Human trafficking is a modern form of slavery. It involves controlling a person through force, fraud, or coercion to exploit the victim for forced labor, sexual exploitation, or both. Human trafficking strips victims of their freedom and violates our nation’s promise that every person in the United States is guaranteed basic human rights. It is also a crime.

To lay the foundation for an examination of the state of human trafficking in California today, this chapter explores the crime from a variety of angles. Along with an overview of the definitions of human trafficking and its various types, this chapter also explores emerging trends – including the increased participation by transnational gangs who move guns, drugs, and human beings across the border with Mexico, as well as domestic street gangs that set aside their traditional rivalries to profit from the sale of young women. This chapter also describes another key theme of this report: the use by traffickers of technology and social media to recruit victims and facilitate the crime.

Definitions of Human Trafficking

With the passage of AB 22 in 2005, the California Legislature defined human trafficking as “all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.” As codified in the California Penal Code, anyone who “deprives or violates the personal liberty of another with the intent . . . to obtain forced labor or services” is guilty of human trafficking. Depriving or violating a person’s liberty includes “substantial and sustained restriction of another’s liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reason-
ably believes that it is likely that the person making the threat would carry it out.”³ Forced labor or services include “labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person.”⁴

Federal law defines human trafficking as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”; or “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”⁵

Both state and federal definitions include a critical aspect of this crime: victims are exploited by “force, fraud, or coercion.” In the context of human trafficking, force typically involves physical and/or sexual abuse, as well as isolation and confinement. It is important to note, however, that this crime does not require physical force, physical bondage, or physical restraint. Coercion is also measured as a psychologically-based form of control, which may be exerted through threats of harm to the victim and his or her family or threats of deportation. Fraud can occur when a trafficker deceives a victim, often with the promise of a legitimate job – only to force him or her into slavery.

Human trafficking takes several forms. It may involve recruiting, smuggling, transporting, harboring, buying, or selling a person for prostitution, domestic servitude, sweatshop labor, migrant work, agricultural labor, peonage, bondage, or involuntary servitude. While human trafficking often involves the smuggling of human beings across international borders, numerous Americans are trafficked within the United States every year.

### Types of Human Trafficking

**Sex Trafficking**

Sex trafficking is the act of forcing, coercing, or transporting a person for the purpose of a commercial sex act. These crimes are primarily committed against women and children. Sex trafficking can occur in residential brothels, brothels disguised as massage parlors, strip clubs, and via online escort services and street prostitution.

**Labor Trafficking**

Labor trafficking is the act of forcing a person to work for little or no money. It can include forced labor in underground markets and sweatshops, as well as legitimate businesses such as hotels, factories, restaurants, construction sites, farming, landscaping, nail salons, and traveling sales crews.

**Domestic Servitude**

A form of labor trafficking, domestic servitude often involves women who are forced to live and work in the homes of employers who confiscate their legal documents and prevent them from leaving. Domestic workers can be U.S. citizens, lawfully-admitted foreign nationals, or undocumented immigrants.
Domestic Servitude

In November 2010, a woman received a 37-month prison sentence for forcing a Chinese woman to work without pay as a domestic servant in her Fremont home. The trafficker forced the victim to cook, clean, and perform child care services. The trafficker, who was 62 at the time of her sentencing, physically abused the victim and confiscated her passport, visa, and other documents. She also admitted to telling the victim that she needed to remain inside the house because she was an illegal alien.6

Human Trafficking and Smuggling: Different Crimes

Though they are often confused, human trafficking and smuggling are separate and fundamentally different crimes. Human trafficking is a crime against the person whereas smuggling is a crime against the state. Smuggling occurs when a person voluntarily requests or hires a person, known as a smuggler, to transport him or her across a border for a fee.7 At least theoretically, a person who is smuggled into the United States is free to leave upon payment of a prearranged fee, while a victim of human trafficking is enslaved to supply labor or services. Unlike smuggling, the crime of human trafficking does not require travel or transportation of the victim across borders. Thus, human trafficking can (and does) occur domestically, with victims who are born and raised in California and other states.

It is possible for a person who has been smuggled into the United States to be trafficked in the United States. In some cases, individuals are smuggled into the United States or brought here under lawful temporary work visas, and are then trafficked.8 In such situations, the trafficker typically claims that the person owes more than the original price to bring him or her into the country, with the victim pressured to pay off the false debt.

Economic Drivers of Human Trafficking

The United States is widely regarded as a destination country for modern slavery. The U.S. Department of State estimates that 14,500 to 17,500 victims are trafficked into the United States each year.9 This figure does not include victims who are trafficked within the country each year.
Labor Trafficking

Working with a co-conspirator in the Philippines, a Paso Robles couple lured victims to the United States with the promise of good jobs. After arriving in this country, the victims worked in one of the couple’s four elder care facilities – often on 24-hour-shifts. They were paid less than minimum wage and told they needed to pay off their “debt” to the traffickers. The victims slept on sofas, and in closets and an unheated garage, and were kept in line with threats of phone calls to the police or immigration authorities. After an observant and concerned member of the community reached out to law enforcement, the victims were rescued. In 2012, the labor traffickers were sentenced to 18 months in federal prison.10

Victims of human trafficking can be involved in agricultural and construction labor, hotel and motel cleaning services, organized theft rings, pornography, prostitution, restaurant and domestic service, servile marriage (mail-order brides), and sweatshops, among other work.

The root causes of international human trafficking identified in the 2007 *Human Trafficking in California* report are still key motivators. The underlying economic and social conditions in “source” and “destination” countries serve to create both the supply and demand for the global trade in persons.

In “source” countries, key “push” factors that help to create a ready supply of potential victims include poverty and an unstable political structure. Women are disproportionately impacted by global poverty – and make up the majority of human trafficking victims. Although an impoverished background is a factor in human trafficking since it is also an indicator of vulnerability, many victims of human trafficking are not from impoverished backgrounds.

The dominant “pull” factors that serve as a magnet for human trafficking in “destination” countries include the demand by certain industries for cheap labor due to fierce competition in the increasingly global economy.

The same principles apply to domestic human trafficking: among other factors, poverty and instability within a family or community can make men, women, and children vulnerable to trafficking.

Increased Role of Domestic and Transnational Gangs

Street gangs are evolving into sophisticated, organized criminal enterprises motivated primarily by high profit. They are increasingly migrating to commercial sexual exploitation to fund their operations. The prevailing wisdom among these criminals is that human trafficking is more profitable and has a lower risk of being detected than drug or weapons trafficking.11 While a trafficker can sell a gun or drugs once before investing additional resources to replenish his supply, he can sell the same person over and over. Human beings provide a renewable
Domestic and Gang Sex Trafficking

In 2011, 38 members of the Oceanside Crips Enterprise – made up of three separate Crip gang sets – were charged with a racketeering conspiracy, including the prostitution of minors and adults. The defendants allegedly set aside traditional gang distinctions and collaborated to expand their territory against rival gangs and engage in the sex trafficking of girls and women, along with attempted murder, kidnapping, and other crimes.

According to the indictment, the Enterprise operated within a “pimping” subculture known as “The Game,” in which victims, often runaways or otherwise vulnerable girls, were recruited on MySpace, Facebook, and Twitter. Once under the gang members’ control, the girls were kept locked in a hotel for 12 hours a day and forced to work as prostitutes. Victims were routinely given drugs and alcohol and physically abused or humiliated for violating the strict rules of “The Game.”

Some domestic street gangs, including the Bloods and Sureños, have set aside their conflicts and territorial disputes in the interest of organized criminal collaboration. As a result, gangs that were traditionally rivals are increasingly working together to profit from forced prostitution and forced labor of minor and adult victims. According to the FBI’s 2011 National Gang Threat Assessment report, transnational criminal organizations such as Mara Salvatrucha, or MS-13, and Somali gangs have also turned to human smuggling and human trafficking.

The low-risk, high-reward nature of human trafficking has enticed transnational gangs to partner with domestic street gangs in the United States. The Mexican drug trafficking organizations control the smuggling routes and the street gangs in the United States have knowledge of local contacts and criminal activity hot spots. These gangs join forces to smuggle victims across the border from Mexico and then traffic them in the United States. Mexican drug trafficking organizations supply the smuggled victims, while local gangs exploit them once they arrive by forcing them into servitude to repay the smuggling fee, which may have increased upon arrival in the United States. According to the State Threat Assessment Center, Mexican cartels – with their easy access to individuals seeking entrance into the United States – have a readily available source of victims to supply the domestic human trafficking trade. These alliances give criminal gang networks both international reach and local expertise at moving people and evading law enforcement, a dangerous combination for public safety.

Highlighting the scope of the problem, in 2012, special agents with the U.S. Immigration and Customs Enforcement’s Homeland Security Investigations worked with 148 federal, state, local, and international law enforcement to arrest 637 gang members from 168 gangs – more than 40 percent of whom were affiliated with human smuggling and trafficking. The arrests spanned 150 cities in the United States and Honduras.
Human trafficking is a significant concern in Mexico as well. The Procuraduría General de la República de Mexico – Office of the Attorney General of Mexico – reported to the Mexican Congress recently that there were at least 47 criminal networks engaged in sex trafficking. It estimated 800,000 adults and 20,000 children are annual victims of human trafficking in Mexico. Two of the Mexican states identified as routes for trafficking – Baja California and Chihuahua – share borders with the United States.16

Mexican cartels build and operate underground cross-border tunnels for trafficking guns, drugs, and human beings into California. From 2007 to 2011, more than 75 cross-border trafficking and smuggling tunnels were discovered, most of them in California and Arizona.  17 The highly sophisticated nature of some of these tunnels is further evidence of extremely well-funded, meticulous, and organized operations.

In California, traffickers take advantage of the state’s borders, major international airports and ports and major interstate (and intrastate) highways to move victims to where they can be exploited for the highest prices. These profit-driven criminal enterprises will continue to engage in human trafficking as long as the rewards are high and the risks remain low.

**Human Trafficking At-A-Glance**

- **20.9 million** = estimated # human trafficking victims worldwide at any time, including:
  - **14.2 million** – labor exploitation
  - **4.5 million** – sexual exploitation
  - **2.2 million** – state imposed forced labor
  - **55%** of forced labor victims are women and girls
  - **98%** of sex trafficking victims are women and girls

*This tunnel, discovered in 2011, was used for trafficking drugs across the border and resembles other tunnels that can be used for the trafficking of persons. It ran more than 600 yards and was equipped with electric rail cars, lighting, reinforced walls, and wooden floors. The tunnel also had hydraulic doors and an elevator.*
Who are the Victims of Human Trafficking?

Victims of human trafficking include not only men and women lured into forced labor by the promise of a better life in the United States, but also boys and girls who were born and raised here in California. A victim of this crime could be a man who is a farm worker, a woman trapped in domestic servitude, or a child forced into prostitution.

Approximately three out of every 1,000 persons worldwide were in forced labor at any given point in time between 2002 and 2011.20

Victims of human trafficking represent a range of backgrounds in terms of age, nationality, socioeconomic status, and education, but one characteristic that they usually share is some form of vulnerability.21 They are often isolated from their families and social networks. In some cases, victims are separated from their country of origin, native language, and culture. Victims who are undocumented immigrants often do not report abuses to the authorities out of distrust of law enforcement, and/or fear of arrest, injury to family members, deportation, or other serious reprisals. Many domestic victims of sex trafficking are underage runaways and/or come from backgrounds of sexual and physical abuse, incest, poverty, or addiction.

Who are the Perpetrators of Human Trafficking?

Traffickers are those who recruit, harbor, obtain, and provide victims to buyers of labor or sexual services. Traffickers operate out of both legitimate and illegitimate businesses. They can be labor brokers, agricultural growers, restaurant and hotel managers, construction site supervisors, factory owners, and employers of domestic servants. They can also be involved in illegal enterprises, such as brothels, child pornography, pimping, gang networks, and organized crime.22

Traffickers are men and women of all races and nationalities. Like perpetrators of sexual assault and abuse, they may know their victims as family members, intimate partners, or acquaintances; however, they can also be strangers. In many cases, traffickers and their victims share the same national, ethnic, or cultural background, which allows the trafficker to exploit the vulnerabilities of their victims.23
Domestic Sex Trafficking

For more than a year, a Sacramento man recruited teenage girls to work as prostitutes by promising them drugs, money, and a family-like environment. The man, along with his wife, used websites to advertise the victims and controlled them through physical force and threats of violence. The man was arrested in August 2011 when police responded to a motel near the San Francisco airport and found him with a 19-year-old and two 16-year-olds. He plead guilty and was sentenced to nine years in federal prison.

Domestic traffickers focus on easy targets for exploitation. They often recruit vulnerable children and teens from junior high and high schools, courthouses, foster and group homes, bus and train stations, shopping malls, homeless shelters, halfway houses, bars, parks, and playgrounds. Members of the Work Group noted that truant teens are also a frequent target for recruiters.

Gangs and the “Pimp” Subculture

As practiced by some gangs, the pimp subculture includes a strict set of rules. Polaris Project, a nonprofit dedicated to ending modern-day slavery, developed a guide for service providers and law enforcement that describes some of the rules and terminology of the pimp subculture. The girls and women under a pimp’s control are often required to meet daily quotas; if the dollar amount is not met, she may face punishment in the form of beatings or verbal, psychological, and emotional abuse.

To protect his identity and establish his role as the authority figure, a pimp often requires the girls and women under his control to call him “Daddy,” while each individual is referred to as a “wife-in-law” or as “family.”

The girl or woman who has the longest history with the pimp, or who is favored by him, is sometimes known as the “Bottom Bitch” or the “Bottom.” She is middle management. Her role is typically to help control the other women and girls through threats or force. Often the “Bottom Bitch” is also forced to recruit new victims.

As organized gangs have discovered, prostitution is a highly profitable business. Polaris Project conducted an informal study to estimate the wages of a pimp who controlled four young women and girls. One of his victims, a teenage girl, was forced to meet quotas of $500 per night, seven days a week. Based on these quotas, the trafficker made over $600,000 in one year.

A common form of recruitment involves the techniques of what is known as a “Romeo Pimp,” who entices his victims with gifts and affection and presents himself as a boyfriend.
Domestic Sex Trafficking

In June 2011, a transient woman from Texas accepted a ride and motel room from a man in San Jose. The next morning, he demanded money and ordered her to prostitute to repay the debt. When she refused, he threatened and assaulted her. At that point, he had already posted an ad for her services online and set up a client in San Francisco. The woman escaped from the room and asked motel staff to call 911. After his arrest, investigators searched the man’s computer and discovered explicit photographs of a 17-year-old girl from a group home who he was actively exploiting as a prostitute. The trafficker was sentenced to more than nine years in prison.30

The “Romeo Pimp” uses flattery to lure victims. For young victims and those who have experienced neglect or abuse, this may be their first exposure to positive attention. The false sense of security and promises of wealth can be especially seductive to an emotionally or financially vulnerable child or teen.

Once a “Romeo Pimp” has gained a victim’s trust, he systematically breaks down her resistance, support systems, and self-esteem. Victims are coerced into submission through gang rape, confinement, beatings, torture, cutting, tattooing, burning, branding, being deprived of basic needs, and threats of murder.

“Romeo Pimp” – From a Dating Website to Backpage.com

“I field my hustle so you can make $1,000 a day. So how much did you make today? $680? That means you owe me $340 because my time is money.”

– From a recorded phone call between a Long Beach man and one of the five women he was accused in a federal complaint of forcing into prostitution.

At least five women cooperated with law enforcement in a sting operation at a Santa Ana hotel, and each told a similar story of meeting a man through an online dating website and being wooed by him. The women said they believed they were entering into a monogamous relationship with the defendant before he began physically abusing them. The women told investigators he kept them locked in a motel room, said he would send nude photos of them to their families, and even threatened to kill one of their children.

He allegedly forced the women to work as high-end prostitutes and perform sexual services for $300 per hour. Investigators told KTLA News in Los Angeles they responded to ads on Backpage.com and spoke with five victims who said they were being forced into prostitution. After detectives arrested the defendant, the human trafficking case was turned over to the FBI task force.31,32
International Sex Trafficking

Though previously deported from the United States, a Mexican national returned to California in 2008 to run an outdoor brothel in a remote San Diego-area canyon. He separately seduced two younger women from his hometown, introducing each woman to his family as his “wife” before coercing them into prostitution and transporting them to California. At his 2010 trial, the women testified that he used their love for him as a means of control, along with threats of violence and beatings. The man was sentenced to more than 20 years and ordered to pay $1.4 million in restitution.33

Means and Methods of Human Trafficking

Victims of human trafficking in all its forms are often reluctant to report their situation or attempt to escape. Foreign national victims may be fearful or mistrustful of law enforcement as a result of their illegal status or experiences in their home countries. Traffickers exploit these fears to maintain control, and will often confiscate a victim’s passport or legal and travel documents. Traffickers also tell victims if they attempt to escape or seek help from the authorities, they will be imprisoned or deported. Victims, who may have been promised good jobs in the United States, can be found working for little or no pay in the commercial sex trade, as well as sweatshops, traveling sales crews, hotels, factories, restaurants, construction sites, farming, landscaping, and nail salons.

Victims of domestic servitude are purchased or coerced by an individual and/or head of household to cook, clean, perform childcare, elder care, gardening, and other household work. They are often kept under lock and key, which makes identifying and rescuing these victims especially difficult.

In many cases of human trafficking, an exploiter intentionally deconstructs a victim’s identity, starting with a new name and false identification. The trafficker dominates every facet of a victim’s life and will often ply victims forced to work as prostitutes with drugs and alcohol to ensure their cooperation and dependence. Traffickers also ensure compliance by threatening to harm or kill a victim and his or her loved ones.

To keep sex trafficking victims disoriented and less likely to know where to seek help, traffickers will move them from city to city. Popular destinations are large and/or diverse cities or those with major highway and interstate corridors. The interstate infrastructure of major metropolitan areas allows traffickers to easily transport women from Sacramento to Las Vegas – or between San Diego and Los Angeles. Constant movement also facilitates the covert nature of the crime and keeps it hidden from law enforcement. Traffickers market the victims, who are most often young women, as “new in town” or “in town for the weekend,” thus maintaining an ever-changing “product line.”
Online classified advertisements for sex services allow clients not only to order a young woman who is “new in town,” but also according to preferences in skin, hair, and eye color, as well as ethnicity, age, height, and body type. Racial and ethnic stereotypes are frequently used in online ads, with Native American women marketed as “Pocahontas” and African American women as “Brown Sugar.” Victims of sex trafficking are profoundly dehumanized. Women and children – and, in some cases, men – are treated by traffickers and clients alike as expendable commodities. Clients are often free to do as they please with human beings who are seen as “products,” from refusing to wear a condom to inflicting brutal beatings and other forms of degradation.

**Role of Technology in Human Trafficking**

As discussed by the Work Group, technology and social media have transformed human trafficking in California and reshaped the way traffickers control victims, exchange and launder money, and connect with underground partnerships and organized crime syndicates.

Social networking sites provide unprecedented access to potential victims from around the world. Traffickers take advantage of the anonymity of online recruitment to lure unsuspecting victims into supposedly legitimate jobs, only to place them into bonded slavery. They also groom and recruit victims from Facebook and other sites.

Along with recruiting victims, traffickers use technology to reach a wide client base for prostitution services. The perceived anonymity of online transactions has emboldened traffickers to openly recruit, buy, and sell their victims.

Nowhere is the growth of sex trafficking on the Internet more apparent than on classified-advertisement sites. During a hearing of the U.S. House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security in 2010, lawmakers voiced significant concern about advertisements for sex trafficking on online classified-advertisement sites. Pressure
from citizens, anti-trafficking groups, the media, and federal lawmakers led Craigslist.org to remove the “adult services” section from its site within the United States in September 2010, and, by December 2010, Craigslist had removed all adult service sections from its site worldwide.37

But the problem remains, and unscrupulous websites like Backpage.com fill the void. While Backpage.com has touted its “aggressive” efforts to moderate and filter its content to the National Association of Attorneys General,38 it actively opposes lawmakers’ efforts to require the company to more closely monitor the advertisements placed on its sites. In 2012, the State of Washington passed a bill to protect minors from being sold for sex. The law, which was designed to protect minors from being sexually exploited via advertisements on Backpage and in other publications, added new penalties for posting sex ads featuring minors. Backpage.com sued to stop the law from being enacted, claiming that, “[the obligations of SB 6521] would bring the practice of hosting third-party content to a grinding-halt.”39 Since Craigslist removed its adult services section, Backpage.com has reportedly increased its prostitution-ad revenue by 23.3 percent as compared with the previous year.40

Conclusion

Human trafficking involves the use of force, fraud, or coercion to place a person in a situation of slavery. This fast-growing crime includes sex trafficking and forced labor, and its victims are men, women, and children who represent a wide range of ages, nationalities, and socio-economic statuses. Like their victims, traffickers can be domestic or international. In recent years, the low-risk, high-profit nature of the crime has attracted organized criminal enterprises – including transnational gangs who move guns, drugs, and human beings across the border with Mexico and domestic street gangs that set aside their traditional rivalries to profit from the sale of young women. The perpetrators of this crime are also using increasingly sophisticated methods to exploit victims and evade law enforcement. The following chapters further describe the ways in which California has responded to these threats to public safety, the challenges we face in the fight to end human trafficking, and recommendations for improving these efforts.
End Notes:


4 California Penal Code § 236.1(e) (2012). At the time of printing, there is an initiative measure currently on the ballot, Proposition 35, that would change, among other things, several provisions of § 236.1.


23 Ibid.


26 Ibid.
27 Ibid.
28 Ibid.
29 Ibid.


