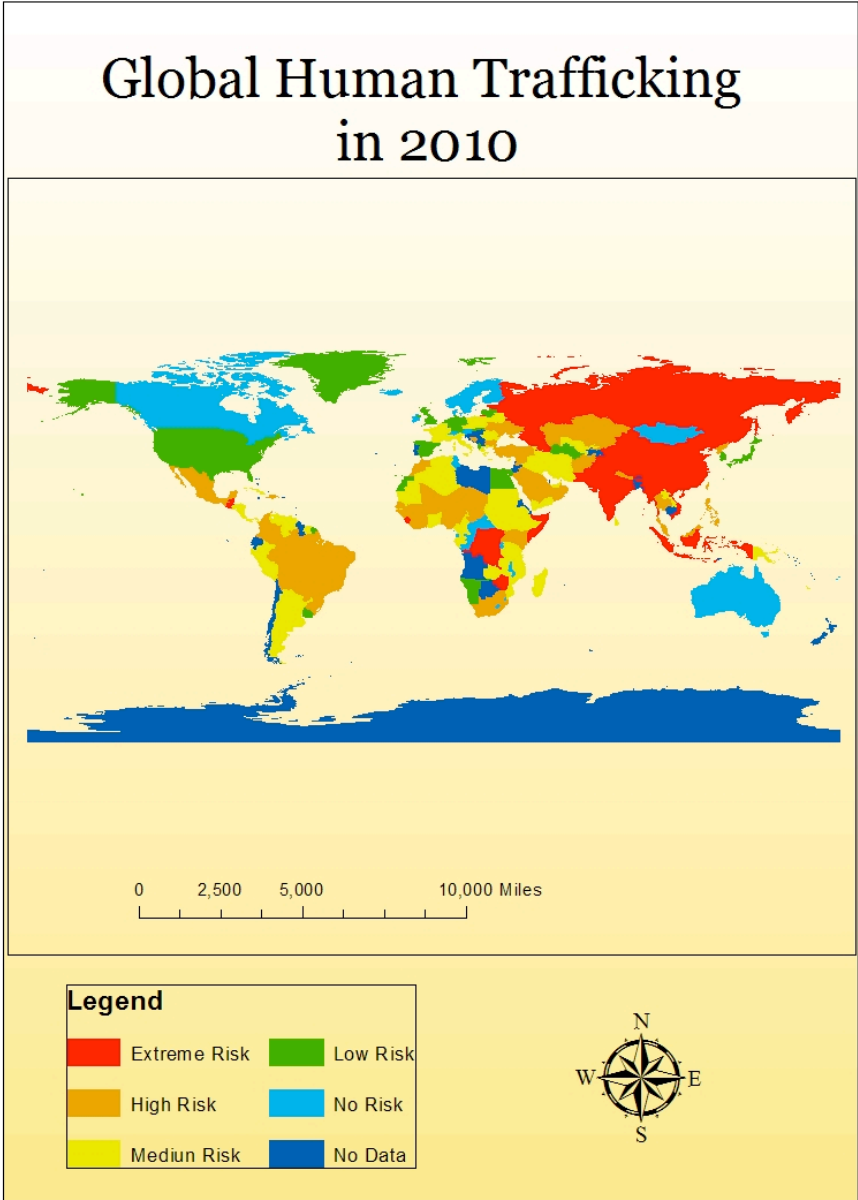


Figure 2.

In June 2010, the United States State Department released its 10<sup>th</sup> annual Trafficking in Persons (TIP) Report. This report outlines the continuing challenges that are faced across the globe by placing each country into one of three tiers that are mandated by the United States' Trafficking Victims Protection Act. The analysis is based on the governments' efforts to eliminate human trafficking. According to the United States' State Department, the U.S. is in Tier One, meaning that they are working hard toward abolition and they are succeeding (U.S. State Department 2010). Although their efforts have been tremendous, trafficking still occurs in the United States. There is an estimated 14,500-17,500 foreign nationals that are trafficked to the United States every year (DOJ 2006). These statistics have caused me to raise the question of what is going on in California.

As the third largest state in the United States with a population of over 33 million people, this golden state is the ideal location for human trafficking to prosper. From the boy trade in San Francisco to domestic labor cases in San Diego to massage parlors in Morro Bay, this issue is widespread and growing quickly. Thus, I desire to research how the federal legislation matches up with the local law enforcement in California, specifically within the San Luis Obispo County.

In order to learn about how human trafficking is impacting the San Luis Obispo County, I have interviewed various police officers from the following police departments: Pismo Beach, San Luis Obispo, Morro Bay, and Paso Robles; as well as FBI agents from the Los Angeles Division. By asking them specific questions (see Appendix 1), I have recorded the subjects' experiences and/or behaviors with the issue of human trafficking. My recommendations and solutions for combating this issue in California are based on a social, human rights, and business approach.

## II. Annotated Bibliography

Allan Hancock College. (2011). *Applied Social Sciences: AJ Degree Program*.

Retrieved from <http://www.hancockcollege.edu/Default.asp?Page=1486>

The AJ Degree Program at Allan Hancock College is described in this online information page. The college gives an overview of what the program looks like and how students can use this degree for a career in law enforcement. Those who obtain this degree may have opportunities to become a police officer, deputy sheriff, probation officer, patrol officer, corrections officer, state hospital police officer, city and county park ranger, criminal investigator, and/or public safety dispatcher.

Bullock, J. (February 2010). News Release: Cal EMA Secretary Mathew Bettenhausen

Announces Special Funds to Battle Human Trafficking in Orange County. *California*

*Emergency Management Agency*, pg. 1.

This news release is presented by the California Emergency Management Agency. They announce that funds are to be given to the Orange County Task Force in order to combat human trafficking. They also discuss the importance of these task forces and how there is still a demand for more to be created. The news release comments on the fact that the Central Coast lacks a task force.

California Attorney General's Office and Crime and Violence Prevention Center. (October 2007).

Human Trafficking in California. *Final Report of the California Alliance to*

*Combat Trafficking and Slavery Task Force*. Retrieved from

[http://www.ag.ca.gov/publications/Human\\_Trafficking\\_Final\\_Report.pdf](http://www.ag.ca.gov/publications/Human_Trafficking_Final_Report.pdf)

As one of the first state reports to focus on human trafficking within a specific state, the California Attorney General's Office and Crime and Violence Prevention Center conducted research analyzing the scope of this issue in California. The report offers insight into the limitations and issues California faces. It also provides recommendations, such as changing the legislation and penalties for traffickers. Several of the points brought up focus on the victims themselves and how they need to be put first.

DeStefano, A. (2008). *The War on Human Trafficking: U.S. Policy Assessed*. New

Brunswick, New Jersey: Rutgers University Press.

By critiquing and analyzing United States' policies on human trafficking, Anthony DeStefano brings fresh eyes to this field. After a decade of reporting for *The Wall Street Journal*, he gives details of the events leading to the Trafficking Victims Protection Act. He also describes Bush Administration's tensions that were faced with the trafficking laws dealing with prostitution. Finally, DeStefano explains how September 11<sup>th</sup> and the War in Iraq influenced United States' legislation.

DOJ, HHS, DOS, DOL, DHS, and USAID. (September 2006). Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year of 2005.

The Departments of Justice, Homeland Security, Labor, Health Services, and State outline how the United States is currently preventing human trafficking domestically. The report outlines the benefits and services that are given to trafficked victims, both legal and illegal citizens. Prosecutions and investigations are also discussed in this report. The authors attempt to provide an answer for how more traffickers can be sentenced.

(FBI) Federal Bureau of Investigation. (2003). Crimes against Children: Innocence Lost.

Retrieved from [http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost)

In June 2003, the FBI and Department of Justice Child Exploitation launched the Innocence Lost National Initiative. This has developed 39 task forces and groups, while rescuing more than 1,200 children. Over 600 pimps and madams have been convicted and there have been several 25 year sentences for such criminals.

Fitzpatrick, L. (August 2009). Brief History: Stockholm Syndrome. *Time*.

Retrieved from <http://www.time.com/time/nation/article/0,8599,1919757,00.html>

Fitzpatrick discusses a brief history of the disease Stockholm Syndrome, where victims of abuse feel an allegiance toward their abuser. She gives many examples of what this can look like, whether people are hostages, captives, or stuck at gunpoint. This disease is one of the many long-term affects of human trafficking and other forms of abuse.

Foreign Policy. (2010). The Failed States Index 2010.

Retrieved from [http://www.foreignpolicy.com/articles/2010/06/21/2010\\_failed\\_states\\_index\\_interactive\\_map\\_and\\_rankings](http://www.foreignpolicy.com/articles/2010/06/21/2010_failed_states_index_interactive_map_and_rankings)

The Failed States Index is an interactive map that ranks all of the nations, analyzing whether the states are weak or failed states. The map divides the states into the following categories: critical, in danger, borderline, stable and most stable. Each country is analyzed based on its demographic pressures, number of refugees/internally displaced persons, group grievance, human flight, uneven development, economic decline, de-legitimization of the state, public services, human rights, security apparatus, factionalized elites, and external intervention.

Human Trafficking: A Web Resource for Combating Human Trafficking. (2011). *How you can help*. Retrieved from [http://www.humantrafficking.org/combat\\_trafficking](http://www.humantrafficking.org/combat_trafficking)

This website explains the different forms of human trafficking and tips for recognizing trafficked victims. It also explains how people get stuck in human trafficking situations. A complete list of visible identifiers of trafficked victims is a great resource, especially for law enforcement. Lastly, screening questions are listed in order to discover if someone is in a situation of exploitation.



(ILO) International Labor Organization. (2005). A global alliance against forced labor. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I (B), International Labor Conference, 93<sup>rd</sup> Session, Geneva, pg. 46.  
Retrieved from <http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf>

This report defines forced labor and presents concepts such as slavery, anti-trafficking legislation, national terminology, and patterns of forced labor. The section on a “Dynamic Global Picture” depicts global and regional developments, forced labor in detentions centers and prisons, poverty, and discrimination. Overall, this report states actions that need to be taken to combat forced labor. These actions are supported by ILO research, surveys, and studies.

(ILO) International Labor Organization. (2011). *Topics: Forced Labor*.

Retrieved from <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

The International Labor Organization (ILO) provides statistics and a definition of forced labor. Through examples, ILO gives vital information about this under-reported issue. The ILO also describes their role in preventing and stopping forced labor.

Kara, S. (2009). *Sex Trafficking: Inside the Business of Modern Slavery*. New York, NY:

Columbia University Press.

Utilizing his background in finance and economics, Siddharth Kara confronts the global industry of sex trafficking through a business approach. He quantifies the size, growth, and profitability of the trade. He concentrates his research on India, Western Europe, the Former Soviet Union, the Balkans, Thailand, and the United States. While traveling around these regions, he learns about victims’ stories and records them. His interviews in the brothels and massage parlors are compelling, terrifying, and heartfelt. But it is through these interviews that Kara realizes what needs to be done to stop this atrocious crime and business.

Kloer, A. Nowhere to Go. *Change.org*

Retrieved from [http://humantrafficking.change.org/blog/view/nowhere\\_to\\_go\\_the\\_shelter\\_crisis\\_for\\_trafficking\\_victims](http://humantrafficking.change.org/blog/view/nowhere_to_go_the_shelter_crisis_for_trafficking_victims)

*Change.org* journalist, Amanda Kloer, expands on the subject of human trafficking by analyzing the Shelter Crisis in the United States. She explains how trafficked victims are not provided sufficient services like shelter. Emergency shelters like for domestic violence victims are not well equipped to help victims of trafficking. She gives a complete list of the main human trafficking shelters in the United States, while acknowledging some of the specific ones in California.

Oato, K. (2010, March 30). FBI announces new details on Paso Robles human trafficking arrests.

*KSBY*. Retrieved from <http://www.ksby.com/news/fbi-announces-new-details-in-human->

trafficking-arrests/

In this article, the FBI releases information about the Paso Robles case of human trafficking. The press release explains that the couple was taken into custody by the FBI. The FBI became aware of this case when they got a report from a family member of one of the elderly care residents. Several public health and social workers were present during the searches. The FBI was assisted during the investigation by the California Department of Social Services, Community Care Licensing Division and the United States Department of State, Bureau of Diplomatic Security.

Reiger, A. (2007). Missing the Mark: Why the Trafficking Protection Act Fails to Protect Sex

Trafficking Victims in the United States. *Harvard Journal of Law & Gender*. Vol. 30, 245-

246. Retrieved from <http://www.law.harvard.edu/students/orgs/jlg/vol301/rieger.pdf>

Harvard Law student, Reiger, concentrates on why sex trafficking occurs, the effects after being trafficked, and what the TVPA provides for victims. She argues that although the law does provide some benefits, it is still failing to protect victims of sex trafficking. She explains the issue of the certification process for victims, which can take up to two years. She also analyzes the “severe trafficking” standard and how that fails to define most victims.

Skinner, B. (2008). *A Crime So Monstrous: Face-To-Face With Modern-Day Slavery*.

New York, NY: Free Press.

Benjamin Skinner gives voices to the various trafficked victims he meets during his four year research in a dozen countries, including Romania, Haiti, and Sudan. His experiences allow him to uncover how the United States began their stand against this global crime, especially through Ambassador John Miller’s heroic role. Skinner’s detailed history of how the federal legislation was created shows how the U.S. still has much more to do to end the suffering of millions.

Statewide California Coalition for Battered Women. (May 2005). California Domestic Violence

Shelters Hotline List By County. Retrieved from <http://www.bcdonline.com/sucasa/>

Hotline\_List.pdf

The Statewide California Coalition for Battered Women has completed a complete list of all of the domestic violence shelters in California. This list is divided by county and is a wonderful resource for victims of domestic violence.

Strickland, T. (2010, March 31). Two arrested in Paso Robles for allegedly trying to smuggle

Filipinos into the U.S. *San Luis Obispo Tribune*. Retrieved from

<http://www.sanluisobispo.com/2010/03/30/1085291/two-arrested-in-paso-robles-for.html>

San Luis Obispo Tribune reports on the eventful case of the two people who were arrested for human trafficking in Paso Robles. This article gives a detailed account of what the couple is accused of, as well as what the consequences will be for them.

UNICEF. (September 2010). *Child Protection from Violence, Exploitation, and Abuse: Child Trafficking*. Retrieved from [http://www.unicef.org/protection/index\\_exploitation.html](http://www.unicef.org/protection/index_exploitation.html)

UNICEF explains how trafficking is a basic violation of human rights. This website provides statistics about the number of children who are trafficked globally. Since sexual activities are seen as a private matter community members are less likely to intervene when they notice a child who is being sexually exploited.

United Nations Convention Against Transnational Organized Crime. (November 2000). *Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. (General Assembly Resolution 55/25). Geneva, Switzerland: United Nations Office On Drugs and Crime.

The UN Palermo Protocol opened for signature in 2000 and entered into force in 2003. This was the first global legislation against human trafficking. The definition of trafficking has become the internationally known definition. There are many issues with this protocol, including its diction and focus only on women and children. Since it was created through the United Nations Office on Drugs and Crime, the Palermo Protocol specifically looks at human trafficking as a transnational organized crime issue.

United Nations Global Compact. (March 2009). *Human Trafficking: Everybody's Business*, pg.

1. Retrieved from [http://www.unglobalcompact.org/docs/news\\_events/Bulletin/HumanTraffic\\_Info.pdf](http://www.unglobalcompact.org/docs/news_events/Bulletin/HumanTraffic_Info.pdf)

This source defines human trafficking and shows that it is a significant problem through various statistics. The United Nations Global Compact also informs businesses that human trafficking could be occurring within their company. The report gives a final solution to businesses in how they have a proactive role in preventing human trafficking. By giving recommendations in eliminating human trafficking, the United Nations Global Compact forces businesses to think about this issue and how it is affecting their specific business.

United States' Department of Health and Human Services. *Look Beneath the Surface: Human Trafficking is Modern Day Slavery*. Administration for Children and Families.

Retrieved from <http://www.acf.hhs.gov/trafficking/>

The Administration for Children and Families gives information about the campaign: Look Beneath the Surface. They define human trafficking, provide the number for the national hotline, and give information about rescuing and restoring victims. There is not only a complete list of Rescue and Restore Coalitions, but there are also action steps for coalitions. This website also has campaign tool kits for law enforcement, social workers, and health care providers.

United States State Department. (2000). *Trafficking Victims Protection Act*. (Div. A of Pub. L. No. 106-386). Washington D.C.: Office to Monitor and Combat Trafficking in Persons.

TVPA follows the UN Palermo Protocol in speaking about the 3P paradigm of “prevention, protection, and prosecution”. This federal legislation focuses on the United States and their role in combating human trafficking. It also sets up the guidelines for the “T” Visas, which are given to trafficked victims after they are rescued from the industry.

United States State Department. (June 2010). “Topics of Special Interest.” *Trafficking Persons Report*. (State Department Publication No. 10). Washington D.C.: Office to Monitor and Combat Trafficking in Persons. Retrieved from <http://www.state.gov/g/tip/rls/tiprpt/2010/142750.htm>

The 2010 TIP Report highlights human trafficking on a global scale, looking at every country in the world and giving them a specific rank on their progress in combating human trafficking. The countries are divided up in Tier 1, 2, and 3 (3 being the worst). The state department continues to give their recommendations for what each country should do in order to better their situation. Filled with victims’ stories, this report is very detailed and informative.

[Unknown]. (March 31, 2010). Couple accused of human trafficking. *Key News*.

Retrieved from <http://www.keyt.com/news/local/89520292.html>

*Key News* reports on the case of human trafficking in Paso Robles that occurred in March 2010. A couple was accused of harboring Filipino nationals to work in elderly care facilities. The workers’ passports and papers were confiscated. *Key News* also explained that the couple could possibly be sentenced up to 30 years.

Universal Declaration of Human Rights. (1948, December 10). United Nations General Assembly A/RES/217. Paris, France.

The United Nations wrote and presented this official document after the Holocaust and WWII as a way of promoting human rights globally. Basic human rights involve having the right to life, liberty, and property. Each article dives into specific rights, such as the right to freedom. Article 4 states that an individual has the right to not be a slave.

Veile, K. (March 2010). Paso couple arrested for human trafficking. *Cal Coast News*.

Retrieved from <http://calcoastnews.com/2010/03/paso-couple-arrested-for-human-trafficking/>

Journalist for *Cal Coast News*, Karen Veile, reports on the human trafficking case in Paso Robles, California. Through her investigation, she discovered that the Filipino couple was harboring workers in 4 elderly care facilities. The police and federal agents intervened to arrest this couple and assist the victims. All of the seniors were sent to San Luis Obispo to receive services.

Women's Shelter Program San Luis Obispo (2010). National Statistics.

Retrieved from <http://www.womensshelterslo.org/get-informed/national-statistics>

The San Luis Obispo Women's Shelter Program (WSP) provides information about national statistics. These statistics focus on the domestic violence within the United States. They also provide information about domestic violence in San Luis Obispo County.

Wopschall, P. K. (February 5, 2011). Interview with N. Junker. (Telephone Interview).

Through a personal interview, trafficked survivor, Nikki Junker, discussed her non-profit organization: More Than Purpose. Located in San Diego, California, More Than Purpose is only six months old. Junker has three major goals, which include spreading awareness about human trafficking, working with other organizations to prevent this crime, and working with victims in order to provide re-habilitation. Junker had many goals for the future for her organization. Our interview also consisted of her speaking about her story as a trafficked victim in Las Vegas, Nevada.

Wopschall, P.K. (February 25, 2011). Interview with M. Dang. (Telephone Interview).

Dang explains how human trafficking is everywhere in California and it exists in different forms. She also explains that many trafficked victims fear the police because they are either fearful of being deported or if they are involved in prostitution, they fear that they will be arrested. As an advocate for victims of human trafficking, Dang argues that long-term care is needed for victims. Quality, low cost therapy is a must and should be provided through social services. It is also vital to build a community of survivors in order to re-establish their lives. After being a trafficked victim herself, Dang described that the biggest limitation to combating this issue is the lack of awareness. Too many people misunderstand human trafficking. Dang hopes to change this as she pursues her PhD in social work, specializing in child abuse.

(WHO) World Health Organization. (September 2004). Organ trafficking and transplantation pose

new challenges. Retrieved from <http://www.who.int/bulletin/volumes/82/9/feature0904/en/>

World Health Organization (WHO) reports on the phenomenon of organ trafficking. This new issue is widespread, mainly in Eastern Europe, where people will undergo dangerous surgeries to sell one of their kidneys. Due to the amount of people who need kidneys, there has been a huge demand for people to sell their organs. These surgeries are often always illegal and jeopardize the victims' health.

## HUMAN TRAFFICKING IN SAN LUIS OBISPO COUNTY:

### ASSESSING THE LOCAL LAW ENFORCEMENT'S MECHANISMS FOR PREVENTION

#### III. Outline

- I. Research Proposal and Introduction
- II. An Overview: Applying International Trends on Local Levels
  - a. Definition:
    - i. UN Palermo Protocol: “‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”
  - b. Types of human trafficking
    - i. Forced Labor
    - ii. Sex Trafficking
    - iii. Bonded Labor
    - iv. Trafficking of Minors: Minor is someone under the age of 18
      1. Child Soldiers
      2. Child Sex Trafficking
      3. Forced Child Labor
    - v. Organ Trafficking
  - c. How Trafficking Occurs: Purchase, Movement, Exploitation
    - i. Purchase:
      1. Deceit
      2. Sale by Family
      3. Abduction
      4. Seduction/Romance
      5. Recruitment of former trafficked victims
        - a. Stockholm Syndrome
      6. Runaways
    - ii. Movement:
      1. Transported by car, bus, train, foot, plane, speedboat, ferry, and raft, while often being drugged or beaten in the process.
      2. Destination, Transit, and Origin Countries
    - iii. Exploitation:
      1. Victim are raped, tortured, starved, humiliated, and drugged
  - d. The Issues of Statistics
    - i. Hidden population
    - ii. New crime
    - iii. Illegal Activity
    - iv. Different Destinations
    - v. No Single Agency

- vi. Lack of Laws that specifically define trafficking
  - vii. Differences in data collection
  - viii. Table of International Human Trafficking Estimates
  - e. Subtle Differences: Smuggling and Trafficking of Human Beings
    - i. Smuggling:
      - 1. Illegal crossing of borders
      - 2. Violation of state rights
      - 3. Transnational
      - 4. Consent (free choice)
      - 5. Own initiation
      - 6. Criminal
    - ii. Trafficking in Human Beings
      - 1. Exploitation/Slavery
      - 2. Coercion/Deceit
      - 3. Victim
      - 4. Violation of individual rights
      - 5. Lack of consent
      - 6. Inter-regional/transnational
      - 7. Can be illegal/legal crossing
  - f. Root causes: Capital accumulation is the goal of both the trafficker and the trafficked victims
    - i. Poverty
    - ii. Instability in civil society
    - iii. Lack of education
    - iv. Gender based violence
    - v. Unemployment
    - vi. Lack of prosecution
    - vii. Demand side of the sex industry
- III. Legislation: United Nations to United States to California
- a. UN Palermo Protocol: The Protocol to Prevent, Suppress and Punish Trafficking in Persons
    - i. Entered into force December 2003
    - ii. Part of United Nations Convention against Transnational Organized Crime UNODC
    - iii. First time a definition was agreed on
    - iv. 3 P's: Punish, Protect, and Prevent
    - v. Focus on large criminal networks
    - vi. Women and Children
    - vii. Diction: "Shall"
    - viii. Status: 137 countries have adopted it
  - b. United States' Trafficking Victims Protection Act of 2000
    - i. Trafficking in the United States
    - ii. History of the legislation
    - iii. T-visas
    - iv. Reauthorized in 2003 and 2005
    - v. United States' Impact

- c. California Trafficking Victims Protection Act
      - i. Created Regional Task Forces
      - ii. California Commission on Peace Officer Standards and Training (POST)
- IV. Limitations in California
  - a. Lack of Awareness
  - b. Lack of Trust of Local Law Enforcement
  - c. Law Enforcement Training
    - i. POST
  - d. Segregated Organizations for One Cause
  - e. Acknowledging Forced Labor
  - f. Shelter Crisis
    - i. Maps: Figures 8-11
- IV. Human Trafficking: San Luis Obispo County
  - a. Paso Robles Case
    - i. FBI and law enforcement raided four homes in Paso Robles, arresting two people accused of trafficking Filipino nationals.
    - ii. Morales couple operated elderly care services in four homes
      - 1. Harbored victims by forcing them to work in these homes in horrible working conditions
      - 2. Threatened their families and to deport them if they didn't pay off their debt
    - iii. Morales released on bail
      - 1. Maximum of 30 years in prison
  - b. Findings and Interviews:
    - i. Pismo Beach
    - ii. San Luis Obispo
    - iii. Paso Robles
    - iv. Morro Bay
    - v. FBI, Santa Maria
  - c. Recommendations and Solutions
    - i. Recommendation #1: Initiate public awareness campaigns within San Luis Obispo County in order to create an awareness that will facilitate an increase in the number of reports of human trafficking.
    - ii. Recommendation #2: A San Luis Obispo regional task force should be created to prioritize human trafficking among the local police.
    - iii. Recommendation #3: Local police officers and other first responders should go through mandatory training in order to learn how to identify victims.
- V. Conclusion
  - a. Acknowledgements
  - b. Appendices
    - i. Appendix 1: Interview Questions
    - ii. Appendix 2: Useful Tips for Local Law Enforcement: Identifying Victims
- VI. Bibliography



## **II. An Overview: Applying International Trends on Local Levels**

I was enamored by the quaintness of the Swiss town. Perfectly located at the base of the Alps, Interlaken charmed me with its old stone churches, icy-blue water, and trains that allowed one to venture to the top of the Eiger Glacier. Everything seemed picturesque during my Christmas holiday, until I began my gift shopping. My parents and I entered into this old shop where we met a wonderful couple. This couple, in their late 70s, explained how their shop had been in their family for generations. We continued to chat and somehow the subject of human trafficking came up. I explained that I came over to Europe to learn more about this issue and to study it on an international level. They informed me of this massage parlor (see Figure 3) behind their shop that was surely harboring young girls from various countries in East Asia. This simple looking house had “constant traffic during the early hours in the morning, mainly from 1 a.m. to 4 a.m.”, claimed the couple (Personal communication, December 2009). They informed us that the police have tried to investigate; however, they have allowed for the illegal activity to slide.



**Figure 3.**

Surprised by the accusations I had heard, I began pondering a number of different ideas. First of all, I was so shocked by the fact that something like human trafficking was occurring in this

beautiful, little Swiss town. I began thinking that if this issue is occurring in a town like this, what is happening in other towns? This thought encouraged me to think specifically of my own town, San Luis Obispo, California. Secondly, I began questioning the role of the local police. If they can't contain this problem, then how will we prevent it?

The fact that slavery still exists may surprise many people. History tells us that this heinous crime ended in the United States in 1863 with the Emancipation Proclamation; however, almost 150 years later there are more people in slavery today than at any other time in history. Trafficking of human beings is one of the many impacts and hidden sides of a free-market economy and globalization. People have become a commodity, while slavery has become a lucrative business.

### **Types of Human Trafficking**

The five different types of human trafficking include forced labor, sex trafficking, bonded labor, trafficking of minors, and organ trafficking. Recent studies have shown that forced labor is the majority of trafficking cases. According to the International Labor Organization (ILO), "There are at least 12.3 million people around the world who are trapped in forced labor (ILO 2011)." This is also known as "involuntary servitude" where employers exploit workers by forcing them into prostitution, paying them little for their work, and/or keeping them in debt bondage. Immigrants are usually the most vulnerable, but people can be forced into labor within their own country. Females are often sexually exploited, which leads to the issue of sex trafficking. This is when an individual is coerced, deceived, or forced into prostitution. This can occur in brothels, clubs, apartments, massage parlors, hotels, and on streets. It is vital to note that a person's initial consent to participate in prostitution is not legally determinative. According to the international legislation, if an individual is held in prostitution through physical force or psychological manipulation then they are considered a trafficked victim. Another form of trafficking is bonded labor or debt bondage. This is the use of unlawful 'debt', which is incurred through victims' transportation, recruitment, or even their "sale". Sex trafficking can occur within debt bondage where exploiters insist that the victim

must pay off a specific amount of debt before they can be free. A traditional system of debt bondage is prevalent in South Asia, where it is estimated that there are millions of trafficking victims working to pay off their ancestors' debts (U.S. State Department 2010).

Trafficking of minors is a huge issue that is impacting large numbers of children, under the age of 18, globally. According to United Nations Global Initiative to Fight Trafficking, an estimated 1.2 million children are trafficked each year (UNICEF 2010). UNICEF estimates that “1,000 to 1,500 Guatemalan babies and children are trafficked each year for adoption by couples in North America and Europe” (UNICEF 2010). There are three different forms of trafficking of minors. First, there is the use of child soldiers. Children are forced to work as combatants, cooks, messengers, spies, porters, guards, or servants for soldiers in developing countries, such as Uganda and Democratic Republic of Congo. Girls are forced to marry or have sex with soldiers. Both male and female child soldiers are often sexually abused and have a high chance of contracting a sexually transmitted disease (U.S. State Department 2010).

There are also children who are forced to work in the sex industry (see Figure 4). Sometimes these are the children of prostitutes or young girls who have been trafficked to work in brothels. According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade (U.S. State Department 2010). Surveys indicate that 30 to 35 percent of all sex workers in the Mekong sub-region of Southeast Asia are between 12 and 17 years of age (UNICEF 2010). The United States' law, the U.N. Palermo Protocol, and many other countries' legislations prohibit the use of children in the commercial sex trade. The U.S. State Department has clearly stated, “There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude” (U.S. State Department 2010).



**Figure 4.**<sup>3</sup>

A common trend has also been to traffic children into forced labor. There are many child beggars, especially in India, who are forced to peddle on the busy streets of metropolitan cities (see Figure 4). In Ghana, young boys are forced to work in the fishing industry (see Figure 5). Their fingers are so small that they are able to dive into the water and untie the fishing nets. However, many of them get caught among the nets and drown. Trafficking of minors has devastating consequences and always violates a child's right to grow up in a family environment. They face various dangers, which cause the following impacts—long-lasting physical and psychological trauma, disease (including HIV/ AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death (U.S. State Department 2010).

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<sup>3</sup> Wiesel, E. (January 2010). Human Trafficking. *Eyes Wide Open*. Retrieved from [eyeswideopen.me/human-trafficking/](http://eyeswideopen.me/human-trafficking/)



**Figure 5.**<sup>4</sup>



**Figure 6.**<sup>5</sup>

Lastly, there is organ trafficking. Although the United States' 2010 TIP Report does not consider organ trafficking a type of trafficking, the U.N. Palermo Protocol does consider this an issue of human trafficking. A demand for kidneys appears to be growing, thus causing an increase in the international trade of organs. For example in Europe alone, there are currently 120,000

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<sup>4</sup> Heapy, Linda. (2010). To give or not to give when traveling abroad: the issue of begging. *Kashgar*.

<sup>5</sup> Thomas, Faith. (August 2009). Modern-day slavery rears its ugly head around the globe. *Deutsche Welle*.

patients on dialysis treatment and about 40,000 people waiting for a kidney (WHO 2004). This has caused people in developing countries to sell their organs for as little as \$1000 (WHO 2004). Figure 6 shows a group of Indian men who under-went illegal surgeries in order to sell their kidneys for money. These operations are not only often conducted illegally, but they are also incredibly dangerous. However, those who sell their organs are still left in poverty even after they receive their payment. They also experience major health issues due to the surgery, which eventually prevents them from being able to work and continues the cycle of poverty.



**Figure 7.**<sup>6</sup>

### **How Trafficking Occurs: Purchase, Movement, and Exploitation**

Harvard Fellow, Siddharth Kara, categorizes trafficking as the purchase, movement, and exploitation of people. Acquiring a human being can be achieved in six various ways. Deceit is the most common means of purchase. A trafficker can deceive another by promising a false job offer, marriage, or travel. These are promises that would provide income for the victim. In many countries, marriage is the only way for a woman to gain basic rights and social acceptance. Thus,

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<sup>6</sup> [Unknown]. (2009). Organ harvesting- a growing trend? *Daily Clarity*.

false marriage offers have become a very effective way of accumulating human beings and forcing them into the sex industry. Currently, refugee camps are the most effective location for recruiting victims. Conditions, such as civil war or genocide, have caused for over 30 million people to be displaced across the globe (Kara 2009, 7). Such circumstances have caused for vulnerable people to become victims of trafficking, since the allure of a high paying job is impossible to resist.

Unfortunately, sale by family is very common as well. According to Siddharth Kara, “Such sales are almost always heartbreaking decisions that parents are forced to make due to extremes of destitution few Westerners can imagine (Kara 2009, 8).” Traffickers provide job offers for a child, in exchange for a payment that is directed toward the family. These remittances are often as little as \$20 or \$30. This commonly occurs among families that can’t afford to pay dowries for their children or who need their children to work in order to provide for the family.

With movies like *Taken*, the media would have us believe that abduction and kidnapping is occurring frequently as a means of acquiring trafficked victims. However abduction is a rare type of deceit, but it has definitely been known to occur. Abduction is not as common because it makes transportation much more challenging for the traffickers.

Another way that people, mainly women, are deceived is through seduction and romance. There are men who are known as “lover boys” and falsely act as boyfriends to young girls in order to gain their trust. They provide extravagant gifts and seduce them into migrating to some wealthy country. False documents are provided for the travel and the “lover boys” send the young woman in advance to meet one of his friends upon arrival. The friend is always either a brothel owner or trafficker who will then exploit the young woman, most often by forcing her into prostitution.

In order for trafficked victims to survive the horrible environment of slavery, some become allies to their owners. This has caused former trafficked victims to recruit others. Such a phenomenon is mainly found within the sex industry where a former victim will become a madam. Her pimp will dress her in nice clothes and she will be paid based on how many people she can

recruit. It is hard to believe that such a thing can happen, but the psychological trauma that victims face is tragic. Many victims experience Stockholm syndrome, which means that they begin to have positive feelings toward their abuser or exploiter (Fitzpatrick 2009). While I was studying in Copenhagen, Denmark I met this young Danish woman who started a shelter in Rome, Italy for trafficked victims. She stated that every week they had girls leave the shelter and go back to their pimps. The brothels or clubs become all that these women know. They begin to believe that their abuser truly loves them.

Lastly, minors who runaway are a vulnerable population that often become trafficked victims. Those who may run from their homes usually come from a broken home where domestic violence is present, as well as some sort of alcoholism or drug addictions. In San Leandro, California this type of case is common (B. Loza-Muriera, personal communication, March 2010). Young boys and girls will leave their homes and eventually meet a trafficker who will start talking to them at a park or mall. Due to family situations some minors may feel like they have never been listened to or loved, so the fact that a stranger/trafficker-incognito starts listening to them becomes a way for the trafficker to begin the recruitment process. Then, the traffickers will eventually employ the young children through various means, most often as acting like their boyfriend.

Movement is the means by which victims are transported, which can include car, bus, train, foot, plane, speedboat, ferry, and raft. While being transported, victims are often drugged, raped, or beaten in the process. This weakens the individual physically, mentally, and emotionally. Certain countries are known as destination, transit, and origin countries. Origin countries are those that often provide trafficked victims. These are countries that may be developing and lacking specific resources, which cause people to be vulnerable prey for traffickers. Transit countries are countries that are traveled through in the movement phase. Then countries of destination are often richer countries, such as those in Western Europe or the United States. It is important to note, that trafficking is not only international; it can occur within a country. In these circumstances, there is



often movement from rural areas to urban centers. Siddharth Kara observed through his research that a two-step process is occurring where victims will be trafficked within their country and then internationally (Kara 2009, 11). This process is used to break down the victim more effectively, causing them to accept their new life and believe that they cannot escape.

The last phase of human trafficking is that of exploitation. This is the most atrocious aspect of this crime. The amount of violence that occurs is tremendous and awful to imagine. Victims are raped, tortured, starved, humiliated, and drugged. In Mumbai, if sex slaves misbehave their arms are broken. If they try to escape, their throats are cut in front of other victims who then have to clean up the murder (Kara 2009, 12). In India, men prefer the Nepalese females' small and thin figures. These girls are also more timid because they don't speak Hindi and they are far from home. Victims are held in debt-bondages and they 'pay off' their debt by having sex with 20 men a day (Kara 2009, 52-53). One account from a Nepalese sex slave stated that trafficked victims were only allowed to see daylight if they were sick and needed injections (Kara 2009, 52-53). People have become a commodity through these various means of exploitation.

### **The Issue of Statistics**

Like any issue, it is always vital to observe the current statistics in order to gain a better understanding. As seen in the statistics in Table 1, there are many discrepancies in the current human trafficking statistics.

Variable	U.S. State Department	ILO	UNODC
Main Focus	Global Estimate of Victims	Global Estimate of Victims	Country and Regional Trafficking Patterns
Number of Victims	600,000 to 800,000 in 2003	2.45 million trafficked internally and internationally during 1995-2004	Will Not Estimate
Type of Exploitation	66% Commercial Sex 34% Economic or Forced Labor	43% Commercial Sex 32% Economic or Forced Labor 25% Mixed or Other	87% Commercial Sex 28% Economic or Forced Labor
Gender and Age	80% Female 50% Minors	80% Female 40% Minors	77% Female 9% Male 33% Minors
Definition of Trafficking	TVPA	U.N. Protocol	U.N. Protocol
Criteria for Data Collection	Transnational	Internal and Transnational	Transnational

**Table 1.**<sup>7</sup>

There are a number of reasons for these inconsistencies. Like other illegal activities, it is always difficult to gather accurate data. First of all, trafficked victims are a hidden population who often lack the correct forms of identification. They are persons who are trapped in random apartments or who are working in fields where it is difficult to identify them. Victims are forced to different destinations, which cause an inconsistency in data collecting. This is a new issue that has yet to be fully investigated. There are few academic programs in the United States that concentrate on researching this issue. There are differences in data collection as well. All of the agencies that are focusing on human trafficking have various ways of developing their statistics. Lastly, the legislation is only eleven years old. Thus, the laws and definitions are still in need of improvement. The lack of clarity in the definition of human trafficking leads to inaccurate statistics.

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<sup>7</sup> California Attorney General's Office and Crime and Violence Prevention Center. Human Trafficking in California (October 2007). *Final Report of the California Alliance to Combat Trafficking and Slavery Task Force*, p. 34.

## **Subtle Differences: Smuggling and Trafficking in Human Beings**

In order to better understand the definition of trafficking in human beings, it is vital to explain the difference between trafficking and smuggling. Smuggling deals with the illegal crossing of borders, whereas trafficking in human beings deals with exploitation or slavery. Smuggling is a free choice and involves someone giving consent to travel internationally. Those who are trafficked are deceived and coerced into exploitation. There is a lack of consent and victims can be transported either internationally or inter-regionally. Someone who is smuggled can be defined as a criminal since they are partaking in an illegal activity; however, a trafficked victim who may partake in an illegal activity is still considered a victim. There is always a violation of individual rights when trafficked. Lastly, trafficking can be an illegal or legal crossing of borders. The majority of Mexicans who cross into the United States are illegally smuggled rather than trafficked. Many individuals become trafficked victims after they cross the border. Lucita was trafficked from Guerrero, Mexico to Pomona, California after she was promised a job in Los Angeles where she was told that she would be entertaining men for a large income. Seventy miles south of Tucson, Arizona, Lucita met up with two *coyotes* that ran her across the desert into the United States. At the border, a woman met her and drove her directly to Pomona where she was dropped at a house and forced to have sex with men. Lucita recalls,

We worked twelve hours a day, from eleven in the morning to eleven at night. We never had a day off. We were give sponges to use during our menstruation. No matter if we were sick, we still had to work. We had to sleep in the same place where we worked (Kara 2009, 186).

Like Lucita, Inez (a survivor of the infamous Cadena sex ring), was smuggled into Brownsville, Texas where Rogerio Cadena met her. He drove her to a woman in a trailer in Avon Park, Florida where she was “told [her] fate”. She “owed a smuggling fee of \$2,500 and had to pay it off selling [her] body to men (DeStefano 2008, 39).” These two cases express how there are subtle differences between smuggling and trafficking in human beings; however, even though an individual may initially be smuggled, the minute they are exploited for labor they have become a trafficked victim.

## **Root Causes**

There are several causes of trafficking in human beings. Because capital accumulation is the goal of both the trafficker and the trafficked victims, poverty is the number one reason for why trafficking is occurring. Those who are trafficked are often in vulnerable positions where they lack an education and opportunities in their own town or village. Instability in civil society also leads to an increase in human trafficking. Governments fail to provide for their citizens, thus increasing poverty. Due to this reason, failing states, such as Somalia, Chad, and Sudan, are some of the top origin countries for human trafficking (Failed State Index 2010). Another cause is the idea of gender-based violence. “Human trafficking is like domestic violence on steroids”, stated trafficked survivor Nikki Junker (N. Junker, telephone interview, February 5, 2011). Gender roles in various countries allow for the violence that takes place when an individual is trafficked. Women are seen as objects that can be forced to have sex with men. There is also a lack of prosecution that has encouraged traffickers to continue with this illegal crime. Currently, there are 12.3 million adults and children in forced labor, bonded labor, and forced prostitution around the world. In 2009, there were 4,166 successful prosecutions (U.S. State Department 2010). Because traffickers have been simply given a slap on the wrist, there has been an increase in this activity. Finally, another cause of trafficking is the large demand side of the sex industry. Sex tourism is a booming industry that demands for women. It is far too common that men venture to specific countries, such as Thailand, in order to have sex with as many women as they can for a small price.

### **III. Legislation: United Nations to United States to California**

#### **Palermo Protocol**

During the 1980s and 1990s, United States prosecutors successfully attacked many criminal organizations, including the five families of the New York Mafia—Bonanno, Colombo, Gambino, Genovese, and Lucchese (DeStefano 2008, 16). After this tremendous event, the U.S. Department of State began to develop international law enforcement standards dealing with issues like small

arms trafficking, money laundering, official corruption, and human trafficking. The United States gained support by building a consensus with G7 states, which included Canada, France, Germany, Italy, Japan, and Great Britain. In 1998, the U.N.'s Commission of Crime Prevention and Criminal Justice, the Economic Council, and the Social Council recommended that the General Assembly adopt a resolution that would target these specific issues (DeStefano 2008, 17). This resulted in a convention against transnational organized crime, which would be similar to a treaty. Protocols were proposed to be included in the convention, thus dealing with the specific varieties of crime that were to be targeted. The United States and Argentina were key in drafting the "Protocol to Prevent, Suppress, and Punish Trafficking in Women and Children, Supplementing the United Nations Convention against Transnational Crime". After the United States and Argentina proposed this protocol in March 1999, it spent two years in Vienna under negotiation (DeStefano 2008, 23). As diplomatic teams met in Vienna, the U.S. delegation functioned as a major source of input by giving recommendations. The ceremony for signing the convention and protocols was set to take place in Palermo, Sicily in December 2000. Palermo was the epicenter for the most notorious criminal organizations in the world, so signing such an international agreement was a momentous achievement. By December 15, 2000, the Convention on Transnational Organized Crime had been signed by 121 nations and 81 nations signed the trafficking protocol (DeStefano 2008, 28). However, in order for the documents to be legally binding, at least 40 countries had to ratify the convention as a treaty. On December 25, 2003, the Palermo Protocol entered into force.

As a global solution to a global problem, the Palermo Protocol was a response to the growing awareness of trafficking of human beings as a law enforcement problem. This was the first global legally binding instrument with an agreed definition on trafficking in persons. This legislation is known for the "3 P's": *punish* traffickers, *protect* victims, and *prevent* human trafficking. The member states have certain obligations under the protocol, which include

- Criminalizing trafficking;
- Investigating, prosecuting, and convicting traffickers;

- And undertaking border control measures.

However, the wording is very ambiguous in the legislation by using words like “consider” and phrases like states should “within their means”.<sup>8</sup> Such diction offers suggestions to states, instead of describing their obligations. A major issue is that every member state does not want to compromise their states’ sovereignty. States also have different starting points, abilities, and resources. The document is also not victim centered, instead it takes a criminal justice approach by focusing on organized crime. Of course, many traffickers are a part of a large criminal network; however, it is more common that traffickers are attached to smaller networks. This current trend with crime expresses how the legislation is out of date. Lastly, the Palermo Protocol only mentions trafficking of women and children, which causes it to lack a gender equality approach. Women and children are trafficked the most out of everyone; however, this doesn’t mean that men are not trafficked. Men are forced to work in the agriculture, construction, and fishing industries. The fact that men are not mentioned in the legislation is one of the many weaknesses of the Palermo Protocol.

### **United States’ Trafficking Victims Protection Act**

The annual number of sex trafficking victims to North America is approximately 0.9 percent of the global total (Kara 2009, 183). People are trafficked into the United States for forced labor in agriculture, domestic service, factory work, and street peddling. The majority of those who are trafficked into the United States are not for the purpose of commercial sexual exploitation. The fact that the United States is a Tier One country is dependent on a couple of factors. There are three main reasons why there are less trafficked people in the United States. First, this region has a less corrupt law-enforcement and judicial system. Trafficking is also more expensive and difficult because of the United State’s geography. The United States is farther away from the majority of the origin countries, with the exception of Mexico, which makes trafficking more difficult. Third, the

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<sup>8</sup> United Nations Convention Against Transnational Organized Crime. (November 2000). *Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. (General Assembly Resolution 55/25). Geneva, Switzerland: United Nations Office On Drugs and Crime.

United States congress has passed the Trafficking Victim and Protection Act (TVPA), which has increased the convictions of trafficking criminals.

The late Senator Paul Wellstone co-sponsored the first legislation on human trafficking in 2000. Adamant that in order to target human trafficking anti-poverty programs must be created, Wellstone believed that victims have the right to receive medical services, counseling, and protection as they inform investigators of their experiences (DeStefano 2008, 40). With a vote of 371 to 1, on October 6, 2000, the Trafficking Victims Protection Act was passed in the House. On October 11, the Senate voted 95 to 0 to approve the trafficking bill. The measure was sent to the White House on October 19 and on October 28, President Bill Clinton signed into law the Victims of Trafficking and Violence Protection Act of 2000 (DeStefano 2008, 44). The legislation defines “severe forms of trafficking”, as well as specifies how victims should be protected and the penalties for trafficking criminals. The legislation offers assistance to nations that meet specific standards for combating and preventing human trafficking, while non-humanitarian assistance may be halted if countries don’t comply with these standards set by the United States.<sup>9</sup> The language used in this act is more forceful and clear compared to the Palermo Protocol. As mentioned, the protocol use phrases like “shall consider”, whereas the United States’ federal legislation uses “shall” (DeStefano 2008, 45).

When the legislation was being drafted, the controversial issue of T-visas arose particularly in the House. As a special type of three-year residency visas, T-visas would allow for victims of severe forms of human trafficking to seek asylum in the United States as they are being helped by law enforcement and social services. Members of Congress differed on this issue. The Senate bill had no T-visa limit, but the House set a 5,000-person limit. Some were worried that people would obtain legal immigration status by falsely claiming that they were victims. As Representative Melvin Watt of North Carolina stated, it is “beneath our dignity as a nation to use an arbitrary cap

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<sup>9</sup> United States State Department. (2000). *Trafficking Victims Protection Act*. (Div. A of Pub. L. No. 106-386). Washington D.C.: Office to Monitor and Combat Trafficking in Persons.

to shut our doors to victims of slavery and sex trafficking (DeStefano 2008, 41).” These visas are given to victims due to many conditions, such as cooperation with criminal investigations. The legislation states that cooperation is defined as “any reasonable request for assistance in the investigation or prosecution of acts of such trafficking (Kara 2009, 195)”. However this definition is problematic since it is too broad and causes many victims to not sign the paperwork. Due to psychological trauma, many victims are terrified to testify against their traffickers. Traffickers threaten their victims’ families, so many fear for their families’ safety. Also, T-visa applications take up to nine months to process. This leads to a majority of victims who lack a temporary residency. T-visas are processed at the U.S. Citizenship and Immigration Services (USCIS). Their data indicates that almost 50 percent of T-visa applications are denied because the individual who applied was not a “victim of a severe form of human trafficking (Kara 2009, 196)”.

In 2003 and 2005, Congress passed the TVPA Reauthorization Acts, which concentrated on combating child sex tourism and caused for more successful enforcement. In 2003, the FBI launched Operation Innocence Lost, which is used to arrest and prosecute U.S. citizens who travel abroad in order to have sex with children (Kara 2009, 194). Various groups have joined the FBI’s efforts in preventing child sex trafficking. In the last seven years, over 1200 children have been rescued and 600 pimps, madams, and other type of exploiters have been convicted (FBI 2003). Such convictions have led to many sentences that are 25-year-to-life sentences. In September 2003, former President George W. Bush pledged an extra \$50 million to combat human trafficking (Skinner 2008, 113). The American budget for human trafficking was less than 0.3 percent of the budget of drug trafficking, but this was the most spent on abolition since Reconstruction. Bush stated, “We must show new energy in fighting back an old evil (Skinner 2008, 113).”

Although the United States does not support this booming global industry directly, this region does promote sex work indirectly. Despite being the richest country in the world, the United States has only spent “\$60 million per year on anti-trafficking efforts since 2001 (Kara 2009, 196)”. Many critics find this



inadequate; especially since the United States' market economy has unleashed such injustices that cause individuals to want to migrate. The increases in poverty and mass migration have resulted in a global trade of women and children. This industry of selling human beings has developed due to globalization, which was directly caused by many of the United State's decisions. The United States never supported a steady transition toward democracy for developing countries; instead they have encouraged corporate capitalism and exploitation, which have lead to these inequalities in global wealth. Such decisions have negatively impacted the lives of the poor and marginalized in third world countries.

### **California's Legislation**

The California Trafficking Victims Protection Act, which was modeled off the Trafficking Victims Protection Act, was enacted on September 21, 2005 (California Attorney General's Office 2007, 24). While signing the act, California Assembly Member, Sally Lieber expressed,

The problem of human trafficking has reached into neighborhoods through-out California and is one of the fastest growing criminal enterprises in the world. Individuals are bought, sold, transported and held in inhumane conditions for use in prostitution or as forced laborers. It would be morally and socially irresponsible to ignore this problem and the victims it creates in California every year (California Attorney General's Office 2007, 24).

The law, which took effect in January 2006, made human trafficking a felony punishable by a sentence of 3-5 years in a state prison and a sentence of 4-8 years for trafficking of minors (California Attorney General's Office 2007, 24). By providing mandatory restitution to the victims of human trafficking, this law assists victims in rebuilding their lives. The law also provides for the victims to bring a civil action against their trafficker. The relationship between caseworker and a trafficked victim is also to remain confidential according to this law. Lastly, it established the California Alliance to Combat Trafficking and Slavery (CA ACTS) Task Force that examines the statewide response to human trafficking and presents a report to the Governor, Attorney General, and Legislature.

Also on September 21, 2005, California passed The Human Trafficking Collaboration and Training Act, which requires the Commission on Peace Officer Standards and Training (POST) to

establish by January 1, 2007 a course and guidelines for police officers in responding to trafficking (California Attorney General's Office 2007, 24). On September 29, 2006, California became the first state to pass an act that provides temporary services to offer assistance to victims while they wait for federal certification (California Attorney General's Office 2007, 24). Under the TVPA, individuals who are recognized as victims who experienced extremes form of human trafficking are able to receive federal benefits. However, the certification process can take as long as two years. Thus, California's The Access to Benefits for Human Trafficking and Other Serious Crime Victims Act was an unforgettable achievement in the field of human trafficking.

#### **IV. Limitations in California**

According to the California Emergency Management Agency, California is estimated to be among the top three states for human trafficking. It's a prime target for traffickers for its long international border, major harbors and airports, large immigrant population and industries. The Human Rights Center at the University of Berkeley, California conducted a study on human trafficking where they found that "80% of the documented cases took place in urban areas: Los Angeles, San Diego, San Francisco and San Jose, and the majority of victims were non-citizens, with or without valid travel documents" (California Attorney General's Office 2007, 36). The authors of this report acknowledged that largest number of foreign victims came from Thailand (136), followed by Mexico (104) and Russia (53). Thirty victims were American citizens. Although this study gives us a glimpse into this problem on a state-level, it still fails to focus on smaller, non-urban areas like San Luis Obispo County. The following limitations can be applied on a state and county level.

##### **Lack of Awareness**

A major limitation in preventing human trafficking is the fact that many individuals are unaware of this issue. Many still believe that trafficking doesn't happen here in California. There is the stereotypical belief that it occurs in regions like South East Asia, but not in the United States.

However, due to globalization, there is an increasing interconnectedness among people around the world. Distant cultures and people are connected through business, travel and communication. Trafficking is not only caused by economic globalization, but it also spreads the process of globalization. Siddharth Kara has labeled human trafficking as the “ugliest contemporary actualizations of global capitalism (Kara 2009, 4).” This crime is known as the hidden side of globalization—the deregulation of trade, mobility of capital, and openness of political borders have all led to an increase in human trafficking. The spread of cultures has also caused for many people to want to come to wealthier countries. The spread of Western cultures have created pull factors for those who are vulnerable to being trafficked. Lastly, there is also a demand for the global labor market. This demand has caused for a supply of workers through networks of traffickers.

#### **Lack of Trust of Local Law Enforcement**

Another issue that has caused for a decrease in reporting is the fact that victims do not trust law enforcement officials. Many victims are afraid to contact local police or other social services because they are terrified that they will be deported. Nikki Junker was trafficked from San Diego, California to Las Vegas, Nevada. While in Las Vegas, there were many instances when her pimp would beat her in public. Similarly, she recalls the law enforcement not helping her and calling her “just a hooker” (N. Junker, telephone interview, February 5, 2011). By failing to respond to her situation, the police allowed for Nikki’s situation to perpetuate. The combination of victims not trusting the law enforcement and victims fearing that they may be deported leads to an under-reported crime.

#### **Law Enforcement Training**

Similarly, local law enforcement is not trained on how to identify victims. Many members of law enforcement, health and social services providers, labor agencies and other first responders may fail to recognize the signs of human trafficking, and thus miss precious opportunities to help victims escape to freedom (California Attorney General’s Office 2007, 5). POST currently has

training curriculum on human trafficking that details the various indicators of a victim and the officers' responsibilities in helping the victim (California Attorney General's Office 2007, 5). The POST guidelines also touch on what some possible victim responses may look like when they are rescued, as well as challenges law enforcement may face. However, this training is not mandatory for every police department to complete. Currently there are only six different Human Trafficking Task Forces in California, which are funded by the Department of Justice. Trafficked survivor, Ming Dang, commented that these task forces have "done a good job of collaborating with local non-profits and providing services for victims of human trafficking (M. Dang, telephone interview, February 25, 2011)." The current task forces are in Oakland, San Francisco, San Jose, Orange County, Los Angeles, and San Diego. Through their investigations, these forces proactively rescue and identify trafficked victims.

### **Segregated Organizations For One Cause**

There are a number of various non-governmental organizations in California where their main goal is to prevent human trafficking and help victims. From Free the Slaves in Los Angeles to the Not for Sale Campaign in San Francisco, these organizations are competing for funding. Insufficient funding for these organizations impedes victims' chances for receiving services and escaping their enslavement (California Attorney General's Office 2007, 6). Each organization also has various approaches to combating this issue. Approaches include human rights, political, social, health, economic, psychological, moral, and legal. Because of these various approaches, organizations are severely segregated. Currently, many organizations differ on the issue of prostitution. Some organizations that have religious ties believe that every prostitute is a trafficked victim because no woman really wants to be a prostitute. However, those who disagree argue that there is a difference between prostitution and sex trafficking. At the end of the day, a woman can make a decision to be a prostitute or not. There are even sex workers' rights in a variety of countries that support those who choose to prostitute themselves. Arguments like this leave many

organizations unable to unite and combat this issue together.

### **Acknowledging Forced Labor**

Sex trafficking is a hot topic. Ratings increase for news media when sex trafficking is reported on because people are outraged by this atrocity; and rightly so. It is unimaginable and a beyond awful crime. Sex trafficking is also the majority of cases in California. Prostitution represents the most common economic sector (47 percent), followed by domestic servitude (33 percent), sweatshops (5 percent), and agriculture (2 percent), for a total of 40 percent of the cases being labor rather than sex trafficking (California Attorney General's Office 2007, 36). However, I would like to argue that people haven't even begun to investigate forms of forced labor in California. By being close to Mexico, it is very plausible that individuals are smuggled in from the border and then exploited in sectors, such as agriculture. California is very dependent on this sector, thus there is a demand for workers. It is vital that this trend is recognized in order to help these specific victims. People are failing to question whether or not these workers are victims of human trafficking.

### **Shelter Crisis**

California is experiencing a "shelter crisis" for trafficked victims. By using GIS, I specifically looked at six counties, where I compared the amount of domestic violence shelters to trafficking shelters. Figures 8-11 show the details of the on-going crisis. There are three major similarities between victims of domestic violence and victims of human trafficking. First, both are a crime mainly against women. Even though men can be trafficked or abused, this is still not the majority of cases. Both types of victims also experience immense trauma from psychological, physical, and verbal abuse. Lastly, these different victims most often need shelter.

# Southern California Counties

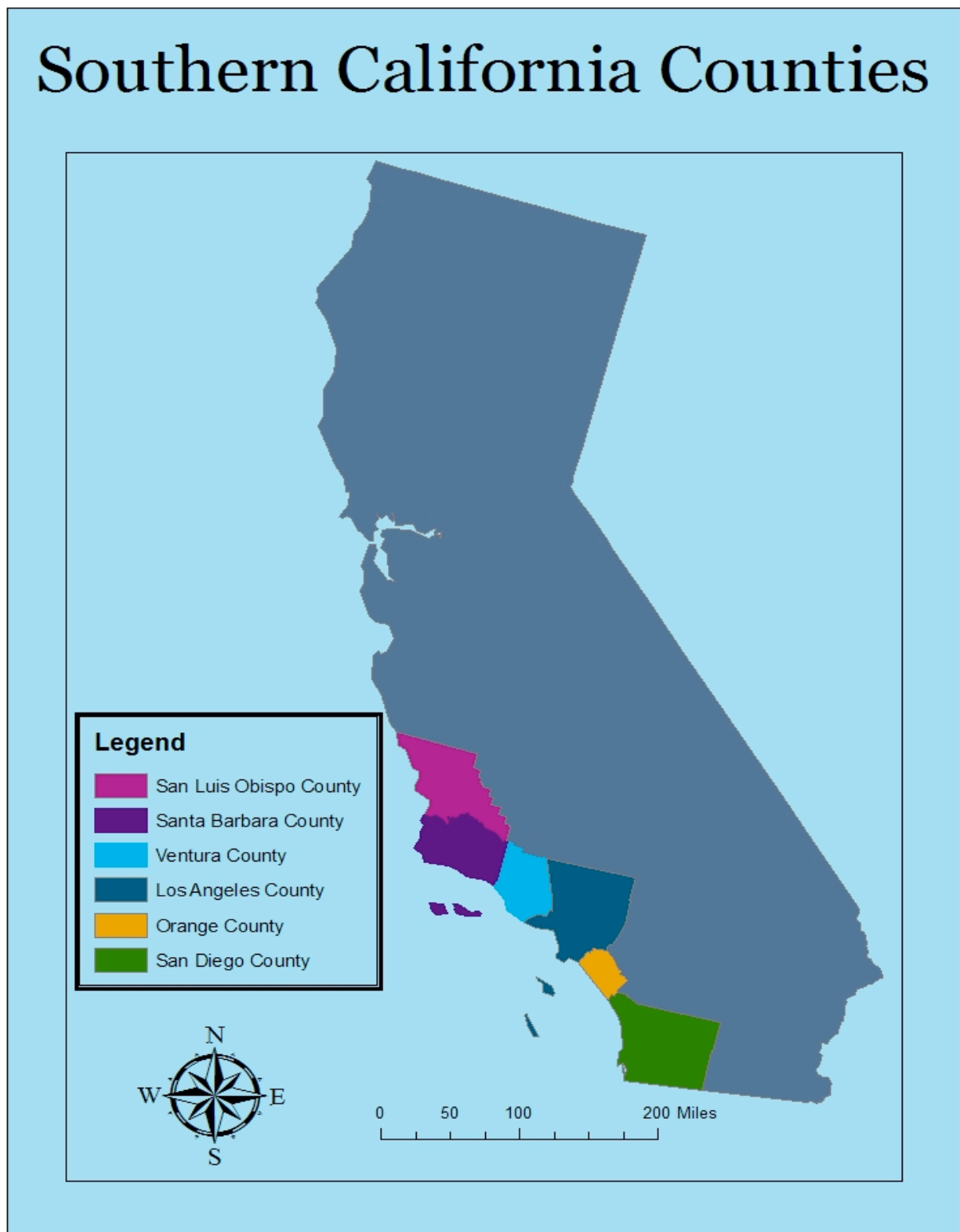


Figure 8.

In Figure 9, the census data shows how specific areas are populated. Southern California is a highly populated part of the state. Due to the population size, there is a greater chance that both domestic violence and trafficking cases occur in these areas.

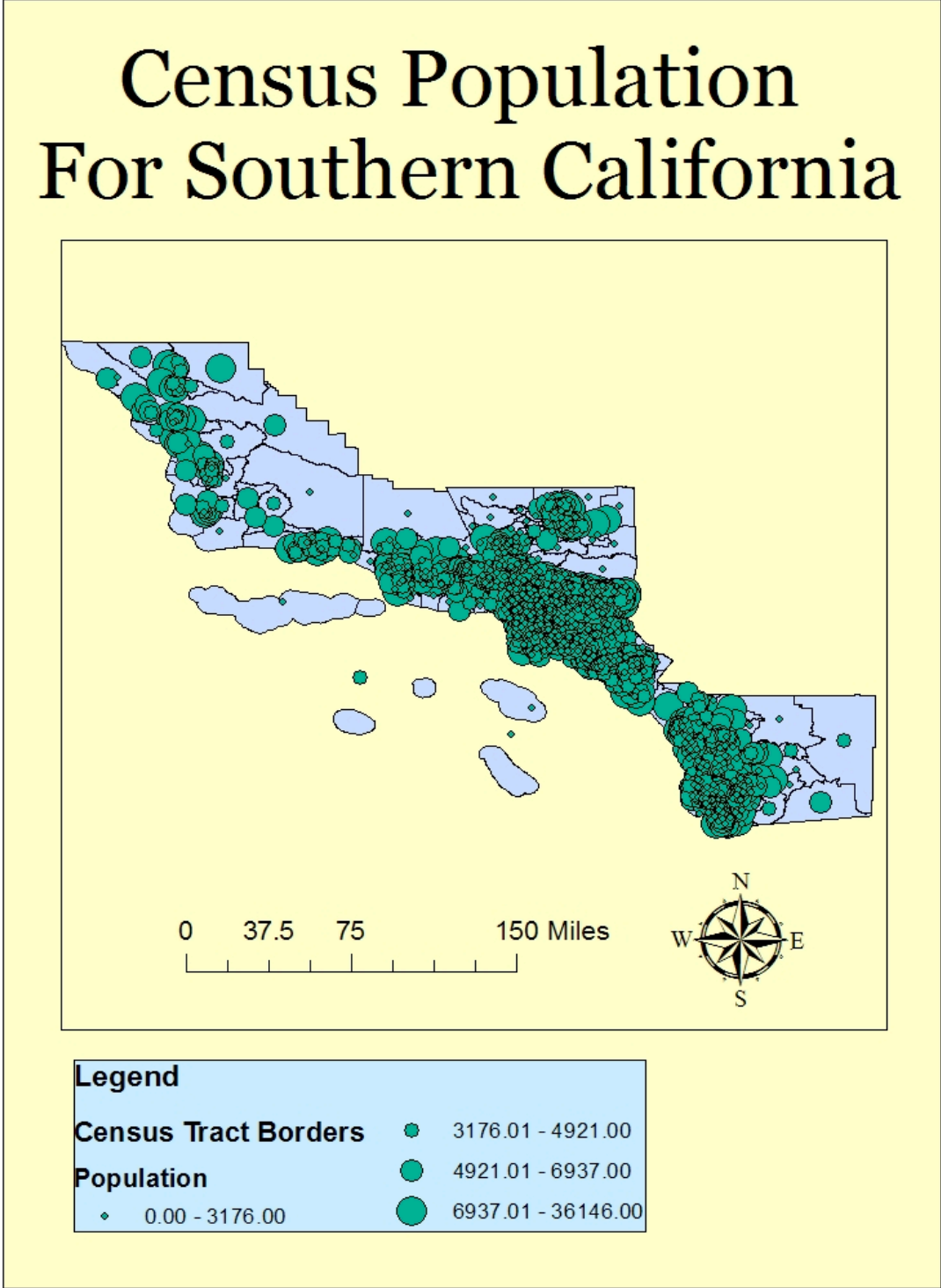


Figure 9.

Every 13 seconds, a man beats his partner.<sup>10</sup> Although not every victim of domestic violence goes to a shelter, there is still a huge demand for a safe place for victims. When looking at the six counties in southern California (see Figure 10), there are 39 shelters for domestic violence (Statewide California Coalition for Battered Women 2005). On an average these shelters have 5 rooms.



**Figure 10.**

<sup>10</sup> Women's Shelter Program San Luis Obispo (2010). National Statistics. Retrieved from <http://www.womensshelterslo.org/get-informed/national-statistics>



As of February 2011, there are a total of four shelters for trafficked victims in southern California. Three shelters are in Los Angeles County and one is in La Mesa, outside of San Diego (see Figure 11).

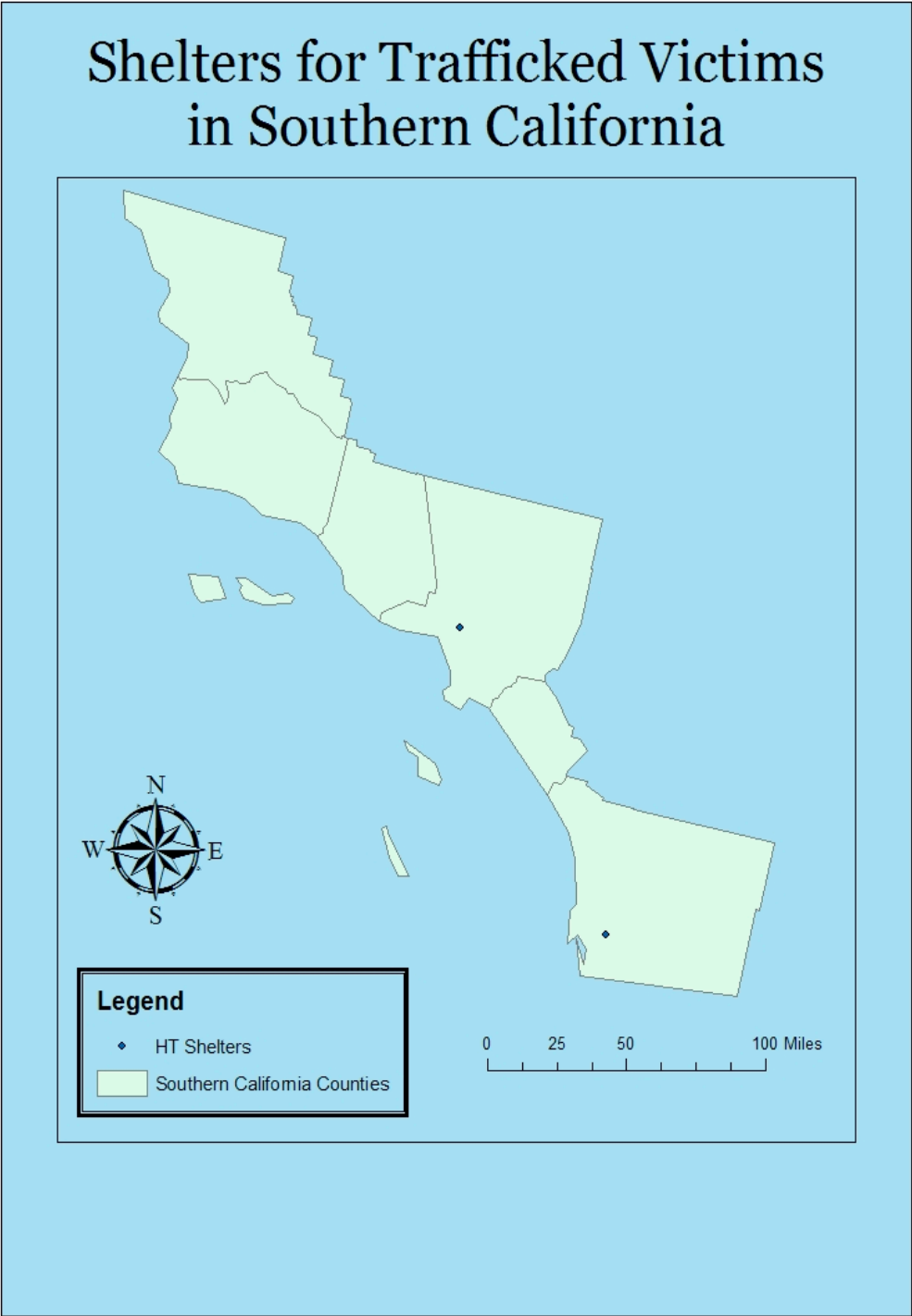


Figure 11.

As shown by the maps, there are many more domestic violence shelters in southern California, compared to the number of shelters for trafficked victims. The data shows that the ratio is 39 to 4. Most trafficked victims are sent to domestic violence shelters; however, this causes many issues (Kloer 2009). During an interview, Victim Specialist from the FBI Los Angeles office said that as long as domestic violence shelters don't allow the entry of trafficked victims into their shelters, then they never will know how to help trafficked victims (FBI Victim Specialist, telephone interview, February 11, 2011). She argued that there is a shelter crisis in California because emergency shelters, like for victims of domestic violence, will not allow for trafficked victims to enter. However, domestic violence shelters are and should be kept unique to victims of domestic violence. Trafficked victims suffer from a different type of trauma that staff members at domestic violence shelters are not equipped to help with. Trafficked victims also need their own type of legal advice, which often consists of getting a T-visa and pressing charges against their traffickers and/or pimps. Lastly, these victims need a higher level of security when compared to domestic violence shelter clients. Traffickers may come searching for their escaped victims, which may put other shelter clients in danger. These differences show that shelters and other services must be provided for trafficked victims.

## **V. Human Trafficking: San Luis Obispo County**

### **Paso Robles Case**

In March 2010, the FBI and the Paso Robles Police Department arrested Maximo ("Max") and Melinda Morales on charges of trafficking Filipino nationals. The victims were forced to work at four different elderly care facilities in Paso Robles. The FBI was notified when two of the victims confided in a family member of one of the residents. Steve Martinez, Assistant Director of the FBI office in Los Angeles, stated,

The defendants in this case allegedly lured the victims with the promises of legitimate work and a better life in the U.S...Then smuggled them into this country through fraud and forced

victims to work in rigorous, inhumane conditions, thereby depriving them of their basic civil rights (Oato 2010).

The laborers were allegedly forced to work 24-hour workdays without days off. Max, 44, and Melinda, 46, forced the workers also slept in hallways, garages, and closets (Veile 2010). These poor working conditions were drastically different from what the Morales couple, originally from the Philippines, promised to their workers. Investigators reported that the couple allured victims with the promise of a well-paying job and “a better life”. Max Morales lent the Filipino nationals between \$3000 and \$8000 to pay a smuggling service and for airfare (Veile 2010). Upon their arrival, the workers were told that they had to repay this money and their passports were confiscated. One caregiver worked unpaid for more than a year while all of her wages, \$1,000 per month, went to paying off her debt (Veile 2010). Names and ages were not disclosed, but federal agents said that they were all adults (Strickland 2010). Max Morales ordered his caregivers to follow these rules:

- Workers are not to talk to neighbors or the family members of residents;
- Workers should not take public transportation because of police checkpoints throughout Paso Robles;
- Workers are not to go against the Morales because they are powerful and wealthy people who could make trouble for their families;
- And workers should lie to Social Service representatives and tell them that two caregivers worked with each six patients during the day when actually only one caregiver was available (Veile 2010).

With four to five residents in each house, the homes specifically served seniors who needed assistance in taking medicine and bathing (Strickland 2010). The 19 residents in the elderly care facilities were immediately sent to the Department of Social Services in San Luis Obispo. The Morales couple is facing three counts of intentionally concealing harboring aliens. If convicted, they could spend up to 30 years in prison (Key News 2010).

When I questioned the FBI about this case they told me that they could not talk about ongoing cases. However Victim Specialist assured me that trafficked victims are not deported

(Personal Interview February 11, 2011). Information was not disclosed about whether or not the victims have begun the long process of acquiring the T-visas.

### **Findings and Interviews**

I interviewed four representatives from police departments in the county and one Special Agent from the FBI office that has jurisdiction over San Luis Obispo County. Through my interviews, I asked specific questions to gain the scope of the problem, inquire about identifying victims, learn about the department's training curricula, and investigate their prevention techniques.

### **Pismo Beach**

On January 11, 2011, I met with Commander Mark Miller from the Pismo Beach Police Department in order to gain some information on human trafficking in Pismo Beach. Miller, who has been with the department for over 20 years, spoke of how he has never heard of a case. He expressed that human trafficking often happens in larger cities, unlike in small places like Pismo Beach. With 25 police officers, Miller assured me that his police department "would be well-equipped for handling a situation like this." First, they would lock down the scene for investigating, and then they would involve the federal authorities and possibly social services. When I asked if his department was specifically trained on the issue of human trafficking, Miller stated that they were not. However, I was happily surprised to hear that it is required for the Pismo Beach Police Department to undergo training for hate crimes at the Museum of Tolerance in Los Angeles. He stated that the Museum of Tolerance may talk about human trafficking, but they do not cover it extensively. After discussing the possible trainings that their department go through, I wanted to question him about whether or not he believes that the public is informed enough on this issue to report it. I stated,

With the case in Paso Robles, it was discovered that there was human trafficking in this elderly home because one of the client's family members thought something was suspicious. Do you believe that if that was to occur in Pismo, that the public is aware enough about this issue to report it?

Miller replied by expressing that people in Pismo Beach aren't really "looking for [human trafficking]," but the public would still report this issue if they saw that some unusual activity was going on. He also described that reporting human trafficking is similar to reporting if one's neighbor is using drugs. "We depend on the public to act as our eyes and ears," he said. I also argued that Pismo Beach is a huge place for tourists to visit. Sex tourism is a very popular trend that is happening all over the world in tourist cities. Pismo Beach is a city that has a huge row of hotels, so I questioned if the local police have ever had issue with prostitution in hotels. Miller stated, "Yes, unfortunately we have had some issues with that in the past." This caused for me to inquire if any of the prostitutes were forced to work and he confidently said that each woman wanted to be a prostitute. He said that these were only local women.

Lastly, I pointed out the fact that trafficked victims are probably being transported via the 101. Miller agreed and said that if they found something suspicious, such as a van speeding full of Asian girls, then they would investigate. With my final question, I asked if their department would ever create a special division for human trafficking. Miller said that the Pismo Beach Police Department would not create a special division because if it were a huge issue they would call for the federal agency to get involved. He then concluded our interview by describing how the Pismo Beach Police Department would work as a team with the FBI in order to investigate a specific case if human trafficking was to occur in their city.

### **San Luis Obispo**

Captain Tom DePriest has been with the San Luis Obispo Police Department for 23 years and has never heard of a case of human trafficking in San Luis Obispo. Before meeting with me, he double-checked by contacting San Luis Obispo's Assistant District Attorney, Daniel Hilford, who confirmed DePriest's knowledge. When we met, I questioned what his department's role would be if they were to come across a case of human trafficking in this city. He stated, "We dive into things;" the police department would investigate and then federal agents would be called. I had

heard that San Luis Obispo had a special narcotics unit, so I had been wondering if the police department had seen any unusual activity where there could be a combination of drug and human trafficking. DePriest assured me that they have not seen any such case during the last five years. He continued to explain that he is “not naïve. Could [human trafficking] be happening in the community? Yeah. But it is not a huge issue.” This explanation showed me that the police departments’ actions are determined by the demand in the community. In San Luis Obispo, they have never had a case; thus, they are not extremely concerned about human trafficking. Once it becomes a larger problem, then the police would definitely have a handle on this issue.

I was also very curious if the San Luis Obispo Police Department trained their men and women on this issue. When questioned, DePriest informed me of the POST training; however, it is not a mandatory training for their police department. He also encouraged me to contact the Allan Hancock Community College. The Applied Social Sciences Department has an Administrative Justice degree program, which trains students to become law enforcement officers.<sup>11</sup> When I talked to a professor from the program, he stated that human trafficking is not a “specific topic or objective of their curriculum” (Personal communication, January 24, 2011). He continued to inform me that human trafficking is “covered briefly in three of the courses: Criminology, Administration of Justice System, and Community Relations.” This is also a topic that some students select to write papers on. “Courses more specific to human trafficking are normally covered as upper division and not something we would do at the community college level,” he said (Personal communication, January 24, 2011).

### **Paso Robles**

After hearing so much about the case of human trafficking in Paso Robles, which is the only reported case of human trafficking in San Luis Obispo County, I knew that I needed to interview

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<sup>11</sup> Allan Hancock College. (2011). *Applied Social Sciences: AJ Degree Program*. Retrieved from <http://www.hancockcollege.edu/Default.asp?Page=1486>

the people who dealt with this case. On January 19, 2011, I met with Lieutenant Tim Murphy who was the liaison for the Press Release on the Morales case. With this specific case, Murphy told me how the FBI Los Angeles Division got involved, as well as local social services. The Paso Robles Police Department's role was to "provide local law enforcement representation and presence at the scene," said Murphy. In this case because human trafficking is a federal offense, the FBI had more jurisdiction than the local police. Still, the Paso Robles Police Department reacted to this experience. Murphy explained how this incident was an "eye-opener" for the department. "We realized that [human trafficking] can happen here." After this experience, the department was briefly trained on human trafficking by FBI curricula. Currently, the department does not have a special division for human trafficking and it is not mandatory to be trained on this issue, even though it has occurred in the city. Murphy does not see the department creating a special division in the future because they currently have 30 officers when they are in need of 40 officers. If a division was to be created, he could see a regional or a countywide team being set up.

### **Morro Bay**

Before I began this project, I had heard some rumors about the massage parlors in Morro Bay that may be a source of illegal prostitution and possibly sex trafficking. I drove up to the Morro Bay Police Department on January 24, 2011. I parked right across the street from the police station and as I pulled up I noticed a sign. The sign was advertising for Thai and Swedish massages. There was no company name on the sign, instead there were instructions to call a number or inquire in the golf shop. The sign was right in front of this golf shop (see Figure 12). I immediately thought to myself that this is incredibly shady to ask about massages in a golf shop.



**Figure 12.**

When meeting with Commander Bryan Millard, who has been with Morro Bay Police Department for ten years, he commented on my suspicion of the odd massage sign right across the street from the station. Millard discussed with me the fact that his department has received many reports dealing with the massage parlors in the area. The department has not solidified any case yet, but some of the public has suspected prostitution. The reports have explained that there has been traffic outside these parlors at strange hours. Millard continued to describe that there has been some undercover work, but the police's investigations have been unsuccessful for whatever reason. He could not disclose a lot of information about the ongoing investigations. Millard was very truthful with me and disclosed that human trafficking and other illegal activities are surely occurring in Morro Bay. He also assured that these local networks of massage parlor owners are very aware of the local police.

There is a difference between "not an issue and not a huge issue," said Millard. He stated that Morro Bay police lacks resources and manpower to tackle an issue like this. It is definitely an issue, but it is not a large problem in Morro Bay. There are 17 police officers in Morro Bay, which is the smallest amount in the county. Funding and budgets in California have set this department back by only allowing them to have a small number of officers, forcing them to lay off officers.



Because of this personnel issue, Millard explained that the department would rather deal with “crimes that are in their faces than those that are behind closed doors”.

According to Millard, the Academy covered human trafficking as a quick overview. He justified that the POST training is not mandatory because he rather have his officers take a class on “updating drunk driving exams” rather than on human trafficking. It is simply not a crime that is in their face. They are more concerned with drunk driving, domestic violence, and drugs in schools rather than something that is behind doors. Millard did support creating a special problems unit, like San Luis Obispo County’s Narcotics Special Unit, that could address human trafficking and gangs. Millard concluding our interview by saying, “We need to ask, where are the problems going to hit us?”

#### **Federal Bureau of Investigation, Santa Maria Resident Agency**

The Federal Bureau of Investigation, Santa Maria Resident Agency was established in 1942 and they have jurisdiction in San Luis Obispo County, as well as part of Santa Barbara County. The Special Agent I met with on January 31, 2011 has been with the FBI for five years and has been at the Santa Maria office since September 2009. Since working in San Luis Obispo County, he has only heard of the case in Paso Robles with the Morales couple. He clarified that this “doesn’t mean that [human trafficking] isn’t here, people just don’t report it.” In his career, he has seen more women being exploited compared to men. But in Santa Maria, he would assume that there would be more men trafficked compared to women due to the agricultural sector.

In order for the FBI to have a case of human trafficking, they must obtain a report of it. “We can’t investigate until reported because we are bound by the Constitution and policies of the Department of Justice,” said the Special Agent. They need a basis to investigate, but the issue is that human trafficking is still occurring even though this is an under-reported crime. He continued to explain that one of the reasons why it is an under-reported crime is because victims are concerned about law officials and they are afraid to come forward. I expanded this thought by

stating that it is a common belief that victims will be deported or treated as a criminal. We both agree that we need to inform the type of public that would be trafficked that they are not going to be treated as criminals. He informed me of the Victim Bill of Rights, which is through the FBI Victim Specialist Program. The Special Agent stated that most are unaware of this issue for the most part, but people may be a little more aware in Santa Maria since it is a migrant community and people talk. He stated, “Human trafficking is taken very seriously. These cases are passed onto the right people. Bureau wide, it is seen as an important issue. If we have the opportunity to help, we definitely will.”

### **Recommendations and Solutions**

San Luis Obispo County is home to major industries that are targeted by traffickers for forced labor abuses. These include the agriculture, restaurant, hotel, massage parlors, and car wash industries, as well as services such as janitorial, day laborers and domestic household. After my various interviews, I can declare that the local law enforcement does not match up federal legislation. The majority of the police departments don’t believe that this is an issue in their jurisdiction. However, each one told me that they were sure that human trafficking is occurring within this county, it is just under-reported. I would argue that there are still many things we need to do.

***Recommendation #1: Initiate public awareness campaigns within San Luis Obispo County in order to create an awareness that will facilitate an increase in the number of reports of human trafficking.***

W.E.B. Du Bois once stated, “There is but one coward on earth, and that is the coward that dare not know (Skinner 2008, x).” The lack of awareness and societal attitudes perpetuate this problem. It is vital to spread awareness about this issue in San Luis Obispo County. We need to not assume that human trafficking doesn’t happen in this county. In every police department, I was pleased to see public service announcement flyers on issues like domestic violence. However, there

was not one department that had flyers on human trafficking. Public awareness campaigns should be implemented in this county by advertising on buses, creating multi-language posters, and presenting Public Service Announcements on local radio stations. As an FBI Special Agent stated during our interview, “We need to target and inform vulnerable communities”. In order to target such groups in this county, we should initiate Spanish and other ethnic media to spread awareness of human trafficking. The development of resource manuals would allow for victims to learn about their rights. Under state and federal employment laws, workers—including trafficked persons—have a right to be paid, a right to a safe and healthy work environment and a right to be free from abuse and harassment in the workplace (California Attorney General’s Office 2007, 59). A campaign would also inform the public to contact the National Human Trafficking Resource Center 1.888.3737.8888, which connects victims of trafficking to non-government organizations who can help victims in their local area.<sup>12</sup> Through this public awareness campaign, it would hopefully make this a reported crime.

Social marketing techniques should be combined with public awareness. Social Marketing can influence behavior of specific audiences to change behaviors. This would help to educate people about the reality of human trafficking—that it is occurring here in San Luis Obispo County and that human beings in California, no matter where they come from, are entitled to the fundamental human rights (California Attorney General’s Office 2007, 84). Promoting outreach campaigns in local schools would educate older students about these realities. The U.S. Department of Health and Human Services created the campaign titled, “Look Beneath the Surface”. Such a public outreach campaign can be used as a great model for the various police departments in San Luis Obispo County.<sup>13</sup>

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<sup>12</sup> Polaris Project: For a World Without Slavery. Retrieved from <http://www.polarisproject.org/>

<sup>13</sup> United States’ Department of Health and Human Services. *Look Beneath the Service: Human Trafficking is Modern Day Slavery*. Administration for Children and Families. Retrieved from <http://www.acf.hhs.gov/trafficking/>

While spreading awareness about human trafficking, two major myths need to be dismantled. First of all, sex trafficking is not the only form of human trafficking that occurs in California. The issue of forced labor needs to also be recognized in San Luis Obispo County. Due to this area's agricultural sector, many men may be a vulnerable population. Trafficking of males is more common than many suspect. Certain gender roles and misconceptions also cause for law enforcement and social services departments to not consider males as trafficked victims. Men are viewed as heroes and breadwinners. The stereotype of the "big strong man" who can't be a victim is very prevalent. There is also the attitude that a man asked for it; whereas, women and children are viewed as passive victims. This population needs to be acknowledged as possible victims in this area.

***Recommendation #2: A San Luis Obispo regional task force should be created to prioritize human trafficking among the local police departments.***

After Paso Robles had their first human trafficking case, the police department was in shock that this occurred. The department could not believe that this had occurred within their jurisdiction. The other police departments should use this eye-opening experience as an example. We need to question, where else is human trafficking going on in this county? By creating a regional task force, the local law enforcement can create a network by collaborating with local non-governmental organizations. This would be a preventative action that would implement public awareness campaigns, educate the community about human trafficking, and investigate the extent of this issue. This task force would prioritize this issue countywide. Funds from Department of Health and Human Services could also help to support local law enforcement in their battle to combat human trafficking. The California Emergency Management Agency reported that three new agencies would be created in the areas that are currently being underserved, which includes the coast (Bullock 2010, 1). This would be a huge step because this would be the first task force in a smaller county with non-urban cities. The task force could educate first responders about the trafficked

person's civil rights, so that they may inform the trafficked individuals with whom they come in contact with. There is also a need for the task force to connect first responders to civil rights attorneys who are equipped to effectively represent trafficked persons who wish to sue their traffickers (California Attorney General's Office 2007, 60).

***Recommendation #3: Local police officers and other first responders should go through mandatory training in order to learn how to identify victims.***

The greatest challenge is locating and identifying victims. Most often, police officers are the first to come in contact with victims, but if trafficked victims aren't identified properly then they are often detained and deported. Because they live and work at the margins of society, they are easily labeled as illegal immigrants and/or prostitutes. They should be viewed not as criminals, but as victims. Hillary Rodham Clinton, Secretary of State, explains that human trafficking "is an affront to our values and our commitment to human rights (U.S. State Department 2000)."

Obviously, an individual has the right to not be trafficked, which is clearly stated in Article 4 of the Universal Declaration of Human Rights. Article 4 states, "No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms" (Universal Declaration of Human Rights 1948). But it is vital to note that anti-trafficking measures must not be counter active to what one desires to achieve in preventing trafficking. The victim must be placed at the center of all efforts. When local law enforcement is involved, they must assess strategies on a basis of measuring human rights' impact.

Local law enforcement, social services, and health care providers need to be trained smart and trained often on how to properly identify those who have been trafficked. Victims can be freed if "they reach out for help, if someone notices that something is wrong and notifies authorities, or if law enforcement or labor authorities identify and assist them (California Attorney General's Office 2007, 50)." Most trafficking victims may be reluctant to come forward about their status because of fear and abuse they have suffered at the hands of their trafficker. Victims are too frightened and

don't seek help for a number of reasons. It is common that they have a sense that there are no viable options to escape their situation. They may fear deportation, retaliation, or lack trust in the system. They may also lack knowledge about available services and their rights (California Attorney General's Office 2007, 47).

Because the California laws on human trafficking are new, most police officers are not trained on this issue and often fail to notice human trafficking. Police may tolerate and ignore illegal brothels, and focus resources on crimes with more obvious victims, such as drugs (Reiger 2007, 246). The federal and state laws provide funding for training programs, but these are under-utilized (Reiger 2007, 245-246). In 2006, POST completed a training DVD, "Response to Human Trafficking," and "Guidelines on Law Enforcement Response to Human Trafficking" (California Attorney General's Office 2007, 70). This training focuses on identifying, communicating with and protecting victims. It also describes appropriate investigative techniques; civil and immigration remedies for victims; and community resources. POST and the San Diego Regional Training Center also developed a 40-hour training course on human trafficking, which was held in San Diego in June 2007 (California Attorney General's Office 2007, 70). The two-hour POST-certified human trafficking training program should be mandated for members of law enforcement. The training could be offered as a "telecourse or a learning portal, which would minimize the time burden and allow police officers to complete it without missing work" (California Attorney General's Office 2007, 73). Trainings on human trafficking are also possible through the Department of Justice, the Federal Bureau of Investigation, the Department of Labor, and the California District Attorneys Association. In Appendix 2, there are various steps on how to recognize victims of human trafficking.

## **VI. Conclusion**

Human trafficking is one of the most shameful human rights violations. It knows no boundaries of geography, culture, or wealth. Currently, it is not an issue that is considered to be "in

front” of the local police officers’ faces. It is very logical to believe that because there has only been one case of human trafficking in the county, then it is not a huge issue in this area. However, I would like to challenge this notion by asking if human trafficking has been thoroughly investigated in the San Luis Obispo County. This is a complicated issue that is not well understood by the public and local law enforcement, which causes it to be an under-reported crime. But just because there have been no reports, it does not mean that it is not going on. This is a crime that many have chosen to ignore. Domestic violence used to be a crime that was not “in front” of police officers’ faces. But now the police definitely recognize this issue and try to prevent it. It is time that the same happens with the issue of human trafficking. This crime must be taken seriously and prioritized in this county. The same needs to occur for human trafficking. Through public awareness campaigns, an anti-trafficking police task force, and mandatory trainings, human trafficking can be prevented in San Luis Obispo County. As long as human trafficking continues and remains an under-reported crime, we cannot claim to be making progress towards equality, peace, and justice.

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*Appendix I: Interview Questions*

1. On an average, how many trafficking cases do you deal with annually?
2. Where are the majority of trafficked victims from?
3. How many are men, children, and women?
4. Where do you mainly find the victims? Massage parlors, apartments, homes, factories, fields?
5. How do you identify a victim?
6. What is your typical process for rescuing victims?
7. Once the victims are rescued, where do they go?
  - a. What is your role in making sure they are back with their families or that they aren't put in danger again?
8. Is your department trained on how to indentify victims? Is this a topic that is talked about a lot among your colleagues?
9. Do you have a special division for trafficking?
  - a. If not, do you think your department will create one in the future?

Specifically for FBI:

10. When was your department created?
11. Can you give me a description of your job? What is your title/position?
12. Are there other divisions like yours through out California?
13. Are you underfunded? Why are there only two agents for such a large area? Will this change?



**Visible Indicators of Trafficking May Include:**

- Heavy security at the commercial establishment including barred windows, locked doors, isolated location, electronic surveillance. Women are never seen leaving the premises unless escorted.
- Victims live at the same premises as the brothel or work site or are driven between quarters and "work" by a guard. For labor trafficking, victims are often prohibited from leaving the work site, which may look like a guarded compound from the outside.
- Victims are kept under surveillance when taken to a doctor, hospital or clinic for treatment; trafficker may act as a translator.
- High foot traffic especially for brothels where there may be trafficked women indicated often by a stream of men arriving and leaving the premises.

**What Is the Profile of a Trafficking Victim?**

There are indicators that often point to a person held in a slavery condition. They include:

- *Health Characteristics of a Trafficked Person:* Trafficked individuals may be treated as disposable possessions without much attention given to their mental or physical health.

Accordingly, some of the health problems that may be evident in a victim include:

- Malnutrition, dehydration or poor personal hygiene
- Sexually transmitted diseases
- Signs of rape or sexual abuse
- Bruising, broken bones, or other signs of untreated medical problems
- Critical illnesses including diabetes, cancer or heart disease
- Post-traumatic stress or psychological disorders
- *Other Important Signs:* In addition to some of the obvious physical and mental indicators of trafficking, there are other signs that an individual is being controlled by someone else. Red flags should go up for police or aid workers who notice any of the following during an intake. The individual:
  - Does not hold his/her own identity or travel documents
  - Suffers from verbal or psychological abuse designed to intimidate, degrade and frighten the individual
  - Has a trafficker or pimp who controls all the money, victim will have very little or no pocket money

**Questions to ask if you suspect you are in the presence of a trafficking victim:**

- Is the person free to leave the work site?
- Is the person physically, sexually or psychologically abused?
- Does the person have a passport or valid I.D. card and is he/she in possession of such documents?
- What is the pay and conditions of employment?
- Does the person live at home or at/near the work site?
- How did the individual arrive to this destination if the suspected victim is a foreign national?
- Has the person or a family member of this person been threatened?
- Does the person fear that something bad will happen to him or her, or to a family member, if he/she leaves the job?

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<sup>14</sup> Human Trafficking: A Web Resource for Combating Human Trafficking. (2011). *How you can help*. Retrieved from [http://www.humantrafficking.org/combat\\_trafficking](http://www.humantrafficking.org/combat_trafficking)

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