

HUMAN TRAFFICKING IN KENTUCKY

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Photo credit: Maggie Boyd

Human Trafficking: What Is It?

Sex Trafficking: Commercial sex act induced by force, fraud or coercion, or in which person performing the act is under age 18.

- Victims can be found working in massage parlors, brothels, strip clubs, escort services

Labor Trafficking: Using force, fraud or coercion to recruit, harbor, transport, obtain or employ a person for labor or services in **involuntary servitude, peonage, debt bondage or slavery**

- Victims can be found in domestic situations as nannies or maids, sweatshop factories, janitorial jobs, construction sites, farm work, restaurants, panhandling

Crime of trafficking occurs with the exploitation of the victim.

The physical movement of the victim is not a requisite.

The TVPA protects both U.S. citizens and non-citizens.

Human Trafficking Defined

Human trafficking is slavery. Victims of human trafficking are subjected to:

- Force (beatings, assault, physical restraint, rape, kidnapping)
- Fraud (lies or other deception), or
- Coercion (threats, psychological games, humiliation/shame tactics),

for the purpose of sexual exploitation or forced labor.

How Are Victims Trafficked?

Force, Fraud, and Coercion are methods used by traffickers to control victims.

- **Force:** Rape, beatings, confinement, forced drugging
- **Fraud:** Includes false and deceptive offers of employment, marriage, better life
- **Coercion:** Threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause victims to believe that failure to perform an act would result in restraint against them; or the abuse or threatened abuse of the legal process. ³

Exception for minor victims

Exception: When minors (under 18) are exploited in commercial sex, there is no need to show force, fraud or coercion

Therefore, every minor involved in stripping, pornography or prostitution is per se a victim of trafficking under the TVPA and KRS 529.010

Trafficking versus Smuggling

Trafficking

- ⦿ Use of force, fraud, or coercion
- ⦿ Forced labor/ commercial sex exploitation
- ⦿ Does NOT require movement of person
- ⦿ No requirement to cross international border
- ⦿ Crime against a person
- ⦿ There IS a victim
- ⦿ Trafficking/victim relationship is on-going

Smuggling

- ⦿ The person being smuggled is cooperative/ chooses to be smuggled (may even pay \$)
- ⦿ No actual or implied coercion
- ⦿ Those who are smuggled are free to leave/change jobs
- ⦿ Requirements to cross an international border
- ⦿ Crime against the integrity of a nation's border
- ⦿ Relationship with the smuggler typically ends once the border has been crossed.

Who Are Victims of Human Trafficking?

- Young Children*, Teenagers*, and Adults
- Male and Female*
- Foreign Nationals* and U.S. Citizens
- Affluent and Poverty-stricken*
- Educated and Un-Educated*
- **VULNERABLE:** Traffickers prey on vulnerable people***

Scope of Human Trafficking

- Up to 300,000 children at risk for being trafficked inside the US each year
- 14,000-17,000 people trafficked into the US per year
- In KY, 151 victims have been served by Rescue & Restore programs since 2008
 - 44% were trafficked as children

Who are the most common child victims?

Although all children are vulnerable, previously identified cases suggest that the following populations are at a higher risk of being trafficked:

- Runaway and homeless youth
- Children within the foster care system
- Children with histories of abuse
- Children with histories of substance abuse
- Children with disabilities
- Youth in the juvenile justice system
- LGBTQ youth
- Refugees, immigrants, and non-English-speaking persons

How might Cabinet workers encounter trafficking?

- ❖ *A teen in foster care runs away with her “boyfriend,” who asks her to sleep with a few of his friends, to pay rent.*
- ❖ *Two youth are made to work long hours on a farm when they should be in school.*
- ❖ *A mother “rents” her children to a pedophile, to support her drug addiction.*
- ❖ *A child is kept in a private home, made to cook, clean, and care for children in the home, from early in the morning until late at night every day, for little to no pay.*

American Teens Face High Risk

- 1 in 7 teenagers in the U.S. run away from home
- America has 1.3 - 2.8 million runaway & homeless youths
- 1 of 3 teens are lured into prostitution within 48 hours of leaving home. The longer they are gone, the more likely they are to engage in “survival sex”
- 90% of children turn to sex for survival within after 3 months away from home

- *National Incidence Studies of Missing, Runaway and Throwaway Children, 2008*



Photo credit: Maggie Boyd

American Teens Face High Risk

- 1 in 5 individuals in prostitution are children
- 12 – 14 is the average age of entry into prostitution

Children are more likely to be arrested than the adults (pimps and “johns”) who exploit them.

- *National Incidence Studies of Missing, Runaway and Throwaway Children, 2008*



Boys as Victims of Human Trafficking

- According to a 2008 John Jay College study in New York, [Commercial Sexual Exploitation of Children in New York](#), as high as 50 percent of commercial sexually exploited children in the United States were boys alone.
- “[And Boys Too](#)” by *End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purpose* ([ECPAT-USA](#)), which discovered that boys make up almost half of the victims.



Photo credit: Maggie Boyd

Forced Marriage as Trafficking

- **WHAT IS FORCED MARRIAGE?**

- A forced marriage is where a marriage is entered into without the full and free consent of one or both parties, as a result of physical or psychological pressure or abuse.
- The international definition of trafficking in persons in the [United Nations Trafficking Protocol](#) covers trafficking for the purpose of exploiting people in 'practices similar to slavery'.
- The [Supplementary Convention on the Abolition of Slavery 1956](#) states 'practices similar to slavery' include:
 - (c) Any institution or practice whereby:
 - (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or
 - (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
 - (iii) A woman on the death of her husband is liable to be inherited by another person.
 - These institutions and practices are known as a servile marriage.
- While women are more likely to be the victims of forced marriage, the [United Nations Office on Drugs and Crime](#) Model Law Against Trafficking in Persons recommends updating the definition of forced or servile marriage in the 1956 Supplementary Convention 'to include practices in which both women/girls and men/boys can be the subject of forced or servile marriage.'

Who Are the Traffickers?

- Male* and Female
- Same Ethnicity as Victim* and Other Ethnicity
- Foreign Nationals and U.S. Citizens
- Often speak multiple languages
- Sometimes member of organized crime
- Looking for a profit...no matter the cost
- Stranger, acquaintance, friend, family member
- Often have a legal immigration status

How do traffickers recruit their victims?

- Warmth, gifts, compliments, and sexual and physical intimacy
- Affection, praise, pretense of being a boyfriend or protector
- Elaborate promises of a better life, fast money, and future luxuries
- Using another woman or girl to recruit other girls
- Via Internet (facebook, etc), offers of shopping trips, modeling careers, adventure

How do traffickers recruit their victims? (cont.)

- Purposeful and pre-meditated targeting of vulnerability (ie. Runaways, throwaways)
- Purposeful targeting of minors due to naivete, virginity, and youthful appearance
- *Source: Polaris Project, "Domestic Sex Trafficking Fact Sheet: The Criminal Operations of the American Pimp"*

Where Victims May Be Found:

Sex Trafficking: Asian Massage Parlors, Strip Clubs, Nail Salons, Street Prostitution, Escort Services, Truck Stops, Latino Residential Brothels, Hotels

Labor Trafficking: Domestic Service, Restaurants, Farms, Factories, Housekeeping, Construction, Candy Sales, Door-to-Door Magazine Sales

HUMAN TRAFFICKING LAWS

Federal and State Law

- ◎ Human trafficking is now criminalized and is punishable under both Federal and Kentucky State Law
- ◎ Trafficking cases can be investigated at the local, state and federal levels and prosecuted at the state or federal level.

Human Trafficking Crimes

Human Trafficking (KRS 529.010): refers to criminal activity whereby one or more persons are subjected to engaging in:

- a) Forced labor or services; or
- b) Commercial sexual activity through the use of force, fraud, or coercion ***except that if the trafficked person is under the age of eighteen, the commercial sexual activity need not involved force, fraud, or coercion*** (emphasis added)

Crime of Human Trafficking (KRS 529.100): A person is guilty of human trafficking when the person intentionally subjects one or more persons to human trafficking

Promotion of Human Trafficking (KRS 529.110): A person is guilty of promoting human trafficking when the person intentionally:

- a) Benefits financially or receives anything of value from knowing participation in human trafficking; or
- b) Recruits, entices, harbors, transports, provides or obtains by any other means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person knowing that the person will be subject to human trafficking

Minor Victims of Trafficking: Kentucky Law

- Age is presumed to be under 18 if appears that victim is under 18 *KRS 531.330*
- Defense to human trafficking if defendant reasonably believed victim was over 18 (but could still be prosecuted if there was force, fraud or coercion present)
- Perpetrators are subject to sex offender treatment and defined as violent offenders for sex trafficking against minors *KRS 532.043*
- Court protections for childhood sexual abuse apply to minor victims of sex trafficking *KRS 431.350*

Prosecuting Buyers of Commercial Sex (Federal level)

US. V. Jungers and Bonestroo (8th Cir. 2013—Sioux Falls, Iowa)

- UC Officers placed adds to apprehend individuals seeking to obtain sex with Children.
- Officers pretended to be a man offering girlfriend's underage daughters.
- Jungers and Bonnestroo separately show up to engage in commercial sexual activity with minors.
- District Court granted FRCrP 29(a)—”the purpose of Sec. 1591 is to punish sex traffickers . . . Not those who purchase. . . .”
- Eighth Cir.—Reversed District Court
 - Issue: Whether the plain an unambiguous provisions Sec. 1591 apply to consumers and suppliers of commercial sex acts.
 - Holding: No John exception. 1591 makes no distinction between suppliers and purchasers who violate statute—if so congress would have created an exception

Prosecuting Buyers of Commercial Sex

- Promotion of Human Trafficking: “obtain” knowing that the person will be subject to human trafficking
- In 2007, state legislature intended to be able to use human trafficking statutes to prosecute buyers of commercial sex (“Johns”)
- Evidence of legislative intent: 2007 law amended statutes on unlawful transaction with a minor to exempt human trafficking

Criminal Penalties: Kentucky Law

- Human trafficking is class C felony, unless
 - Serious physical injury, whereby it is a class B felony
 - If minor involved, one class higher
- Promoting human trafficking is class D felony, unless
 - Victim is under 18, whereby it is a class C felony

Document Servitude

- Amends **forgery in the second degree** to include coercing another person to falsely make, complete, or alter a written instrument in the commission of a human trafficking offense. KRS 516.030 (1).
- Examples: farmer makes workers use false identification to evade immigration enforcement, pimp makes child use false identification to strip in club

Labor Trafficking

- Provides **punitive damages** at least three times the amount of wages and overtime due, as well as costs and attorney's fees, when an employer fails to pay the employee the full amount due, and the court finds the employer has subjected the employee to forced labor or services. KRS 337.385 (3).
- Requires the **Labor Cabinet to report** all suspected incidents of human trafficking to law enforcement and provides immunity from liability for anyone in the cabinet reporting in good faith. (Many human trafficking complaints originate when the trafficked victim complains to government agencies that the trafficker refused to pay for the victim's labor). KRS 336.075.

Asset Forfeiture/ Seizure

- Requires **asset forfeiture** for property used in connection with or acquired as a result of human trafficking or promoting human trafficking. KRS 529. The terms and processes of the asset forfeiture provisions in the bill mirror the controlled substances forfeiture provisions (KRS Chapter 218A).
- **Distribution** of the proceeds from the forfeited assets is as follows:
 - 50% to the human trafficking victims fund
 - 42.5% to the participating law enforcement agency or agencies
 - 7.5% to the OAG or the PAC for deposit on behalf of the participating prosecutorial agency
KRS 529.150.

Human Trafficking Victims Fund

- **Additional penalty – human trafficking victims’ service fee:** \$10,000 human trafficking victims service fee required for persons convicted of human trafficking or promoting human trafficking. KRS 529.130
- Creates a **human trafficking victims fund** that consists of forfeited assets, the human trafficking victims service fee, grants, contributions, appropriations, and other moneys. Moneys are to be distributed to agencies serving human trafficking victims, law enforcement, and prosecutors pursuant to regulations promulgated by the Justice Cabinet. KRS 529.140.

Training & Investigation

- Amends statutes pertaining to training for law enforcement, prosecutors, and victims' advocates to include **human trafficking training**. KRS 15.334.
- Requires **KSP to designate a unit** to receive and investigate human trafficking complaints and to cooperate and assist other agencies in these investigations. (This would not require KSP to hire additional staff). KRS 16.173.

Rights of Human Trafficking Victims: Kentucky Law

- Right not to be imprisoned or detained for underlying offenses, unless
 - Detention is least restrictive alternative
 - Necessary for safety
 - Poses threat to community safety

KRS 431.063

- Victims should not be held culpable for crimes that were committed as a direct result of their victimization (TVPA)
- Communications between trafficking victim and trafficking counselor are privileged. KRS 422.295(c)

Immigration Protections for Victims of Trafficking

Some trafficking victims may be eligible for immigration status as a result of being trafficked. Such protections may include:

Continued Presence: Temporary status granted by the Citizenship and Immigration Services (CIS)

Special Immigrant Juvenile: Children (under 21 and unmarried) who are in foster care or guardianship, have no chance at reunification, and are in care due to abuse, abandonment or neglect may apply for their permanent residency (“green card”)

T Visa: Visa for victims of severe form of trafficking whose case is being investigated/prosecuted as trafficking and who have cooperated with law enforcement

U Visa: Visa for victims of serious crimes, including trafficking, who cooperate in the investigation/prosecution of the crime (unless under 14)

VAWA: Abused children/spouses of US Citizens or Lawful permanent residents may “self-petition” for their permanent residence

Gender-Based Asylum: Children who have suffered or are likely to suffer persecution on account of race, religion, national origin, political opinion or membership in a particular social group (e.g. women fleeing female genital mutilation) may seek asylum

*** REMEMBER: Always refer client to Immigration attorney. DO NOT try to contact Immigration or fill out any paperwork on your own.**

KENTUCKY'S HUMAN TRAFFICKING VICTIMS RIGHTS ACT

Safe Harbor : Services, not Criminalization

- **Prohibits prosecution of anyone under 18 for prostitution** or loitering for prostitution and requires law enforcement to report those cases to CHFS as possible victims of HT. KRS 529.
- Prohibits charging for or finding guilt for **status offenses** related to conduct arising out of the HT of the child unless it is later determined child was not a victim of HT. KRS 630.125.

Safe Harbor: Police Response

- Permits **law enforcement** to take a child victim of HT into protective custody, similar to sexual abuse cases, after making mandatory report to Cabinet. KRS 529.
- Example: KSP responds to a call that a girl is going from cab to cab at a truck stop, with a suspicion that she is involved in commercial sex. The officer responds, briefly interviews the victim, contacts the Cabinet to make a report and takes her to an emergency shelter.

Human Trafficking Victims Rights Act (HTVRA) Safe Harbor

- Child victims of human trafficking should be treated as victims, not criminals.
 - Requires a report to CHFS if there is reasonable cause to believe a child is a victim of human trafficking (forced labor or commercial sex) .
 - Adds human trafficking to the mandatory reporting statute for child abuse.
 - The case is required to be treated as a **dependent, neglected, or abused (DNA)** case regardless of whether the perpetrator was a parent, guardian or someone exercising custodial control or supervision. KRS 620.030 (3).

Safe Harbor : The Cabinet Response

Cabinet for Health and Family Services must:

- Provide assessment, treatment, housing, and services to the child as a victim of HT and treat the child as a DNA child. KRS 620.040 (1) (b).
- Proceed with the case in accordance with DNA statutes regardless of whether the perpetrator was a parent, guardian or someone exercising custodial control or supervision. KRS 620.040 (1).
- **Respond to the report of human trafficking of a child within an hour by treating it as a high-risk case, like a report of sexual abuse**

Cabinet Standard of Practice on Human Trafficking Cases

Legal Authority/Introduction

- LEGAL AUTHORITY:
- [KRS 15A.068 Duties of department if child may be victim of human trafficking-Administrative regulations KRS 529.010 Definitions KRS 529.100 Human Trafficking](#)
- [KRS 605.030 Duties of court-designated worker](#)
- [KRS 620.029 Duties of cabinet relating to children who are victims of human trafficking](#)
- [KRS 620.030 Duty to report dependency, neglect, abuse or human trafficking-Husband-wife and professional-client/patient privileges not grounds for refusal to report-Exceptions-Penalties](#)
- [KRS 620.040 Duties of prosecutor, police and cabinet-Prohibition as to school personnel-Multidisciplinary teams](#)
- [KRS 630.125 Child not to be charged with or found guilty of status offense related to human trafficking](#)
- Human trafficking is alleged criminal activity whereby one (1) or more child(ren) are subjected to engage in forced labor or services or commercial sexual activity regardless of whether or not force, fraud or coercion is used.

SOP on Human Trafficking (continued)

Procedure

- **The SSW:**
- Investigates the report jointly with law enforcement and shares information throughout the investigation;
- Conducts interviews relevant to the investigation;
- Assesses the child's safety throughout the investigation;
- Investigates whether or not the trafficking activities occurred in other states or countries, or whether or not the victim resided in other states or countries;
- Consults with the Child Protective Services Branch within fourteen (14) working days of receipt of the report;
- Makes reasonable efforts to keep children with their parents, or reunite them with their parents;
- Makes appropriate service referrals for victims and their family members;
- Includes an assessment of the individual who is responsible for the human trafficking, even if the individual is a non-caretaker;
- Initiates court activity, as necessary, to ensure the child's safety;
- Completes a familial risk assessment as part of the investigation;
- Makes a finding based on the family's need for services;
- Includes a statement in the conclusion regarding the exploitation activities and the person responsible for the human trafficking.

SOP on Human Trafficking (cont.)

- **Contingencies and Clarifications**
- When appropriate, the SSW should complete the following tasks:
- Notify the child's attorney that the child may be a victim of human trafficking (status offender only);
- Contact other states to request courtesy interviews for identified individuals who may have information relevant to the investigation.
- **Related Resources**
- Information on services for human trafficking victims can be accessed through:
 - National Human Trafficking Hotline (888-373-7888); and
 - National Center for Missing & Exploited Children (800-843-5678).
- When interviewing non-English speaking individuals, refer to SOP 1.14 Limited English Proficiency for assistance.

RESOURCES: [Human Trafficking of Minors-A Guide for CPS Workers.docx](#)

Safe Harbor: Human trafficking investigations

- Child human trafficking cases involving commercial sexual activity shall be investigated by multi-disciplinary teams (MDTs).
- Human trafficking advocates will now be a part of MDTs. KRS 431.600 (1).

Safe Harbor: The Role of Court Designated Workers (CDWs)

- Permits **court-designated workers** to perform an initial screening for HT
- Requires CDWs to refer reports to the cabinet as a DNA case. KRS 605.030 (1) (d).

Example: A CDW gets a call that a boy has run away from his foster home. He is found at a greyhound bus station, suspected of performing sex acts for money. Report is made to DCBS of possible trafficking.

Safe Harbor: The Role of the Department of Juvenile Justice

- If a child victim of HT progresses through the system all the way to **Department of Juvenile Justice** without his or her status as a victim of HT being discovered, once the department discovers this status,
 - it is required to file a report with CHFS,
 - notify the child's attorney, and
 - petition the court to transfer custody to CHFS if the child does not pose a threat to public safety.
 - The department is given the authority to promulgate regulations to provide treatment for those children who cannot be placed with the cabinet. KRS Chapter 15A.

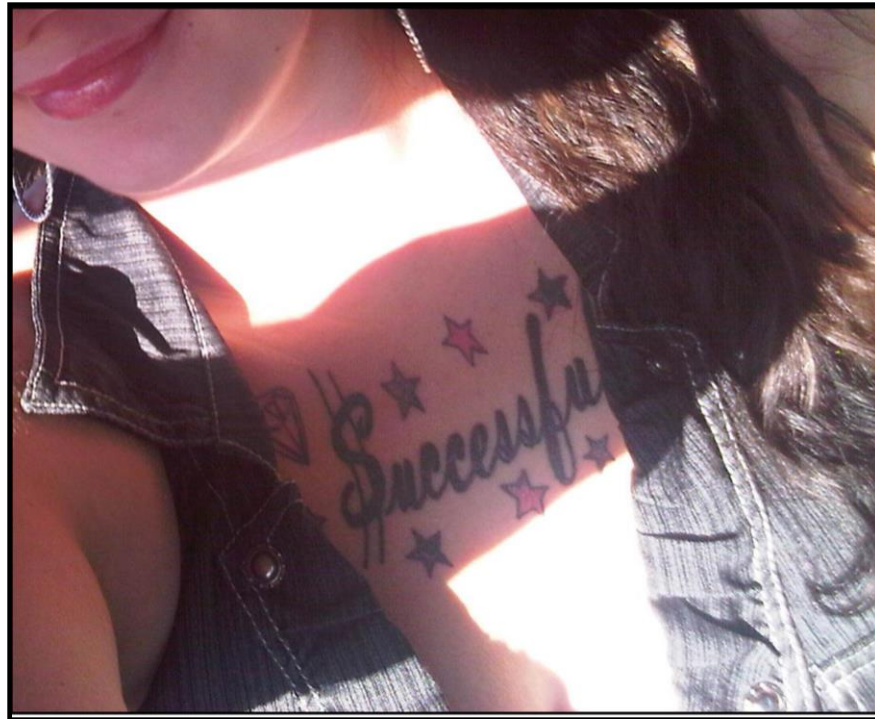
Screening for Trafficking

- 1) Is anyone forcing you to do anything that you do not want to do?
- 2) Have you been forced or tricked into stripping, having sex or other sex acts?
- 3) Have you exchanged something sexual to get something you needed to survive, such as food, shelter or money?
- 4) Are you being made to do something (work or something sexual) to pay off a debt or meet a quota?
- 5) Do you feel like you are being controlled by someone?

Identifying Trafficked Youth

- **Red Flags**
 - Branding (neck/wrist/chest)
 - Tattoos (name of pimp/boyfriend, nickname, symbol)
 - Withholding of IDs/ only ID is a fake ID of adult
 - Multiple Cell Phones
 - Lack of Concern about Where to Stay
(someone has arranged this)
 - Recent movement to several cities/states
 - Homeless, but has nice jewelry/clothes
- **Sex Trade** (street prostitution, truck stop prostitution, strip clubs, escort services)
- **Labor Trade** (magazine sales, candy sales, agriculture work)

This child victim from FL was trafficked in GA and TN, arrested as an adult, sold in KY and finally rescued in NC. “Successful” was the name of her pimp/trafficker.



Indicators of Sex Trafficking

- Excess amount of cash
- Hotel keys
- Chronic runaway/homeless youth
- Lying about age / false ID
- Inconsistencies in story
- Has engaged in prostitution or commercial sex acts
- Any mention of a pimp/boyfriend
- Refers to employer/boyfriend using slang such as “Daddy”, talks about being “in the life”

Indicators of Labor Trafficking

- Family relationships not clear (trafficker may or may not present as formal guardian)
- Child may not be biological child of “parent” in the home
 - No evidence of legal guardian
 - Works for “aunt” or “uncle”
- Excluded from family events (e.g., church, vacations, parties)
- Physically exhausted; works long hours
- Child is fearful of family he/she lives with
- Child is responsible for child care, elder care, or cleaning -- often hidden as “chores”
- *Source: Kaufka Walts, French, Moore & Ashai, 2011*

Red flags for Centralized Intake/Hotline

- Hotline workers and investigators for state child welfare agencies are often the “first responders” to potential child trafficking cases, responding to calls by mandatory reporters and the public regarding potential abuse and neglect cases.
- However, the general public, law enforcement, and even child trafficking victims will not know what “human trafficking” is or self-identify as such, and may use different terms to describe cases of human trafficking.

Red Flags for Centralized Intake

- “Slave” or “slave-like” “Treated me like a slave” “S/he is treated like a slave”
- “I can’t talk long”
- “Not allowed to use the phone”
- “I am being forced...”
- “S/He is making me...”
- “I don’t know where I am”
- Being “sold”
- Cooking and cleaning for family
- Working a lot/too much
- Threats of deportation
- No identification
- Passport taken away
- Debt to pay off
- Fear of employer or alleged guardian
- (Victim) Told to lie about age or unsure of age
- (Victim) Doesn’t know how they got here (Illinois, U.S.)
- Any reference to prostitution, pornography, stripping, or other commercial sex acts
- Any reference to “pimp”

Red Flags for Central Intake

- (Victim) Making money for boyfriend
- Threats to family: “have your family hurt” or “have your family killed” “hunt down your family”
- Not allowed to go shopping
- Cannot talk to visitors
- Must stay in room when visitors in house
- Eats meals separately from family
- Sleeps in basement or garage
- Escorted or supervised when out
- Living with a bunch of people
- Living in different hotels
- Never been to a doctor
- Not allowed to socialize with friends or outsiders (or anyone)
- Not allowed to talk on the telephone
- Not allowed/cannot go to school
- Not allowed/cannot have friends
- Not allowed to leave the house

Building trust with victims

Victims will likely have experienced extensive physical and mental trauma and manipulation. Therefore, trust-building is important to engage victims.

Victims must know that you're not there to "turn them in"-- you're there to keep them safe.

Victims will rarely self-identify as a victim of trafficking; they will usually present with another form of abuse, neglect, or maltreatment.

(from NY State Office of Child and Family Services, <http://ocfs.ny.gov/main/humantrafficking/>)

Building trust with victims (continued)

- Victims might have been told that there will be repercussions if they disclose their trafficker; therefore, obtaining information may take a great deal of time and multiple interviews.

Privacy and confidentiality will be key -- do not divulge information to anyone who doesn't need to know. This is also very important for safety reasons.

Building rapport around immigration status, sexual abuse/experience, and other potentially difficult subjects will be key.

(from NY State Office of Child and Family Services, <http://ocfs.ny.gov/main/humantrafficking/>)

What is the impact of trafficking children?

“Commercially sexually exploited girls are consistently the victims of violence and degradation. They are beaten and raped by their pimps as well as the adults who are their “johns.” For a large percentage of trafficked girls, this continued exposure to violence results in meeting the diagnostic criteria for PTSD. Like soldiers returning from a war zone, these girls are damaged in mind, body and soul by that experience, and yet they must return to that war zone every night.”

Source: Justice Resource Institute

Posttraumatic Stress Symptoms



- Vigilance, Hyperactivity, and Startle
- Exaggerated emotion
- Constriction of body functions
- Fight/Flight/Freeze
- Intrusive imagery, Memory impairment
- Difficulty sleeping, Nightmares
- Dissociative periods, Poor Concentration

Traumatic Stress

A normal
reaction to
an
abnormal
situation



Victims of Trafficking and Their Needs

There are four general areas of victim needs:

- **Immediate assistance**
 - *Housing, food, medical, safety and security, language interpretation and legal services*
- **Mental health assistance**
 - *Counseling*
- **Income assistance**
 - *Cash, living assistance*
- **Legal status**
 - *T visa, immigration, certification*

Resource Contacts

- **KY Rescue & Restore Victims of Human Trafficking**
Catholic Charities of Louisville
Marissa Castellanos, Human Trafficking Program Manager
Cell: 502-974-4947 / e-mail: mcastellanos@archlou.org
www.rescueandrestoreky.org
- **National Human Trafficking Information and Referral Hotline**
Polaris Project, Washington, DC
1-888-3737-888
(24 hours a day)

LEGAL AID FOR VICTIMS

- Catholic Charities, Rescue and Restore Victims of Human Trafficking ,502-974-4947
- Catholic Charities, Immigration Legal Services, <http://cclou.org/programs-services/legal-immigration-services/>
- Maxwell Street Legal Clinic, maxlegalaid.kyequaljustice.org, (859) 233-3840
- Legal Aid of the Bluegrass, <http://www.lablaw.org/home/>

Website Resources

- “Sex Trafficking of Minors in Kentucky:
<http://www.cdar.uky.edu/CoerciveControl/reports.html>
- Building Child Welfare Response to Child Trafficking,
http://www.luc.edu/chrc/pdfs/Building_Child_Welfare_Response_to_Child_trafficking.pdf
- Kentucky Rescue and Restore Victims of Human Trafficking,
<http://www.rescueandrestoreky.org/>
- HHS Rescue & Restore Victims of Human Trafficking
www.acf.hhs.gov/trafficking
- Shared Hope (domestic minor trafficking), www.sharedhope.org
- Polaris Project www.polarisproject.org
- ASISTA (immigration technical assistance),
<http://asistahelp.org/clearinghouse.htm>

**HUMAN TRAFFICKING
PROSECUTIONS IN
KENTUCKY**

Federal Prosecutions: US v. Flores-Benitez

- First conviction on human trafficking federal charges in Kentucky
- Flores-Benitez and a co-defendant operated a prostitution delivery service for customers in the Lexington and Louisville areas. They also operated a brothel at Cross Keys drive in Lexington that was managed by another co-defendant.
- As part of the conspiracy, some defendants recruited Spanish-speaking women from North Carolina, Tennessee, Alabama, Michigan, Illinois, Indiana, Ohio, and Maryland to travel to Kentucky to engage in prostitution under the direction of Flores-Benitez. One victim was recruited under pretenses of a job other than prostitution, and was coerced through threats to remain in the trafficking situation.
- Marco Antonio Flores-Benitez, 38, plead guilty and was sentenced for conspiracy to engage sex trafficking and received a 180 month prison sentence.
- Flores-Benitez's co-defendant, Roxana Serna-Olea, 36, was sentenced to 46 months in prison for persuading someone to travel in interstate commerce to engage in prostitution.
- Two other co-defendants, Adrian Lezama-Ruiz, 26, and Roberto Salinas-Rivera, 35, plead guilty to conspiracy to persuade someone to travel in interstate commerce to engage in prostitution.



Federal Prosecutions: Us v. ARCE CASE

- Javier Arce , a prominent Central Kentucky cardiologist charged with failure to report a felony crime, and his ex-wife Cristina Arce charged with harboring an illegal alien for financial gain.
- Held a Bolivian woman and made her work as their maid from 1994 to 2006.
- The couple promised her a monthly salary. However, the woman said she was only paid \$20,000 total during her 12 years of labor. Prosecutors say she was told the rest of her money was going into a bank account that never existed.
- She cooked, cleaned and took care of the couple' s children and cleaned Dr. Arce' s medical office.
- Cristina Arce took the woman's passport and told the woman she'd be arrested and deported if she left the house.
- Neighbors never saw the woman leave the house.
- Cristina pled guilty to harboring for financial gain, and Javier pled guilty to failing to report knowledge of a felony.
- Both defendants were sentenced to two years of probation, and must pay the victim restitution for back wages in the amount of \$100,000.
- Dr. Arce maintains his medical license and practice.



Federal Prosecutions: US V. De Aquino Cancino

- Between August 2011 and January 2012, De Aquino-Cancino engaged in a conspiracy where he knowingly benefitted from participating in a venture that recruited minors to engage in commercial sex acts.
- Adolfo De Aquino-Cancino, age 28, a resident of Taylor County, Ky., pleaded guilty Dec. 18 to conspiring to benefit financially from a prostitution venture that recruited, enticed, harbored, transported, provided and obtained by any means two minors.
- De Aquino-Cancino recruited females, arranged for commercial sexual encounters, transported and benefitted financially from commercial sex transactions involving two minors and several adults in Green, Taylor, Adair and Barren counties in the Western District of Kentucky.
- He stated that he knew several girls in the Campbellsville, Ky., area who were prostitutes. He further states that he would go to Campbellsville to pick the prostitutes up and take them to different locations where they performed commercial sex acts with the defendant's friends. The prostitutes would in turn pay De Aquino-Cancino for driving them to the locations.
- De Aquino-Cancino will serve 84 months in prison and up to a lifetime of supervised release. As part of the plea agreement, the United States agreed to dismiss counts 2, 3 and 4 of the grand jury indictment.



Louisville, KY - August 2011

Justin Ritter and Rebecca Goodwin

- ⦿ Perpetrators were initially investigated for heroin
- ⦿ Undercover police were offered young woman for sex for \$75 in parking lot of Louisville area strip club
- ⦿ Officer saw red flags of trafficking (having received training) and found that young woman was minor (17 years old) and had been fed heroin & other drugs to coerce her into commercial sex.
- ⦿ First successful human trafficking prosecution in state (guilty plea by R. Goodwin; case pending against J. Ritter)



Hodgenville, KY – Dec 2010
James Curtsinger & Rhonda Brown



- Brown was foster parent to a 15 year old girl
- Sold girl to Curtsinger in exchange for money, and buying items for her house
- 2 Human Trafficking Indictments
- Charges amended down

Madison Co. (Berea, Richmond)

Anthony Hart & Kathy Hart

- Sold 2 daughters (ages 13 & 14) to men for sex
- Identified by teacher at local cinema
- Initially charged with “unlawful transaction with minor under 14”
- Grand Jury brought human trafficking charges
- Currently awaiting trial



Kenton County, KY – Dec. 2009

Bobby Jo Perry II and Ernestine Perry



- Convicted child molester sold 11-year-old boy he sodomized to another pedophile
- Boy also sexually abused by both Bobby Jo and Ernestine
- HT charges amended down



Lexington, KY

Nov. 2013

Amrutlal and Dakshaben Patel

- The couple was accused of hiding undocumented people from India at locations in Lexington, including their house on Ellerslie Park Blvd, in order to have them to work at Subway stores they operated on Versailles Rd, Southland Dr, East Main St and inside a Wal-Mart on West New Circle Rd.
- Charged in 2013 with four counts of aiding and abetting undocumented immigrants, one charge each of paying immigrant workers below the standard minimum wage and of paying less than time-and-a-half to those who worked more than 40 hours a week, and one charge of harboring an immigrant.
- Victims worked 7 days a week, 12-15 hours/day, lived either with Patels or in unfurnished apartment, made to work when sick, not allowed any time off. Paid far less than minimum wage.
- In February, seven charges were added; they listed initials of four people whom the Patels were accused of concealing "for the purpose of commercial advantage and private financial gain" in violation of federal law.
- Four victims were arrested and detained for 8 months on Material Witness Warrants.
- The Patels were freed on bond and are living at home under strict restrictions on travel and outside contact, awaiting sentencing in Sept 2014.
- Some of the charges against them carry a sentence of up to 10 years in prison.
- In addition to possible prison time, the government is seeking forfeiture of three vehicles, their home and more than \$51,000.

Henderson, KY / Evansville, IN – March 2014

Jathar Williams



- Jathar Williams, 31, allegedly crossed the state line with two girls he then reportedly forced into prostitution in Henderson.
- Charged by Henderson Police Dept. with two counts of human trafficking (victim under age 18)
- The girls, ages 15 and 17, both Evansville residents, had run away from their homes, and Williams brought them to Henderson.
- The girls were taken from motel to motel along U.S. 41-North, coerced into prostitution, providing sexual acts in exchange for money
- The human trafficking charges are Class B felonies, which carry a possible sentence of 10 to 20 years.

Louisville, KY – May. 2014



Golden Palace Buffet- Ming Chen and Xiang Zhi Jiang



- LMPD investigation alleges Golden Palace Buffet Owner Ming Chen illegally used men and women to staff his Outer Loop restaurant.
- According to the arrest report, the victims were working 12-hour shifts, six days a week with "little or no breaks, and limited freedoms."
- A year-long investigation revealed allegations that Chen, 42, kept the employees in the basement of his home and used a van with wooden benches to take them to and from the restaurant.
- Chen is free on a \$50,000 full cash bond charged with human trafficking.
- Police say Chen kept the employees in approximately 10 small rooms in the basement of his home.
- Chen's wife Xiang Zhi Jiang is also charged with human trafficking but wasn't arrested. She was instead allowed to stay with her children.

What Can YOU Do?

GET INVOLVED IN THE FIGHT AGAINST HUMAN TRAFFICKING AND MODERN-DAY SLAVERY

- EDUCATE yourself about human trafficking and the efforts being made in your community (*news reports, books, movies, etc*)
- EDUCATE your family, friends, church, community, school about human trafficking, and how they can make a difference
- ORGANIZE an event (like a movie screening) and have a speaker come share about trafficking
- PURCHASE fair trade products (*coffee, sugar, chocolate, etc*) Look for the "Fair Trade" image:  
- DON'T PURCHASE anyone's body for sex or sexual acts (*strip clubs, pornography, prostitution, escorts, online sex services, etc*)
- FUNDRAISE/DONATE for/to organizations that help victims, such as KY Rescue and Restore [www.rescueandrestoreky.org]

What can be done with the \$\$\$ you raise / donate?

- \$500- Shelter for a victim for 1 month
- \$300- Training for 150 police officers
- \$100- Keep the KY Rescue and Restore website online for a year, so people worldwide can learn about human trafficking and donate their support
- \$50- Transportation for a victim for 1 month or food for a victim for 1 week
- \$25- Provide an interpreter to a victim at an appt. for a medical exam, legal intake, or therapy.
- \$10- A care package for a newly rescued victim
- \$5- Make 500 copies of this flyer to raise awareness about human trafficking



THE AVERAGE AGE OF ENTRY INTO PROSTITUTION IN THE UNITED STATES IS 12-14 YEARS OLD.

-Estes et al, Univ. of Penn, 2003

- **BE OBSERVANT AND RESPONSIVE** and report suspicions of human trafficking to: National Human Trafficking Hotline 1-888-373-7888
- **ADVOCATE FOR LAWS THAT PROTECT VICTIMS AND DETER TRAFFICKERS** (Safe Harbor, Victims Fund, etc)

H.O.P.E. Children ~ Campaign

(Helping Our Prostituted and Exploited Children)

It's just a label

Have you felt forced or tricked into stripping, having sex, or other sex acts?

There is **HOPE** ~ 1-888-3737-888

www.rescueandrestoreky.org



And some lip gloss



H.O.P.E. Children ~ Campaign

(Helping Our Prostituted and Exploited Children)

How Can I do this?

WHAT CAN YOU DO WITH THIS CHAP STICK OR LIP GLOSS?

- **Ask management for permission to place them in:**
 - ~ hotel lobby rest rooms (any hotel)
 - ~ truck stop rest rooms (Pilot, Loves, Flying J, etc)
 - ~ highway rest area restrooms
 - ~ rest rooms at bus depots (Greyhound, city bus, etc)

(Perhaps even recheck and restock the supply at the locations above)
- **Hand one directly to a person who is:**
 - ~ female standing outside a strip club, or walking nearby
 - ~ a teenager in the truck area of a truck stop
 - ~ appears to be a homeless or runaway teenager
 - ~ an older child or teenager alone at a bus depot
- **Give to your friends and talk to them about child sex trafficking, letting them know to call the hotline if they think they see a victim.**

Do you want to do even more? Ask stores or businesses to donate more chap sticks or money to buy chap sticks. Use the label template (if you bought a bag with a template) to make more labels. Label the donated chap sticks and put them out the in the community.



Here's the Label Info:

Avery Label Template- 42895

(60 labels per page)

Available at most Walmart Stores

You can e-mail me for the template: mcastellanos@archlou.org



Website Resources

- Kentucky Rescue and Restore Victims of Human Trafficking, <http://www.rescueandrestoreky.org/>
- HHS Rescue & Restore Victims of Human Trafficking www.acf.hhs.gov/trafficking
- U.S. Conference of Catholic Bishops (USCCB) www.usccb.org
- Shared Hope (domestic minor trafficking), www.sharedhope.org
- Polaris Project www.polarisproject.org
- ASISTA (immigration technical assistance), <http://asistahelp.org/clearinghouse.htm>

“Survivors of human trafficking are incredibly resilient. When we provide them with trauma informed care their body, mind and spirit begin to heal.”

Marissa Castellanos, [Human Trafficking Program Manager, Catholic Charities of Louisville](#)

<http://cclou.org/human-trafficking/>

QUESTIONS?