



# Human Trafficking

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# Objectives

- Define human trafficking
- Review the current state and federal laws on human trafficking
- Recognize the problem of human trafficking in the United States and particularly, in Indiana
- Learn to identify and recognize common characteristics of a trafficker and victim of human trafficking
- Learn the different resources available to contact authorities to assist victims and report possible human trafficking



# What does the AG's office do?

- Expansion of the Attorney General's Investigations Division
  - Assistance with Law Enforcement Investigations & Prosecutions
  - Outreach
  - Oversight



# What is Human Trafficking?



# What is Human Trafficking?

- **Sex Trafficking**

- Involves recruiting individuals through the use of force, fraud or coercion to engage in sexual acts for the financial gain of the trafficker.

- **Labor Trafficking**

- Involves recruiting individuals through the use of force, fraud, or coercion to provide services for the financial gain of the trafficker.



# Elements of Human Trafficking

Force	Fraud	Coercion
<ul style="list-style-type: none"><li>• Kidnapping</li><li>• Torture</li><li>• Battery</li><li>• Threats with Weapons</li><li>• Sexual Abuse</li><li>• Confinement</li><li>• Forced Drug use</li><li>• Forced Abortions</li><li>• Denial of Medical Care</li></ul>	<ul style="list-style-type: none"><li>• Promises of Valid Immigration documents</li><li>• Instructed to use false travel documents</li><li>• Contract signed for legitimate work</li><li>• Actual job differs from the promised job</li><li>• Promises of money or salary</li><li>• Misrepresentation of work conditions</li><li>• Wooing into a “romantic” relationship</li></ul>	<ul style="list-style-type: none"><li>• Debt bondage</li><li>• Threats of harm to victim or family</li><li>• Control of children</li><li>• Controlled communication</li><li>• Photographing in illegal situations</li><li>• Holding identification and travel documents</li><li>• Verbal or psychological abuse</li><li>• Control of victim’s money</li><li>• Punishments for misbehavior</li><li>• Withholding drugs</li></ul>



# Indiana Law

## IC 35-42-3.5-1 – Promotion of Human Labor Trafficking

- **Sec. 1 (a)** A person who, by **force, threat of force, coercion, or fraud**, knowingly or intentionally recruits, harbors, provides, obtains, or transports an individual
  - To engage the individual in labor or services
  - Commits promotion of human labor trafficking
  - A level 4 felony





# Indiana Law

## IC 35-42-3.5-1.1 – Promotion of Human Sexual Trafficking

- **Sec. 1 (a)** A person
- who knowingly or intentionally
- uses force, threat of force, coercion, or fraud to recruit, entice, harbor, or transport an individual with the intent of causing the individual to:
  - (1) marry another person
  - (2) engage in prostitution
  - (3) participate in sexual conduct
- Commits promotion of human sexual trafficking
- A level 4 felony



# Indiana Law

## IC 35-42-3.5-1.2 – Promotion of Child Sexual Trafficking; promotion of sexual trafficking on a younger child

- **Sec. 1 (a)** A person
- who knowingly or intentionally
- recruits, entices, harbors, or transports a child less than eighteen (18) years of age with the intent of causing the child to engage in:
  - (1) prostitution or juvenile prostitution; or
  - (2) a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation)



# Indiana Law

## IC 35-42-3.5-1.2 – Promotion of Child Sexual Trafficking; promotion of sexual trafficking on a younger child

- **(b)** It is not a defense to a prosecution under this section that the:
  - (1) Child consented to engage in prostitution or juvenile prostitution or to participate in sexual conduct; or
  - (2) intended victim of the offense is a law enforcement officer



# Indiana Law

## IC 35-42-3.5-1.2 – Promotion of Child Sexual Trafficking; promotion of sexual trafficking on a younger child

- (c) A person
- knowingly or intentionally
- recruits, entices, harbors, or transports a child less than sixteen (16) years of age
- with the intent of inducing or causing the child to participate in sexual conduct
- commits promotion of sexual trafficking of a younger child,
- a Level 3 felony.



# Indiana Law

## IC 35-42-3.5-1.3 – Child Sexual Trafficking

- **Sec. 1 (a)** A person who is at least eighteen (18) years of age
- who knowingly or intentionally sells or transfers custody
- of a child less than eighteen (18) years of age
- for the purpose of prostitution, juvenile, prostitution, or participating in sexual conduct
- commits child sexual trafficking
- a level 2 felony



# Indiana Law

## IC 35-42-3.5-1.4 – Human Trafficking

- **Sec. 1 (a)** A person who knowingly or intentionally
- pays to, offers to pay to, agrees to pay money or other property to,
- or benefits in some other manner another person
- for a human trafficking victim or an act performed by a human trafficking victim
- a level 5 felony



# Indiana Law

- IC 35-42-3.5-2 – Restitution Orders
- IC 35-42-3.5-3 – Civil cause of action



# Indiana Law

- Human Trafficking and Prostitution





# Indiana Law

- IC 35-45-4-2 – Prostitution
  - a Class A misdemeanor.
  - However, the offense is a Level 6 felony if the person has two (2) prior convictions under this section



# Indiana Law

- IC 35-45-4-3 – **Making an unlawful Proposition**
  - a class A misdemeanor.
  - However, the offense is a Level 6 felony if the person has two (2) prior convictions under this section.



# Indiana Law

- **IC 35-45-4-4 – Promoting Prostitution**
  - a Level 5 felony
  - However, the offense is a Level 4 felony under the subdivision (1) if the person enticed or compelled is less than eighteen (18) years of age.



# Indiana Law

- Other Charges
  - Battery/Assault
  - Kidnapping
  - Confinement
  - Sexual Misconduct with a minor – IC 35-42-4-9



# Federal Law

- **Victims of Trafficking and Violence Prevention Act of 2000**
  - Defines labor and sex trafficking
  - Provides for penalties for traffickers
  - Provides for civil restitution for victims
  - Outlines the requirements for T-visas for victims
  - Recognizes “trafficking in persons” as both sex trafficking and labor trafficking
- **Trafficking Victims Protection Reauthorization Act of 2013**
  - Provides avenues for victims to sue their traffickers and seek punitive damages, attorneys’ fees and other litigation costs
  - Outlines immigration benefits and adjustment for victims
  - Discourages child marriage



# Federal Sentencing Guidelines

Offense	Sentence
Forced Labor	Up to 20 years
Trafficking into servitude	Up to 20 years
Sex Trafficking	Up to Life
Involuntary Servitude	Up to 20 years
Peonage (debt bondage)	Up to 20 years
Document Servitude	Up to 5 years
Conspiracy against rights	Up to life if kidnapping, sexual abuse or death



# Indiana Sentencing Range

Offense Level	Penalty Range	Advisory Sentence
Murder	45-65 years	55 years
Level 1	20-40 years	30 years
Level 2	10-30 years	17.5 years
Level 3	3-16 years	9 years
Level 4	2-12 years	6 years
Level 5	1-6 years	3 years
Level 6	0.5-2.5 years	1 year

Class B Credit Time = 75% = get 1 day credit for every 6 days served



# Human Trafficking

- No force, fraud or coercion required for victims under the age of 18





# Distinguishing Human Trafficking from other Crimes

- **Human trafficking vs.**

- Smuggling
- Extortion
- Sexual Assault
- Prostitution
- Labor Violations

- **Includes crimes of**

- Domestic violence
- Child abuse
- Sexual assault
- Labor exploitation



# Who is the Victim?



# Vulnerabilities

- Runaway youth
- Homelessness
- Poverty
- Lack of education
- Mental illness
- Sexual identity
- Prior abuse or violence
- Immigration status
- Lack of self-esteem
- Language barriers





**Who is the trafficker?**

# Victims and Perpetrators

- Are not restricted by race or ethnicity
- Are not restricted by nationality
- Are not restricted by gender
- Are not restricted by age
- Are not restricted to urban areas



# Recruitment

- Romantic relationship
- Promises of a better life
- Promises of valid visa documents
- Promises of money or salary
- Promises of legitimate job
- Threats of harm to individual or their family
- Drugs
- Debt bondage
- Social Media



“Human Trafficking is a third world problem.”



“Human Trafficking is more prevalent along the coasts, not in Indiana.”







It's happening where we live: in rural fields,  
restaurants, hotels, nail salons and shops in small  
towns and cities in Indiana.



# Is it a problem in Indiana?

- **15-18** is the average age that U.S. kids are first pulled into the commercial sex industry
- 83% of sex trafficking victims found in the U.S. were **U.S. citizens.**



# An Indiana problem?

“Expectations tend to be high for children’s quality of life in Hamilton County’s high-end suburban communities. Only the best. Only the safest. Only the brightest of opportunities for kids to thrive. Yet, even here, the child sex trade festers. In 2016, authorities identified nine children from Hamilton County, all girls, who were purchased by adult buyers for sex, often in hotels in the Castleton area. The youngest victim was 11 years old. ‘These are students at Carmel High, Fishers and Hamilton Southeastern,’ said Addie Wood, an attorney with the Hamilton County Guardian Ad Litem program.” (IndyStar, Jan. 13, 2017)



# Why Indiana?



# Why Indiana?

- Major Sporting events
- Conventions
- Competitions



# Why Indiana?

- 6.667 million residents in the state
- Over 11 times the population = visitors each year



# Why Indiana?

- Youth between the ages of 12-17 are more susceptible to runaway or become homeless
- In 2017, in Marion County alone, 317 people under the age of 18 were homeless





# What should you look for?

## Living Conditions

- Individual is constantly monitored and unable to move freely
- Individual owes a large debt and is unable to pay it off
- Heightened security at residence
- Lack of personal items/belongings
- Appears to be dressed older or inappropriately for the weather
- A minor skipping school



# What should you look for?

## Physical and Mental Health

- Individual is unaware of surroundings
- Shows signs of physical or sexual abuse
- Appears to lack medical care
- Fear of law enforcement
- Appears anxious, fearful or depressed
- Appears malnourished



# What should you look for?

## Control

- Individual not in possession of identification documents
- Unable to travel alone
- Often has to check in with others
- Individual looks to someone else when spoken to
- Refuses to speak or communicate with others
- Refuses to look up or make eye contact
- “branding” – tattoo or jewelry with trafficker’s name



# What should you look for?

## Working Conditions

- Individuals works and sleeps in the same location
- Individual hardly takes a break
- Individual is unpaid or paid very little
- Individual works in unsafe environment



# Relief for Victims

- Indiana
  - IC 35-42-3.5-2 – Restitution Orders
  - IC 35-42-3.5-3 – Civil cause of action



# Relief for Victims

- Immigration Relief
  - U visa
  - T visa
  - VAWA – Violence Against Women Act
  - Other options
- TVPA Damages
- Breach of Contract
- Restitution
- FLSA
- Wage theft claims



# What can you do?

- Be aware of the red flags
- Keep your eyes open
- Do NOT confront a suspected trafficker
- After making observations, document what you saw/heard
- Report suspicious activities
  - If you see something, say something



# What can you do?

- National Human Trafficking Hotline 1-888-373-7888
  - Text BeFree (233733)
- If a minor is involved, call DCS – 1800-800-5556
- Call local law enforcement – 911
  - You can also text 911
- Office of the Indiana Attorney General -  
htinfo@atg.in.gov





# Questions?



# Contact Information

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