



Andrew J. Kline Human Trafficking Prosecution Unit

Differentiating Traffickers' Roles
and
Levels of Guilt

Look to Law of Your Country to Determine Definition of “Trafficker”

U.S. Laws Are Extremely Broad
and Charging Decisions are
Subject to
Prosecutorial Discretion

Forced Labor: Section 1589

Providing or obtaining labor or services through:

- Threats of serious harm or physical restraint;

OR

- Scheme, plan or pattern intended to instill fear of serious harm or physical restraint; or

OR

- Abuse of legal process

U.S. v. Ibrahim

- Domestic servitude case
- Couple charged with Forced Labor
- Family friend who assisted in obtaining tourist visa and bringing victim to U.S. not charged with trafficking offenses because we couldn't prove knowledge of Ibrahim's intent to have her work as a domestic servant

Sex Trafficking: § 1591

- **Whoever knowingly, in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains**
- **A person for commercial sex acts**
- **Knowing that force, fraud or coercion will be used**
- **OR knowing that the victim is a minor**

Sex Trafficking: Broad Liability

Engages in sex trafficking act: recruits, entices, harbors, transports, provides, or obtains a person for commercial sex act

OR

Benefits financially or by receiving thing of value from knowingly participating in a venture which has engaged in such acts

Roles All Require Knowledge of Force, Fraud, or Coercion

- False Promises of Recruiter
 - Recruit or Entice
- Smuggler
 - Harbor or Transport
- Trafficker
 - Provide or Obtain
- Transporter
 - Harbor or Transport
- Guard
 - Harbor
- Cook/Money Lender/Accountant/Provider of False Visa/Landlord
 - Benefits financially
- Customer
 - Obtains
- Bottom/Former Victim
 - Provides

U.S. v. Dennis Paris

- Sex trafficking case where Brian Forbes forces minors into prostitution using force, fraud, and coercion
- Forbes later sells victims to Paris who also forces them to work for him, is charged with sex trafficking
- Shanaya Hicks is charged with sex trafficking even though she never made any false promises, assaulted, or threatened the victims
- She merely had knowledge of Forbes' use of force, fraud, and coercion, and knew that the victims were minors.
- She aided and abetted Forbes by answering his phone calls from prospective customers, driving the victims to appointments, and collecting money

Differentiating Levels of Guilt

- All traffickers are likely guilty of the same trafficking crimes and are therefore subject to the same penalties = LIFE
- There are always aggravating and mitigating circumstances
- Defendants therefore may be charged with offenses that carry less severe penalties
 - Conspiracy (5 year offense)
 - Smuggling illegal aliens (5, 10, 20 years)
 - Harboring illegal aliens (5, 10, 20 years)
 - Importing alien - immoral purpose (10 years)
 - Transportation of Minors (5-30 years)

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