

# Human Trafficking in the Commonwealth

Presentation to the Massachusetts Municipal Association

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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%)
- 1,841sex and labor trafficking or unspecified (17%)

#### Top Labor Trafficking Industries

- Domestic work
- Agriculture
- Traveling Sales Crews
- Restaurant/Food Service



2018

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%





### Massachusetts Attorney General's Office

#### 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)



## Trafficking of Persons for Sexual Servitude G.L. c. 265 § 50

• 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



# Trafficking of Persons for Forced Services G.L. c. 265 § 51

• 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 G.L. c. 265, §49

"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



- 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



- Domestic workers
  - o city or town assessors
  - sanitary/housing code inspectors may interact with domestic workers during a property inspection
- Restaurants, bars and food service/handling
  - your health code inspectors/registered sanitarians see all "back of the house" personnel and operations at food service establishments
  - o common victualler licensing
  - your city or town may have commercial food permits and/or food warehouse and distributor permits
- Construction
  - building inspectors, electrical inspectors, all various inspectional services may see suspicious activities during an inspection



- 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



- 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

#### 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

# **RESULTS AT YOUR FINGERTIPS.**

#### Recognize &

Evaluate



Uncover

Labor

rafficking

#### Access the app at: www.traffickingresult.com



### Labor Trafficking Indicators



- Can you come and go as you please? 

   Where do you sleep and eat?
- not allowed to? Have you been hurt or threatened if
- you tried to leave?
- 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: 1-888-272-7888 Text 233733
- Email: help@humantrattickinghotline.org File a report at:

Office of the

Massachusoms

Maura Healey

Attomey General

- 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/wagetheft
  - Call the hotline (M-F/IOAM-4PM): 617-727-3465

These are potential signs of labor trafficking. The indicators listed are not determinative nor cumulative; they are meant to inform and to raise ewateness 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

#### Do you pet paid? Have you ever fried to leave and were . Are you in debt to your employer? . How do you get paid? How much do . How did you find your job? you get paid? How often are you paid? · Do you need medical assistance? Do you owe anyone money because they helped find you find your job? Do you feel safe?



# 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/lt 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?