

Memo

To: The Senate Interim Judiciary Committee and the House Interim Judiciary Committee

From: Task Force on Human Trafficking

Re: Human Trafficking in Oregon

Date: October 30, 2008

Findings and Recommendations

The Work Group on Human Trafficking submits to you its findings and recommendations. They are as follows:

1. We find that human trafficking exists in Oregon. However, we cannot say to what extent it exists.
2. We find that those trafficked involve two distinct populations. The first is immigrants most of whom are here illegally. The second group consists primarily of teenage runaways compelled into the sex trade.
3. We find that Oregonians need to be more aware of the presence both forms of human trafficking in our midst.
4. We recommend the following:
 - a. Increased education among the general population concerning the presence of human trafficking in Oregon.
 - b. Increased education of the law enforcement community through the Oregon Chiefs of Police Association, the Oregon Sheriffs Association, the Oregon District Attorneys Association, the Oregon Community Corrections Directors Association, the Oregon Judicial Conference and the Oregon Criminal Defense Attorneys Association.¹
 - c. Increased education of front line police officers particularly at roll call about human trafficking.
 - d. Training credits for educational programs on human trafficking for law enforcement, attorneys, judges and other professionals.
 - e. Have the Oregon Criminal Justice Commission track the number of criminal prosecutions each year for human trafficking in Oregon.
 - f. Secure housing for victims.

¹ Oregon's sheriffs and Oregon's police departments have already instituted programs that train their respective employees in recognizing human trafficking and assisting those who have been trafficked.

- g. The sharing of information among the law enforcement community, social service agencies and community service providers concerning the resources available to assist victims of human trafficking.
- h. A pilot project in Portland for teenage girl runaways consisting of secure living arrangements similar to a domestic violence shelter that would assist girls in obtaining social services that would enable them to escape from the conditions that led them into being trafficked.
- i. That the Department of Justice play the lead roll in coordinating and implementing these recommendations.

Background

The 2007 Legislative Assembly enacted SB 578, a bill that created the crimes of subjecting another person to involuntary servitude and trafficking in persons. A person commits the crime of involuntary servitude when the person forces another person to engage in conduct the person otherwise would not have engaged in. A person commits the crime of trafficking in persons when the person recruits, transports or harbors another person knowing that the other person will be subjected to involuntary servitude.

In addition to criminal penalties imposed upon any person convicted of subjecting another person to involuntary servitude and trafficking in persons, HB 578 grants victims individual rights. These rights include the right to: (1) Seek restitution from a convicted defendant for the gross income or value to the defendant of the victim's labor or services; (2) Maintain a civil cause of action for damages against the person involved in trafficking; and (3) Raise the defense of duress when the victim was forced to commit a crime.

SB 578 was one of several bills filed during the 2007 session addressing involuntary servitude and trafficking in persons. These bills were all part of a nationwide effort to address the lack of state laws specifically addressing human trafficking. The final version of SB 578 was based on a bill that a Judiciary Committee work group developed during the 2005-07 interim session.

As originally drafted, SB 578 called for a Task Force on Trafficking in Persons consisting of 13 members. The purpose of the task force was to: (1) Measure and evaluate the progress of the state's efforts at preventing trafficking in persons; (2) Identify available federal, state and local programs that provide services to victims of human trafficking, including but not limited to health care, human services, housing, education, legal assistance, job training or preparation, interpreting services and victim's compensation; and (3) Make recommendations on methods to provide a coordinated system of support and assistance to persons who are victims of trafficking in persons. The Department of Justice planned to provide support staff. However, the Ways and Means Committee deleted the task force because of its potential costs.

The Work Group

At the beginning of the 2007-08 interim session, Senators Brown and Verger along with Representative Boone re-convened the work group and asked Committee Services to provide support services. The newly constituted work group was asked to address the issues that otherwise would have been addressed by the more formal task force.

Membership was open and included: (1) Senator Joanne Verger; (2) Representative Debbie Boone; (3) Siovhana Sheridan-Ayala, an attorney in private practice specializing in immigration law and formerly with Catholic Charities; (4) Kathleen Martinez and Keith Bickford, Multnomah County Sheriff's Office; (5) Mickey Serice, Oregon Department of Human Services; (6) Ann Christian, Oregon Criminal Defense Lawyers Association; (7) Kevin Campbell, Oregon Association of Chiefs of Police; (8) Michael Slauson and Stephanie Soden, Oregon Department of Justice; (9) Craig Prins and Mike Stafford, Oregon Criminal Justice Commission; (10) Kathy Verger Muscus-Shapf, legislative assistant to Senator Joanne Verger; (11) Nancy Cozine, State Court Administrator's Office; and (12) Lia Lee, Council for Prostitution Alternatives.

The Report

In order to address human trafficking in Oregon, one needs first to determine, if possible, the extent of the problem. To that end, the task force asked the Oregon Chiefs of Police Association, the Oregon Sheriffs Association, the Oregon District Attorneys Association and the Oregon State Police the following questions:

- 1) To what extent have you *seen* cases of trafficking in your jurisdiction?
- 2) To what extent have you *heard* of cases of trafficking in your jurisdiction?
- 3) To what extent have you *seen* cases of international trafficking in your jurisdiction?
- 4) To what extent have you *heard* of cases of international trafficking in your jurisdiction?
- 5) Please tell us the approximate number of cases that your jurisdiction encounters per year.

The Sheriffs Association and the Chiefs of Police Association forwarded these questions to their respective members. Several responded. Washington County, by e-mail dated October 5, 2007 to Dave Burrig, Executive Director of the Oregon Sheriffs Association, stated that over a three-year period, 2005, 2006 and 2007 (through August 15th), Washington County had possibly 12 cases of human trafficking. The sheriff of Douglas County, Sheriff Brown, responded that from 2004 to the present, Douglas County has had approximately 86 marijuana grow operations operated by Mexican-based organizations using workers smuggled into the United States for the purposes of

operating these grow operations. He added that when apprehended, these workers claim to be “trafficked.” However, the evidence surrounding their activities does not appear to support this claim.

Kathleen Martinez with the Multnomah County Sheriff’s Office responded that the Multnomah County Task Force has investigated fourteen cases of both international and domestic trafficking. Five cases could not be corroborated. Three were not trafficking cases but involved other crimes. Four were victims of international human trafficking that have been certified through the Trafficking Victims Protection Act and received services from Catholic Charities. Currently, the sheriff’s office has under investigation one domestic sex trafficking case with two victims and one international labor case with three victims. However, she knows of many instances of domestic human sex trafficking. Finally, she heard that “international trafficking occurs in most Mexican restaurants.”

The Chief of Police of Rockaway Beach responded that he has not seen a case of human trafficking although there were rumors of it in the migrant worker community. He added when he was with the Port of Seattle Police, immigrant Chinese were found in cargo containers. Also, other people were brought into the United States from the Philippines and other countries as “domestic help” or “exchange students.”

In May of 2008, the Task Force received additional information from both the Portland Police and the United States Attorney’s Office. It is difficult to ascertain the exact numbers of cases of human trafficking reported by the Portland Police but it appears to be over 100. Also, it is difficult to determine if any of these cases had been reported earlier. One of the members of the task force heard that the United States Attorney’s Office for Oregon reported that it has fourteen ongoing cases involving human trafficking. It appears that most of the Portland cases and the cases before the United States Attorney’s Office, involve forced prostitution of underage girls with all but a few being native born.

Survey of the Oregon Department of Justice

The Department of Justice surveyed the approximately fifty non-profit domestic violence treatment providers, and thirty-six victims’ assistance teams and Child Abuse Intervention Centers. The department asked them seven questions as set forth below. Following these questions is a compellation of the answers received.

1. Have you had training and/or experience that prepares you to recognize when you are working with a victim of human trafficking?

Answer: nineteen responded they did have training in recognizing human trafficking and forty-four responded they had not.

2. Do you know what legal options are available to a victim of human trafficking?

Answer: none of the respondents felt they were very knowledgeable; twenty-nine responded somewhat knowledgeable and forty-four had no knowledge.

3. In the past five years, have you had contact or worked with someone you believe was a victim of human trafficking?

Answer: fifteen responded they had had contact with a victim of human trafficking and forty-six said they had not.

4. If yes to 3, can you estimate the number of human trafficking victims with whom you have worked or had contact within the past five years?

Answer: one responded that they had had contact with one victim; two responded they had had contact with four victims; three responded they had contact with three victims; and five responded they had had contact with three victims.

5. If yes to 3, did you make any referrals for any of these victims?

Answer: Twenty responded that they had and three that they had not.

6. Were any of these referrals to agencies that specifically work with human trafficking victims?

Answer: Six responded that they had referred the victims of human trafficking to agencies that specifically work with human trafficking. Eight responded that they did not refer the victim to an agency specializing in human trafficking.

7. Anything else you would like to add?

Answer: respondents mentioned the lack of training or, if they had training it was provided by Catholic Charities or the Salvation Army.

The Department of Human Services was asked the following questions. Their response to each question is set forth immediately below the question.

- Question # 1. Do you have any programs that specifically treat victims of human trafficking?

Answer: No; however, DHS administers the Refugee Program and victims of human trafficking who are brought here from other countries are eligible for Refugee Program services. The determination that the person is a trafficking victim is made by the US Department of Justice.

Question # 2. If so, could you describe these programs including how many people they have assisted and the name and location of the program?

Answer: As far as we know, we have only served three since trafficking victims were granted refugee status.

Question # 3. Do you know of any programs in the state that provide services to persons who are victims of human trafficking?

Answer: Yes, see below.

Question # 4. If so, could you describe these programs including the location of the program and who operates it?

Answer: There is a program in Portland called Outreach and Support to Special Immigrant Populations Program (OSSIP) operated by Catholic Relief Services. These services include protection from traffickers, assistance in certification (as a trafficking victim), housing, food, medical and mental health services, representation in immigration proceedings, employment assistance, and protection from continued victimization. The address is 1910 SE 11th Avenue and the phone number is 971-222-1883.

There is a Torture Treatment Program funded by the Office of Refugee Resettlement located at OHSU. Presumably, they serve a few trafficking victims. We don't know how many because they don't track by immigration status. Their telephone number is 503-494-6140. Contact person is Chris Riley.

Basis for Recommendations

Our country has had a long and painful past with slavery. We fought a great war over the issue, the bloodiest one in our history. As a result of that war, slavery, as a legally recognized institution, ended.

Unfortunately, slavery, or "human trafficking" as it is now often called, still exists worldwide, and sadly to say, in this country, too. As recently as March of this year, two people were convicted in Florida for violating another person's 13th amendment right to be free from slavery. The person they enslaved was a Haitian orphan and immigrant whom they brought to this country illegally at the age of fourteen. And unfortunately, this has happened in Oregon too. A November 30th 2006 Oregonian article, reported about a Salem, Oregon couple being sued by an Ethiopian woman who was forced to work as a domestic in their home without pay after the couple seized the woman's work papers.

In our country, slavery does not exist openly. It is hidden. Those who perpetrate this crime most often prey upon two vulnerable groups – illegal immigrants and underage runaways. The former is afraid of deportation and retribution against family members back home; the latter of being returned to what is for many abusive homes. These victims do not readily report the crimes perpetrated against them. Consequently, it is very difficult to ascertain the extent of the problem. Nonetheless, there is enough evidence pointing to its existence in Oregon, but not enough to say it is widespread or prevalent.

Whether native born citizen, naturalized citizen, legal immigrant or illegal immigrant, minor or adult, no one should be enslaved. It degrades them. It degrades us. It is an injustice that slights the memory of those who fought and died to end slavery. As Abraham Lincoln stated “[i]f slavery is not wrong, nothing is wrong.” It is wrong and should not be tolerated. We therefore recommend the following:

1. Increased education among the general population concerning the presence of human trafficking in Oregon. This could be done by working with the media to develop public service announcements, particularly the media that immigrants read and listen to, churches and other community and civic organizations.
2. Increased education of the law enforcement community through the Oregon Chiefs of Police Association, the Oregon Sheriffs Association, the Oregon District Attorneys Association, the Oregon Community Corrections Directors Association, the Oregon Judicial Conference and the Oregon Criminal Defense Attorneys Association. We already have people in Oregon familiar with human trafficking. Deputy Sheriff Keith Bickford with the Multnomah County Sheriff’s Office co-ordinates the fight against human trafficking in Multnomah County. Catholic Charities has administered programs to assist those who have been victimized by illegal trafficking. Both Mr. Bickford and Catholic Charities could be called upon to make presentations to these organizations concerning human trafficking. Already the Oregon Chiefs of Police Association has indicated it would like a presentation at its Annual Meeting.
3. Increased education of front line police officers particularly at roll call about human trafficking. The best place to educate police officers is during roll call with short presentations. The International Association of Chiefs of Police has a presentation on DVD entitled “The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation”. It is brief and to the point. It can easily be made available to law enforcement.
4. Training credits for educational programs on human trafficking for law enforcement, attorneys, judges and other professionals. Law enforcement officers must obtain periodically certification or re-certification. Other professionals must periodically show that they have updated their skills and knowledge by attending continuing educational programs. When these professionals are educated about human trafficking, they should obtain professional credits for doing so.

5. Have the Oregon Criminal Justice Commission track the number of criminal prosecutions each year for human trafficking in Oregon. The 2007 Legislative Session created the crimes of subjecting another person to Involuntary Servitude I and II and Trafficking in Persons. These crimes are codified in ORS 163.261 to 163.266. We can better understand the scope of the problem in Oregon by tracking prosecutions pursuant to these provisions. We would also ask the Oregon Criminal Justice Commission to track similar crimes such as compelling prostitution and kidnapping and to ascertain if these crimes involved human trafficking.
6. Secure housing for victims. Those involved in trafficking of persons do so by controlling the basic necessities of life of their victims. Safe and secure housing is not only a way of protecting victims but cutting the link between abuser and abused.
7. The sharing of information the law enforcement community, social service agencies and community service providers concerning the resources available to assist victims of human trafficking. Community providers and state agencies have programs to assist victims of human trafficking. However, victims seldom use these services because law enforcement and social service providers are unaware that a person is a victim of human trafficking or that there are services for victims.
8. A pilot project in Portland for teenage girl runaways consisting of secure living arrangements similar to a domestic violence shelter. This shelter would provide a secure environment where they could obtain help. Portland is an attractive city, not only for the well-educated and skilled but for runaways. Consequently, it has a disproportionate number of Oregon's runaways. Runaways are prime candidates for human trafficking in the sex trade. The Citizens Crime Commission of Portland noted in its 2004 report of the Homeless Youth Prevention Task Force that Portland had inadequate services for girls. Secure living arrangements address this need. Not only would secure living arrangements be the right thing to do, it would also be the smart thing to do. A well-run program following evidence-based practices would reduce not only the likelihood that these girls would be involved in crime, but that they would become pregnant. As the report noted, 65% of these girls become pregnant. Given the environment these girls live in, a pregnancy for the girl is neither good for the girl or her baby.
9. That the Department of Justice play lead roll in coordinating and implementing these recommendations. None of these recommendations will come to fruition without the assistance of a strong advocate. No one in Oregon is better suited to provide this assistance than the Oregon Department of Justice. Under Attorney General Hardy Myer's leadership, the department has become the leading state advocate for victims. The Oregon Department of Justice recently ungraded the stature of its victims' rights advocacy program to a division status within the agency – The Crime Victims Service Division of the Oregon Department of Justice. The Oregon Department of Justice provides legal assistance to Oregon's district attorneys. Oregon's law enforcement community holds the Department of Justice if high

esteem. In short, no one is better suited to assist victims of human trafficking in Oregon than the Oregon Department of Justice.