Human Trafficking in the Commonwealth

Presentation to the Massachusetts Municipal Association

Assistant Attorneys General
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Introductions

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Prevalence of Trafficking

2007-2018 Statistics Nationally
• 51,919 human trafficking cases

2018 Statistics Nationally
• 7,859 sex trafficking cases (72%)
• 1,249 labor trafficking cases (11%)
• 1,841 sex and labor trafficking or unspecified (17%)

Top Labor Trafficking Industries
• Domestic work
• Agriculture
• Traveling Sales Crews
• Restaurant/Food Service

10,949 Human Trafficking Cases Reported
Prevalence of Trafficking in MA

MA Data 12/07/2007-12/31/2018

• Calls Received from/about Massachusetts: 2,671
• Cases Referred in Massachusetts: 627

Breakdown of 2018 Cases:

• Sex: 70%
• Labor: 12%
• Sex and Labor or Unspecified: 18%
### Human Trafficking Division (HTD)

- 4 lawyers, 2 advocates, 5 troopers, 1 paralegal, working alongside teams of financial and digital evidence investigators
- Criminal prosecution of sex trafficking and labor trafficking
- Prosecute human trafficking through law enforcement efforts; prevent trafficking through policy development, education and outreach

### Fair Labor Division (FLD)

- 13 lawyers, 22 investigators, 7 support staff including hotline
- Criminal prosecution and civil enforcement of the state’s wage and hour, public construction, earned sick time, and child labor laws, as well as laws that give added protections to temporary and domestic workers, and some other general workplace laws
- Protect workers from exploitation and set a level playing field for employers through enforcement, compliance assistance, education and outreach
AGO Trafficking Cases

- Since the HT statute was enacted in our state (2012):
  - The AG’s office has charged 73 defendants with human trafficking related charges.
  - The majority of our human trafficking indictments have been sex trafficking.
  - Labor trafficking charged in 4 instances.
    - In a recent case we indicted a business for its participation in a forced services scheme.
Examples of Recent Prosecutions

- Sex trafficking
  - Street pimps & hotel prostitution
  - Internet-based escort services
  - Illicit massage businesses (IMBs) & brothels

- Labor trafficking cases
  - Domestic workers
  - Exploited foreign nationals (various industries)
Whoever knowingly:

(i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, to engage in commercial sexual activity . . . or

(ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i).

Penalty: Imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than $25,000. Business fine: $1,000,000
Whoever knowingly:

(i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or

(ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i).

Penalty: Imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than $25,000. Business fine: $1,000,000
“Forced services” are “services performed or provided by a person that are obtained or maintained by another person who”:

(i) causes or threatens to cause serious harm to any person;

(ii) physically restrains or threatens to physically restrain another person;

(iii) abuses or threatens to abuse the law or legal process;

(iv) knowingly destroys, conceals, removes, confiscates or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;

(v) engages in extortion under section 25; or

(vi) causes or threatens to cause financial harm to any person.
Common Industries for Labor Trafficking

- Agriculture
- Construction and landscaping
- Day labor, seasonal or temporary work
- Domestic labor

- Manufacturing and food processing
- Nail salons
- Restaurant/hotel
- Pan-handling
- Traveling sales crews

Check out the Typology of Modern Slavery
www.polarisproject.org/typology
Municipal Official Opportunities for Interacting with Potential Victims

- **Traveling sales crews**
  - your city or town may require door-to-door solicitation permits
  - crews use local lodging and restaurants – your sanitary code inspectors may interface on an inspection

- **Begging rings**
  - may represent that they’re collecting funds for a charitable or humanitarian purpose
  - your city or town may require solicitation permits
  - often police are called by other businesses for “nuisance” or trespass reasons, necessitating a visit from local PD

- **Carnivals**
  - Your city or town may require electrical permits for temporary hook-ups or hawker/peddler/transient vendor licenses and temporary food vendor/handler sanitation inspections
Municipal Official Opportunities for Interacting with Potential Victims

• Domestic workers
  o city or town assessors
  o sanitary/housing code inspectors may interact with domestic workers during a property inspection

• Restaurants, bars and food service/handling
  o your health code inspectors/registered sanitarians see all “back of the house” personnel and operations at food service establishments
  o common victualler licensing
  o your city or town may have commercial food permits and/or food warehouse and distributor permits

• Construction
  o building inspectors, electrical inspectors, all various inspectional services may see suspicious activities during an inspection
Municipal Official Opportunities for Interacting with Potential Victims

- **Agriculture/aquaculture**
  - your health code inspectors/registered sanitarians, municipal animal inspectors, shellfish constables may inspect agricultural/aquacultural businesses and/or you may have local permitting requirements for barns, farming, keeping of livestock, bees, etc. through your health departments or clerk’s offices

- **Recreational facilities**
  - amusement parks, summer camps, golf courses and resorts often utilize young adults on J-1 visas; your city or town may have inspection and/or permitting

- **Commercial cleaning**
  - contracted services for cleaning municipal buildings and properties
Municipal Official Opportunities for Interacting with Potential Victims

- Illicit massage parlors
  - *Division of Professional Licensure inspections*
  - *fire code inspections*
  - *Board of Health inspections*

- Police, Fire, Emergency Management
  - *first-responders in homes, businesses, public and private property*
  - *fire prevention inspections; fire code inspections*
Labor Trafficking App

Designed for municipal inspectors, compliance / code officers, first responders, investigators and law enforcement to:

- Identify potential cases
- Access resources
- Report concerns
RESULT App

Boston University School of Law

RESULTS AT YOUR FINGERTIPS.

WHY THIS APP?

» Because labor trafficking is everywhere.

» Because labor trafficking is difficult to see.

» Because you always have your phone in your hand.

WHO IS THIS APP DESIGNED TO HELP?

» Investigators who may encounter victims of labor trafficking in Massachusetts.

WHO PRODUCED THIS APP?

» Organizations focused on bringing labor trafficking out of the shadows, including:
  » Boston University School of Law
  » Office of the Attorney General of Massachusetts
  » BU Spark!, an initiative of the Hariri Institute for Computing at Boston University

Access the app at: www.traffickingresult.com
Labor Trafficking Indicators

LEARN THE SIGNS OF LABOR TRAFFICKING

Working Conditions
- Unpaid or paid very little
- Excessive wage deductions
- Works excessively long hours
- Not allowed breaks
- Unable to identify the employer
- High security measures (e.g., boarded up windows, barbed wire, security cameras)
- Recruited through labor promises
- Inadequate protective clothing or gear
- Poor or non-existent health and safety standards
- Experiences threats or intimidation by employer

Living Conditions
- Impoverished place of accommodation
- Lives with employer
- Lives with multiple people in cramped space
- High security measures
- Poor housing conditions
- Claims of "just visiting" and inability to convey where he/she is staying/address

Lack of Control
- Not free to come and go as desired
- Not in control of their own money
- Not in control of their own identification documents
- Not allowed or able to speak for themselves
- More party may be benefiit on being present and/or translating
- Owes a large debt and is unable to pay it off

Behavior
- Fearful, anxious, disconnected, submissive, tense, and/or nervous (paranoid)
- Unable to speak to an "outsider" alone
- Appears malnourished or shows extreme fatigue
- Suffers chronic health problems due to working conditions
- Shows signs of physical abuse, physical restraint, confinement, or torture
- Lacks or is denied medical care/services by employer

Physical Health
- Appears malnourished or shows extreme fatigue
- Suffers chronic health problems due to working conditions
- Shows signs of physical abuse, physical restraint, confinement, or torture
- Lacks or is denied medical care/services by employer

Questions to Ask
- How did you get there?
- Can you quit your job if you want to?
- Can you come and go as you please?
- Have you ever tried to leave and were not allowed to?
- Have you been hurt or threatened if you tried to leave?
- Has your family been threatened?
- Do you live with your employer?
- Where do you sleep and eat?
- Are you in debt to your employer?
- How did you find your job?
- Do you owe anyone money because they helped you find your job?
- Are you in possession of your passport/ID?
- Do you feel safe?
- Are you paid?
- How much do you get paid?
- Do you feel safe?
- Do you need medical assistance?
- Do you feel safe?

What to Do
- Explain first and foremost that you are concerned about the individual's well-being.
- If you believe that someone is in immediate danger, call 911
- Tip the National Human Trafficking Hotline:
  - Phone: 1-888-373-7888
  - Text: 232732
  - Email: help@humantraffickinghotline.org
  - File a report at: https://humantraffickinghotline.org/report-trafficking
- Contact the MA Attorney General’s Fair Labor Division:
  - File a Non-Payment of Wage Complaint at
    www.mass.gov/ago/wagehotline
  - Call the hotline (M-F): 617-727-2465
- These are potential signs of labor trafficking:
  - The indicators listed are not definitive or cumulative; they are meant to inform and to raise awareness that one or several of these red flags may be present in a forced services situation.

www.mass.gov/ago/lt
labortrafficking@state.ma.us
Vendor / Contractor Compliance

Use your city or town’s buying power to help in eradicating forced labor. Consider adding a contractor acknowledgement to your standard municipal contract that articulates your commitment to buying only lawfully produced and sourced goods and services.

Below is a standard contract term required by anyone contracting with the Office of the Attorney General:

The AGO is committed to doing its part to eradicate human trafficking and forced labor in the Commonwealth. By checking this box, the Contractor acknowledges that the Contractor understands that: (1) the AGO will insist that Contractors (including Vendors and Suppliers) with which it conducts business comply fully with all state and federal laws and regulations regarding human trafficking and forced labor, including all FAR regulations; and (2) the AGO will require assurances that all items in a supply system have been produced in accordance with the laws against human trafficking in the country in which the goods were produced.

Find this language at: www.mass.gov/ago/lt
Contact Information: Referrals

Massachusetts Attorney General’s Human Trafficking Division
Monday-Friday, 9AM-5PM: (617) 963-2011
File a criminal complaint: https://www.mass.gov/the-attorney-generals-criminal-bureau
Human trafficking info: https://www.mass.gov/fighting-human-trafficking / htdinfo@mass.gov

Massachusetts Attorney General’s Fair Labor Division Hotline
Monday-Friday, 10AM-4PM: (617) 727-3465
File a wage complaint: www.mass.gov/ago/fld
Labor trafficking info: www.mass.gov/ago/ltr
labortrafficking@state.ma.us

Division of Professional Licensure
Lauren McShane, Chief Investigator
(617) 727-8945
lauren.m.mcshane@mass.gov

*Remember, if there is an emergency situation, call 911.*
QUESTIONS?