

# **Investigating and Prosecuting Cases in Sex Based Industries as Labor Trafficking Cases**

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U.S. Department of Justice

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Human Trafficking Prosecution Unit  
Civil Rights Division  
U.S. Department of Justice





# The Law

## Statutes and Protocols

# SEX TRAFFICKING: 18 U.S.C. § 1591

**Knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits any person, or benefits financially from such acts**

**Knowing or in reckless disregard that force, fraud, or coercion will be used to cause a person to**

**Engage in a commercial sex act**

**Conduct is in or affecting interstate/foreign commerce**



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# SEX TRAFFICKING OF ADULTS

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Knowing or in reckless disregard that **force, fraud, or coercion** will be used to cause a person to

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# SEX TRAFFICKING OF MINORS

Knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits any person, or benefits financially from such acts

Do not need to prove force, fraud, or coercion

Knowing or in reckless disregard that person is **under the age of 18** and will be caused to

Engage in a commercial sex act

Conduct is in or affecting interstate/foreign commerce



# SEX TRAFFICKING: 18 U.S.C. § 1591

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Knowing or in reckless disregard that force, fraud, or coercion will be used to cause a person to

Engage in a **commercial sex act**

Conduct is in or affecting interstate/foreign commerce





# 18 USC 1591 (E) (3)

The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.



# 18 USC 2246 (2) SEXUAL ACT

- (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
- (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any [person](#); or
- (D) the intentional touching, not through the clothing, of the genitalia of another [person](#) who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any [person](#);



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Engage in a commercial sex act

Conduct is in or affecting **interstate/foreign commerce**



# LABOR TRAFFICKING THREAT ASSESSMENT

- What are the most *labor-intensive, unsafe, and unstable jobs*?
- Is there a history of *labor, immigration, or safety* violations?
- Who are the most *insular, isolated, impoverished, & transient* local communities, and where do they work?
- Are *groups of vulnerable individuals* concentrated in certain jobs, industries, or work sites?
- Are particular employers known for *recruiting workers from shelters, rehab centers, or detention facilities*?
- Who are the *non-profit, faith-based, & community groups* serving vulnerable populations?
- Are there workers being transported, monitored, or supervised in restrictive, substandard conditions?



THE  
**ESCORT**







LPG

1980

1980





Pearl Of The Orient  
**MASSAGE**

**CHINESE  
SHIATSU  
SWEDISH**

**MASSAGE**

3905





# MODELING

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Fax: (248) 248-2883





HUMAN TRAFFICKING PROSECUTION UNIT

# VIDEO BOOTHS

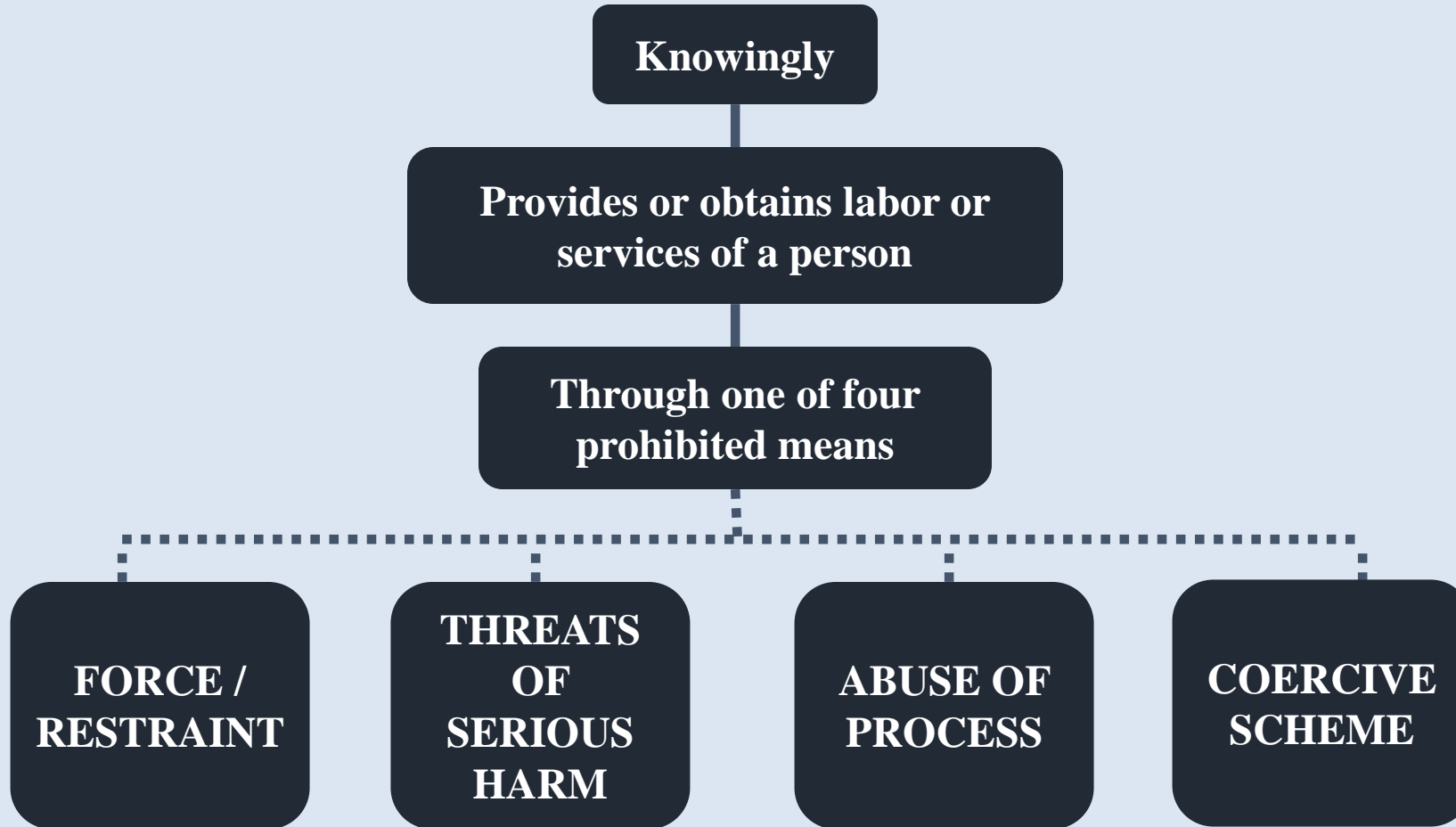


# FORCED LABOR: 18 U.S.C. § 1589



HUMAN TRAFFICKING PROSECUTION UNIT

# FORCED LABOR: 18 U.S.C. § 1589



# FORCED LABOR: 18 U.S.C. § 1589

**Knowingly**

Provides or obtains labor or services of a person

Through one of four prohibited means

FORCE /  
RESTRAINT

THREATS  
OF  
SERIOUS  
HARM

ABUSE OF  
PROCESS

COERCIVE  
SCHEME



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**United States v. Shannon Adams,**  
**789 F.3d 903 (8<sup>th</sup> Cir. June 18, 2015)**



**Shannon Adams**  
**“Mom”**



**Don Ray Harris**

**United States v. Bradley Cook,**  
**782 F.3d 983 (8<sup>th</sup> Cir. April 9, 2015)**



**Edward Bagley**



**Marilyn Bagley**

**United States v. Bradley Cook,**  
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**United States v. Bradley Cook,**  
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**Bradley Cook**



# VICTIM BACKGROUND, EXPERIENCES, VULNERABILITIES



# JUST A LAKE?



HUMAN TRAFFICKING PROSECUTION UNIT

# TELL ME ABOUT THE VICTIM

- “Reasonable person of the *same background and in the same circumstances.*”
- *Vulnerabilities are relevant* in determining “whether coercion could plausibly have compelled the victim.”
- Evidence of victim’s *“troubled past”* established how she was “more susceptible” to the defendant’s “coercive methods.”



# WHAT ELSE DO YOU WANT TO KNOW?

- Broken home
- Shuttled between mother and father
- Hospitalized frequently for psychiatric problems
- Dropped out of school
- Teenage pregnancy
- Drug addiction
- Low level criminal history
- **KNEW** “circumstances of instability & rejection”



# PEELING BACK THE LAYERS

- **Victim met subject at corner store buying cigarettes**
- **Victim went there after bad fight with boyfriend**
- **Victim living with boyfriend who was extremely abusive**
- **Victim was visibly shaken and distraught at store**
- **Subject asked victim if she was ok & she confided**
- **Subject offered her help, a place to stay, and drugs**



# NEW FILE ARRIVES

Agent interviewed 25 y/o victim who reported she's **prostituted for years**. She mostly does it to support her **heroin addiction**, which has landed her in and out of **jail**. At some point, she was arrested for writing **bad checks** to get money to pay for drugs, and failed to appear at a hearing, resulting in an **arrest warrant**. She's worked for **other pimps** throughout the years, but the current guy who dropped her off at the motel is her **boyfriend** whom she **loves**.





# THE VICTIM HAS “ISSUES” ...

- **Now What?**
  - Can there be coercion if victim already addicted to drugs and prostituting on her own?
  - Can't defeat prosecution “through the very *traits he sought to exploit.*”
- **Change Perspective**
  - “*Weakness is the best trait* a person can find in someone they want to control.”
  - “Issues” = prosecution strengths



# TARGETED TRAITS & “ISSUES”

- Pre-existing drug addictions
- Prior/subsequent prostitution
- Criminal & arrest history
- Undocumented status & complicity in smuggling
- Complicated feelings & emotions
- Others?





# NONVIOLENT METHODS OF COERCION

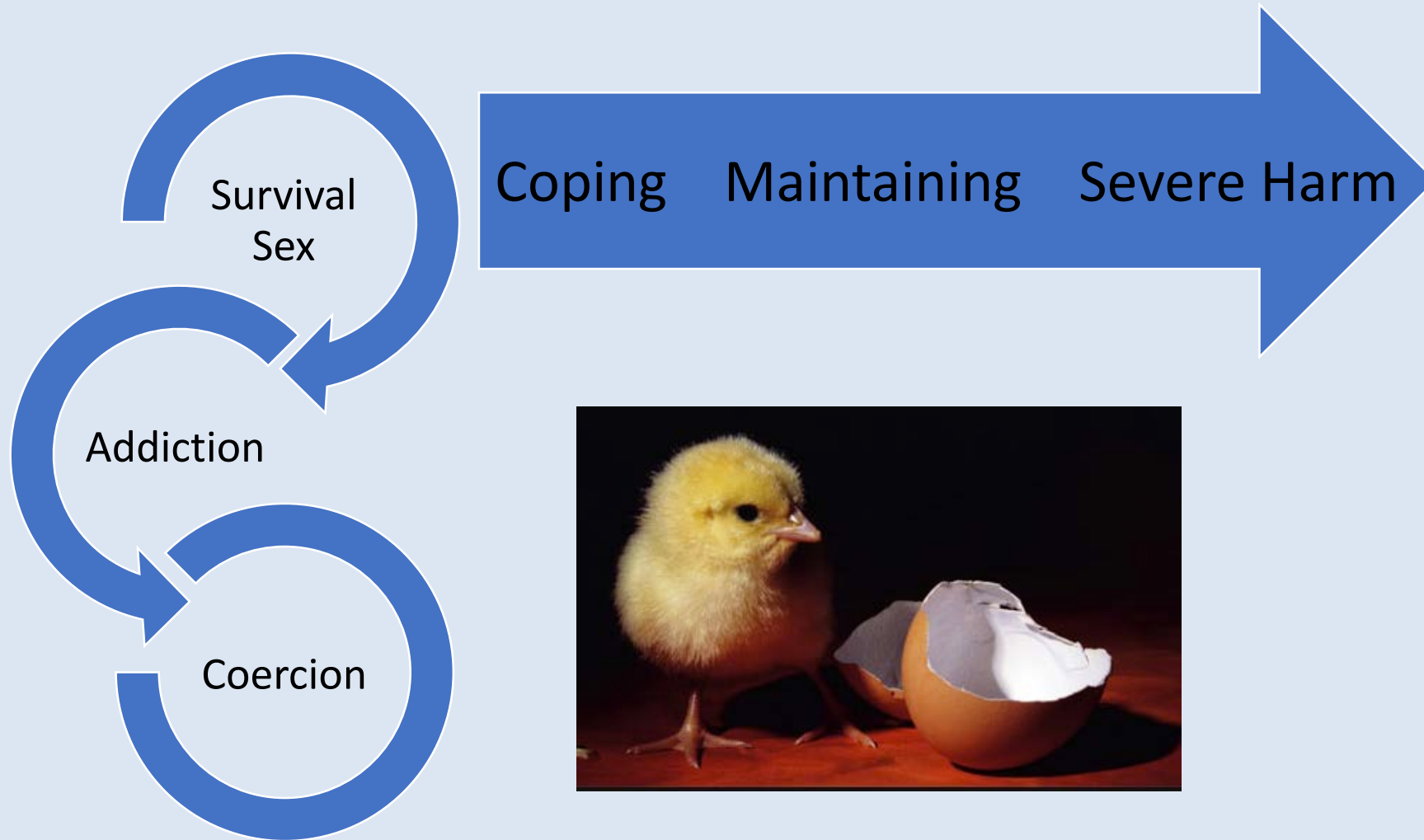


HUMAN TRAFFICKING PROSECUTION UNIT

# DRUG ADDICTION & COERCION



# DRUG ADDICTION & COERCION



# MANIPULATING DRUG ADDICTIONS

- Initially *supplying them with drugs*
- *Suddenly cut them off* and demanded payment,
- *Exploited their addiction*, which his previous supply of free drugs had cultivated
- *Withheld heroin* until she went to prostitution sessions,
- *Using her addiction as an incentive to prostitute herself*



# POWER OF DRUG ADDICTIONS

CB: I'm rly tryin for one until then. Because I'm guna have a rly hard time doing this 2hrs [session] with nothing

\*\*\*

CB: I've been tryin to be on point..and be as appealing as I can

CB: He's about 15 mins away.

CB: Can I pleeease do shot before he gets here??  
He's getting off freeway. Please jay?

M: Show this text to [Toby]. Give her one of those real quick

CB: I fuckin love you.



# SO WHAT'S THE HARM?

- *Painful physical and psychological symptoms*
  - seizures, fever, chills, cramping, vomiting, and diarrhea
- *Fear of severe withdrawal symptoms* meets the definition of serious harm
- Not only *severe physical pain*
- But the *threat of withdrawal sickness* constitutes *psychological harm* that is sufficiently serious.





# IMMIGRATION & COERCION



# UNDOCUMENTED VICTIMS

- **Hopes & dreams**
- **Far from home & support**
- **Language/cultural barrier**
- **Marginalized communities**
- **Arrest & deportation**





# THREAT OF DEPORTATION

- **Just innocent warnings about the law?**
  - “The immigration laws do not aim to help employers retain secret employees by threats of deportation.”
- **“Abuse or threatened abuse of law”**
  - Using the law “in any manner or for any purpose for which the law was not designed” to “exert pressure on another person”
- **Threat of deportation sufficient to coerce?**
  - Defendant told victim she’ll be arrested and deported if she goes outside, talks to others, and stops working for him.
  - What’s the harm in the victim just going home?



# SO WHAT'S THE HARM?

- Deportation: *not just a free plane ride home*
- Think in terms of the *financial & social harms & consequences* of immigration & deportation
- “Told repeatedly” that “if anyone discovered her she could be arrested, imprisoned, and deported, and *she would not be able to send any more money back to her family*. Fear of that consequence kept her from” leaving.
- *Debt manipulation*: Defendant paid smuggling debts; executed debt contracts; required victims to work at club to repay debt; added to debts by establishing rules/fines.



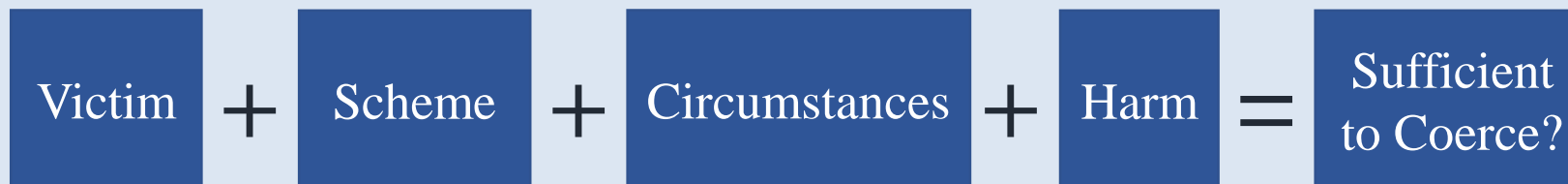
# EXAMPLE

- **Victim vulnerabilities:** young, naïve, troubled pasts, homeless
- **Recruited using false promises:** love, money, adventure, family, better life
- **Took identification documents:** “Since she doesn’t have an ID, she couldn’t go anywhere.”
- **Isolated:** drove across the country to unfamiliar cities
- **Created financial dependence:** took all of the proceeds
- **Became entire support and family:** tattoos
- **Verbal and emotional abuse:** lowered self-esteem (salads)
- **Violence:** kicked out victim’s teeth and cut off her hair
- **Fear and intimidation:** bragged about violence to victims; beat victims in front of other victims



# TYING IT ALL TOGETHER

- Understand the **victim's background** & perspective
- Establish **defendant's knowledge** & targeting of vulnerabilities
- Assess victim's **recruitment** & coercive effect
- Identify **nonviolent methods of control** & combined coercive effect of totality of defendant's conduct
- **Anticipate "consent" defenses**; analyze through framework; recognize "good" & "bad" facts



# QUESTIONS?

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