HUMAN TRAFFICKING IN NEW MEXICO

INDIVIDUALS WITH DISABILITIES MAY FACE INCREASED RISK OF HUMAN TRAFFICKING

NEW MEXICO HUMAN TRAFFICKING TASK FORCE

- Grant co-partnered by NMOAG and The Life Link with FBI, HSI, U.S. Attorney’s Office, Tribal Community and many others.
- Collaborative effort between law enforcement and service providers to combat Human Trafficking statewide.
  1. Prevention: Enhancing public awareness and training professionals.
  2. Prosecution: Ensuring strong legislation and building strong cases through proactive investigations.
  3. Protection: Victim-centered rescue and long term restoration.
HUMAN TRAFFICKING TASK FORCE

- **VICTIM SERVICES**: Works with identified victims, providing legal & social services.
- **LAW ENFORCEMENT**: Collaborates with agencies on current/hotline investigations, provides officer trainings, & prevention tactics.
- **AWARENESS**: Community organizations partnering together to provide outreach & education to the community on human trafficking.
- **PROTOCOL**: Creating and evaluating protocol or the task force & the procedure for handling human trafficking situations.
- **TRAINING**: Provides trainings to organizations that might come into contact with victims.

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HUMAN TRAFFICKING: WHAT IS IT?

- Human trafficking is a form of modern-day slavery.
- Victims of trafficking exploited for commercial sex or labor purposes.
- Traffickers use force, fraud or coercion to achieve exploitation.

*After drug dealing, human trafficking is tied with the illegal arms trade as the second largest criminal industry in the world, and it is the fastest growing.*
A. Human trafficking consists of a person knowingly:

- (1) recruiting, soliciting, enticing, transporting or obtaining by any means another person with the intent or knowledge that force, fraud or coercion will be used to subject the person to labor, services or commercial sexual activity;
- (2) recruiting, soliciting, enticing, transporting or obtaining by any means a person under the age of eighteen years with the intent or knowledge that the person will be caused to engage in commercial sexual activity; or
- (3) benefiting, financially or by receiving anything of value, from the labor, services or commercial sexual activity of another person with the knowledge that force, fraud or coercion was used to obtain the labor, services or commercial sexual activity.

B. The attorney general and the district attorney in the county of jurisdiction have concurrent jurisdiction to enforce the provisions of this section.

Whoever commits human trafficking is guilty of a third degree felony; except if the victim is under the age of:

- (1) sixteen, the person is guilty of a second degree felony; or
- (2) thirteen, the person is guilty of a first degree felony.

D. Prosecution pursuant to this section shall not prevent prosecution pursuant to any other provision of the law when the conduct also constitutes a violation of that other provision.

E. In a prosecution pursuant to this section, a human trafficking victim shall not be charged with accessory to the crime of human trafficking.

F. A person convicted of human trafficking shall, in addition to any other punishment, be ordered to make restitution to the victim for the gross income or value of the victim's labor or services and any other actual damages in accordance with Section 31-17-1 NMSA 1978.
NEW MEXICO STATE STATUE

- 30-9-4. Promoting prostitution
- 30-9-4.1. Accepting earnings of a prostitute
- 30-9-11. Criminal sexual penetration
- 30-9-12. Criminal sexual contact
- 30-9-13. Criminal sexual contact of a minor
- 30-4-1. Kidnapping
- 30-3-5. Aggravated battery
- 30-6-1. Abandonment or abuse of a child
- 30-6-3. Contributing to delinquency of minor
- 30-6A-3. Sexual exploitation of children
- 30-6A-4. Sexual exploitation of children by prostitution
- 30-37-3.2. Child solicitation by electronic communication device

DEBUNK THE MYTHS

Human trafficking always involves kidnapping or violent force
DEBUNK THE MYTHS

All human trafficking is sex trafficking

DEBUNK THE MYTHS

Human trafficking doesn’t affect me
DEBUNK THE MYTHS

Human Trafficking is a Crime Prosecuted Only at the Federal Level

HOW VICTIMS ARE TRAFFICKED

**Actions**

- **Recruiting** includes proactive targeting of vulnerability and grooming behaviors
- **Harboring** includes isolation, confinement, monitoring
- **Transporting** includes movement and arranging travel
- **Providing** includes giving to another individual
**HOW VICTIMS ARE TRAFFICKED**

**Actions**

- **Obtaining** includes forcibly taking, exchanging something for ability to control

- *Soliciting* includes offering something of value

- *Patronizing* includes receiving something of value

  *Only for sex trafficking*

**Means**

- **Force** includes physical restraint, physical harm, sexual assault, and beatings. Monitoring and confinement is often used to control victims, especially during early stages of victimization to break down the victim's resistance.
HOW VICTIMS ARE TRAFFICKED
MEANS

**Fraud** includes false promises regarding employment, wages, working conditions, love, marriage, or better life. Over time, there may be unexpected changes in work conditions, compensation or debt agreements, or nature of relationship.

HOW VICTIMS ARE TRAFFICKED
MEANS

**Coercion** includes threats of serious harm to or physical restraint against any person, psychological manipulation, document confiscation, and shame and fear-inducing threats to share information or pictures with others or report to authorities.
**Commercial Sex Act** is any sex act on account of anything of value given to or received by any person.

**Involuntary Servitude** is any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of the legal process.

**Debt Bondage** includes a pledge of services by the debtor or someone under debtor’s control to pay down known or unknown charges (e.g. fees for transportation, boarding, food, and other incidentals; interest, fines for missing quotas, and charges for “bad behavior”). The length and nature of those services are not respectively limited and defined, where an individual is trapped in a cycle of debt that he or she can never pay down.

**Slavery** is the state of being under the ownership or control of someone where a person is forced to work for another.
INDUSTRIES LINKED TO HUMAN TRAFFICKING

Sex Trafficking
- Prostitution
- Pornography
- Exotic Dancing/Stripping
- Massage Parlors
- Escort Services
- Modeling Studios

SEX TRAFFICKING
INDUSTRIES LINKED TO HUMAN TRAFFICKING

Labor Trafficking
- Farming/Agricultural work/ Landscaping
- Hotel or Tourist Industries
- Janitorial Services
- Restaurant/Cooks/Waiter or Waitresses
- Factory Work (“sweatshops”)
- Domestic servitude/Housekeeping/ Nannies
- Peddling/Panhandling
- Massage Parlors
- Care Facilities
TRAFFICKING BY FAMILY MEMBERS, GUARDIANS, AND RESIDENTIAL CARE PROVIDERS

MANY SURVIVORS OF HUMAN TRAFFICKING WERE TRAFFICKED BY ROMANTIC PARTNERS, INCLUDING SPOUSES, AND BY FAMILY MEMBERS, INCLUDING PARENTS.

NOT FOR SALE

MORE HUMAN TRAFFICKING CASE EXAMPLES
Many sex traffickers lure victims by providing basic survival needs. They systematically provide distorted versions of higher needs to manipulate victims. Using threats, force and coercion, traffickers exploit the fact that, for many victims, “the life” may be their first experience of ‘family’ and belonging.

**INSIDE THE MIND OF A TRAFFICKER**

- **Distortion**: Traffickers distort situations by framing them under more acceptable terms.
- **Rationalization**: Excuses are the markings of rationalization, and perpetrators use faulty and false reasoning to convince themselves that they’ve done no wrong.
- **Social Comparison**: Traffickers might compare themselves to other traffickers in order to dissociate themselves from the most brutal manifestations of human trafficking.
INSIDE THE MIND OF A TRAFFICKER

- **Blame Shifting**: Traffickers such as factory managers might defend themselves by accusing people outside of their control of forcing them to traffic others.

- **Dehumanization**: Dehumanization strips people of their identity, identifies them as “the other” and makes it so that they are viewed as inferior and deserving of exploitation.

MENTALITY OF A TRAFFICKER

- “My job is to make sure she has what she needs, personal hygiene, get her nails done, take her to buy an outfit, take her out to eat, make her feel wanted…but I keep the money.” – Convicted pimp, Antoin Thurman, as quoted in the New York Times investigative series, Running in the Shadows: Children on Their Own (2009)
HOW ARE PEOPLE RECRUITED?

- Grooming process
- Internet and social media
- Fake employment agencies
- Acquaintances or family
- Newspaper ads
- Front businesses
- Word of mouth
- Abduction

HUMAN TRAFFICKING AND TECHNOLOGY
SOCIAL NETWORKING

Pimps hit social networks to recruit underage girls to engage in commercial sex

The pimps "searched Facebook for attractive young girls, and sent them messages telling them that they were pretty and asking if they would like to make some money"

If a girl expressed interest, a gang member would arrange to meet up. At that point, participation stopped being voluntary.

Rain Smith
Thanks for adding me ur very pretty would u be interested in a job making easy money

Jane Doe
Always lol. Doing what?

Jane Doe
And thank you :) do we know each other?

Rain Smith
Welcome. No we don't this is just one of the ways I find girls looking for work it's one of my jobs. I work with girls that dance nude parties duties are on ones and more some girls make 200 or more an hour does any of that interest U?

Jane Doe
What do you do

Jane Doe
Yes maybe

Rain Smith
Send me ur number I'll have my girl call or text u with more info

Jane Doe
Ok, like stripping or more of an escort thing?

Rain Smith
We do both. Number?

Jane Doe
XXXXXXXXXX
FACTORS THAT MAKE PEOPLE WITH DISABILITIES MORE AT RISK OF BECOMING A TRAFFICKING VICTIMS

- Submissive
- Isolated
- Communication
- Desensitized to touch
- Not believed

WHY WOMEN WITH DISABILITIES ARE MORE AT RISK TO BE ABUSED AND VICTIMIZED

1. Increased dependency on others for long term care.
2. Denial of human rights that results in the perception of powerlessness.
3. Less risk of discovery as perceived by the perpetrator.
4. The difficulty some survivors have in being believed.
WHY WOMEN WITH DISABILITIES ARE MORE AT RISK TO BE ABUSED AND VICTIMIZED

5. Less education about appropriate and inappropriate sexuality.

6. Social isolation and increased risk of manipulation.

7. Physical helplessness and vulnerability in public places.

8. Values and attitudes within the field of disability toward mainstreaming and integration without consideration for each individual's capacity for self-protection.

WHAT HAPPENS TO THE VICTIM

- Bodily diseases
- Psychological diseases
- Pregnancy and abortion
- Addiction
- Death
WHAT IS THE TRAFFICKING VICTIMS PROTECTION ACT?

- The TVPA protects former, current, and potential trafficking victims, prosecutes its perpetrators, and prevents further trafficking.

PROTECTION, PROSECUTION, AND PREVENTION.

3 P's
The Trafficking Victims Protection Act of 2000

 Millions of people are victims of sex and labor trafficking. In order to end what is known as “modern slavery,” President Clinton signed the TVPA into law in 2000. The TVPA serves three purposes: prevention, protection, and prosecution.

1. Prevention
   - The TVPA includes provisions to encourage countries of origin, transit, and destination to establish and maintain consistent, rigorous, and specific anti-trafficking laws and standards.

2. Protection
   - The TVPA protects trafficked persons from removal, repatriation, or refoulement and establishes criteria and procedures for granting affirmative asylum, withholding of deportation, and withholding of removal.

3. Prosecution
   - The TVPA also increases accountability for traffickers by making it easier to obtain convictions and imposing severe penalties.

Source: https://www.state.gov/j/tip/
HOW TVPA AFFECTS WHAT YOU DO

- Creates new laws that criminalize trafficking regarding slavery, involuntary servitude, peonage or forced labor
- Permits prosecution where non-violent coercion used to force victims to work in belief they would be subject to serious harm
- Permits prosecution where victim's service compelled by confiscation of documents such as passports or birth certificates
- Increases prison terms for all slavery violations from 10 years to 20 years; adds life imprisonment where violation involves death, kidnapping, or sexual abuse of victim

HOW TVPA AFFECTS WHAT YOU DO

- Requires courts to order restitution, forfeiture of assets upon conviction
- Enables victims to seek witness protection, other types of assistance
- Gives prosecutors and agents new tools to get legal immigration status for victims of trafficking during investigation, prosecution
HOW TVPA AFFECTS WHAT YOU DO

Often traffickers break state laws such as:
- Murder
- Kidnapping
- Battery
- Assault
- Sexual battery
- False imprisonment
- Prostitution
- Promoting prostitution

HOW TO IDENTIFY A POTENTIAL TRAFFICKING VICTIM

- Movement closely monitored
- A person who works excessive hours, but receives little or no pay
- Fearful of discussing working conditions
- A person who doesn’t know where they are geographically
- A person who is fearful of discussing their relationship to a person
HOW TO IDENTIFY A POTENTIAL TRAFFICKING VICTIM

- Groups of worker who are transported in and out of labor locations
- Foreign Nationals who don’t have control of their documents
- Signs of abuse
- Unusual activity at a residents or business
- A minor engage in commercial sex
- Frequenting internet chat rooms
- Having unexplained money or jewelry

HOW TO IDENTIFY A POTENTIAL TRAFFICKING VICTIM

- Using slang language from “the life”
- Inconsistent stories
- Constant communication with multiple men
- Reluctance to explain tattoo
- Keeping late nights
HOW TO REPORT HUMAN TRAFFICKING

Anti-Human Trafficking Initiative

The Life Link Anti-Human Trafficking Initiative, located in Santa Fe, New Mexico, is a comprehensive program for victims of human trafficking. Through partnerships with state government, law enforcement, community stakeholders, non-profits, and community organizations, Life Link provides advocacy, victim services, shelter, medical care, judicial case management, forensic and medical exams, immigration assistance, and legal support to protect human trafficking victims and survivors. Life Link’s program has received referrals from all over the country and is being used as a national model for development and implementation of best practices for working with human trafficking victims. The Life Link Anti-Human Trafficking Initiative provides services to women and children who seek and record victims as they navigate the difficult road to recovery.

Questions?

To report human trafficking to law enforcement: 1-866-347-2423 (1-866-DHS-2-ICE)

To get confidential help from a nongovernmental organization: 1-888-373-7888 or text HELP or INFO to BeFree (233733)

Website: www.dhs.gov/bluecampaign
Email: bluecampaign@hq.dhs.gov
HOW TO REPORT HUMAN TRAFFICKING

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