



November 21, 2019

Mr. Pedro Nava
Chairman Little Hoover Commission
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Mr. Chairman and members of the commission, thank you for the invitation to present written and oral testimony on my research on labor trafficking to you. I am honored to be here. My name is Colleen Owens. I have about 15 years of experience conducting research and providing technical assistance on both labor and sex trafficking in the United States and several foreign countries. My research spans nearly every state in the United States, as well as countries in Asia, Africa, South America, and Europe. The bulk of my research and technical assistance has been funded by the federal government – namely, the Department of Justice and the U.S. Department of State. I am the recent Founder and CEO of THE WHY, a non-profit organization dedicated to eradicating human trafficking, promoting and supporting sustainable and ethical business practices, and economically empowering survivors. Prior to founding THE WHY, I served as Senior Research Associate with the Urban Institute’s Justice Policy Center where I codirected an over \$4.1 million portfolio of US and international research on human trafficking. My research studies have included analyses of labor trafficking across multiple industries in the U.S.¹, a study on human trafficking survivors' perceptions of justice², a study on challenges identifying, investigating and prosecuting human trafficking³, and research to estimate the size and scope of the underground commercial sex economy⁴, and evaluations of anti-trafficking programs overseas. As part of joint team from Urban Institute and Northeastern University, I

¹ [*Understanding the Organization, Operation and Victimization Process of Labor Trafficking in the United States*](#) (Owens, C. et al, 2014)

² [*Bending Towards Justice: Perceptions of Justice Among Human Trafficking Survivors*](#) (Hussemann, J. and Owens, et al, 2018)

³ [*Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases in the United States*](#) (Farrell, A. and Owens, C. et al, 2012).

⁴ [*Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*](#) (Dank, M. et al, 2014).

helped design and operate the first national data collection system on human trafficking (Human Trafficking Reporting System) for the federally-funded task forces.⁵

Through THE WHY, I am engaged in several anti-trafficking projects that may be of interest to your efforts and where relevant, throughout my testimony, I have provided links to further resources. Of particular note, I am part of the [National Anti-Human Trafficking Training and Technical Assistance Program](#) team, funded by the Bureau of Justice Assistance, led by the International Association of Chiefs of Police and in collaboration with Aequitas to provide technical assistance to approximately 29 federally-funded human trafficking task forces across the country – 8 of which are located in California. Through this project we are conducting needs assessments of all task forces to assess technical assistance needs related to identification, investigation, prosecution, service provision, and overall task force functioning and sustainability. Labor trafficking is a special focus of this effort given the comparative lack of attention it has received from local law enforcement relative to sex trafficking. This is a trend we see across the United States, and not just specific to California. I commend your efforts to bring high-level statewide attention to labor trafficking and I know the results of your efforts will have a positive impact on the field. In addition to sharing my research and experience with you today, I am happy to assist in your future efforts as you move forward.

Background

The first comprehensive law to address human trafficking, [The Trafficking Victims Protection Act](#), was passed in 2000, through mounting international recognition that while the crime of human trafficking was not new, existing laws were inadequate to address modern-day manifestations of it. Rooted in principles of freedom inherent in the 13th Amendment, the TVPA provided new definitions for labor and sex trafficking and dedicated resources to prevention and services.

The TVPA defined Labor trafficking as: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (*22 USC § 7102*).

Following the passage of the TVPA, states began passing their own anti-trafficking laws. As of 2013, all states have anti-trafficking laws. However, the existence of a law does not guarantee its implementation, as colleagues and I from Urban Institute and Northeastern University documented in [Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases in the United States](#) (Farrell, A. and Owens, C. et al, 2012). Among the many findings, our 12-site study found that the vast majority (about 85%) of

⁵ The system was in operation from approximately 2006 to 2010 before being partially absorbed into other existing federal data collection efforts. See reports on these data published by the Bureau of Justice Statistics here: <https://www.bjs.gov/index.cfm?ty=tp&tid=40>

investigations into human trafficking were for sex trafficking and existing human trafficking laws were rarely used to prosecute human trafficking cases. This was particularly acute for labor trafficking cases. Through a combination of our research and the research of others in the field, as well as years of technical assistance to the federally-funded human trafficking task forces, we recognized that comparatively less was known about labor trafficking and sought to undertake a study to improve our understanding of what labor trafficking looks like in the United States.

Understanding the Organization Operation and Victimization Process of Labor Trafficking in the United States

Methods and Limitations

Our study, [*Understanding the Organization, Operation and Victimization Process of Labor Trafficking in the United States*](#), was the first study of its kind to examine the organization, operation, and victimization process of labor trafficking in multiple industries in the United States. It is also the first study to measure the use of force, fraud, and coercion throughout the continuum of recruitment, labor trafficking victimization, and victims' efforts to escape and seek assistance.

Our report was funded by the National Institute of Justice and conducted from 2012 to 2014 in collaboration with the Freedom Network. We designed the study to systematically analyze the use of force, fraud or coercion throughout the continuum of a victim's labor trafficking experience -- from the moment workers were recruited for jobs that became labor trafficking, to their travel (if any) to the US for work, to the actual labor trafficked employment, and their escape. And we sought to understand what labor trafficking looked like in as many different industries as possible.

Our study was guided by three main research questions:

1. What is the nature of the labor trafficking victimization experience in the United States?
2. How are domestic and international labor trafficking syndicates operating in the United States organized? Who are the traffickers, and what is their connection to other illicit networks that help facilitate labor trafficking operations?
3. What are the challenges of law enforcement investigating labor trafficking cases identified by victim service providers? Why are so few identified cases investigated and prosecuted?

To answer these questions, we used a mixed methods approach involving both quantitative and qualitative analysis. The primary data source was 122 closed cases of labor trafficking identified by service providers in 4 geographically diverse study sites. These cases were sampled and coded from a total of 472 individual labor trafficking client cases identified in those four

locations. In addition, we conducted interviews with 86 survivors, service providers, law enforcement, prosecutors and other criminal and civil justice stakeholders at the local, state and federal levels.

It is important to mention that our study is not nationally representative, but it does represent one of the most comprehensive studies of labor trafficking in the US.⁶

Labor Trafficking Survivor Characteristics

- We found that 100% of our sample were immigrant men, women and children from all over the world – representing 29 different countries of origin.

LABOR TRAFFICKING SURVIVOR CHARACTERISTICS

Top 6 Countries	n=122
Mexico	34%
Philippines	16%
Thailand	7%
India	9%
Indonesia	4%
Guatemala	4%
Other	27%

- 100% of sample were non-US citizens
- 29 different countries of origin

- Roughly half the sample were women (53%) and half were men (48%). Ten percent were minors when they were labor trafficked. Sixty-four percent of our sample had children and were an average age of 33 by the time they were identified (with some being trafficked for years before being identified.)

⁶ Please see pages 22-23 of the [Understanding the Organization, Operation and Victimization Process of Labor Trafficking in the United States](#) report for a full discussion of our study limitations.

Education (n=60)	
None	10%
Some Elementary	10%
Finished Elementary	15%
Some High School	17%
H.S. Diploma	13%
Some College	8%
College Degree	13%
Graduate School	2%
Technical School	10%
GED	2%

- Men (48%); women (53%)
- Minors (10%); adults (90%)
- Single (46%) ; Married (45%)
- 64% had children
- Avg 33 years old at time of services
- 33% some college or higher

- The vast majority of our sample – 71 percent – entered the US lawfully on a visa for the jobs they were recruited for and were subsequently trafficked in.

LABOR TRAFFICKING SURVIVOR IMMIGRATION STATUS

	Upon Entry to United States	At time of services
	N=111	N=113
Nonimmigrant visa	71%	28%
Unauthorized		69%
Permanent resident		1%
Resident alien		1%
<u>Asylee</u>		1%

Note: Percentages shown above are based on non-missing cases

- The most common visa types were H2A visas for work in agriculture, H2B for work in non-agriculture industries such as construction, restaurants and hotels and B1/B2 visas for purposes of business and tourism.
- The top 5 industries individuals were trafficked in were: domestic work, agriculture, hospitality, restaurants and construction.

LABOR TRAFFICKING VENUES/INDUSTRIES

	N=122
Private Residence/Domestic Servitude	37%
Agriculture	19%
Restaurants	14%
Hospitality	10%
Construction	10%
Carnivals/fairs	7%
Factories	4%
Assisted living	3%
Strip clubs	2%
Massage parlors	1%

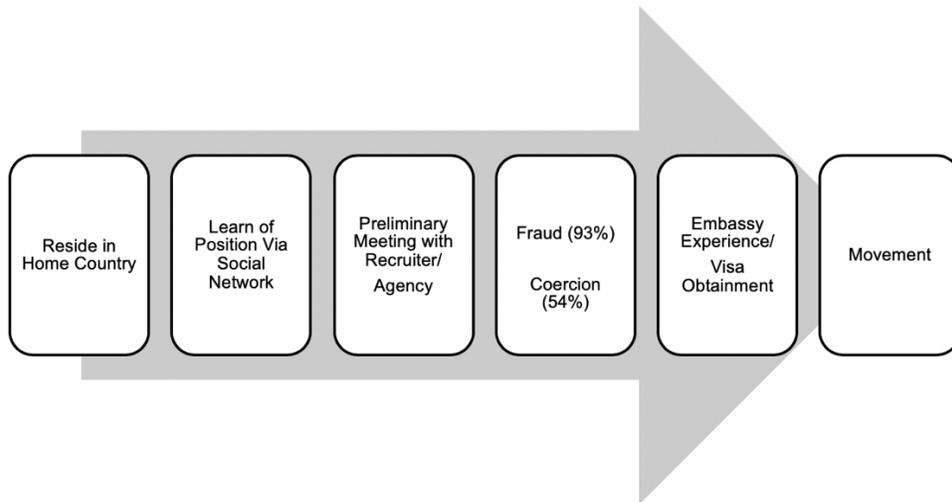
Note: 4% of the sample was labor trafficked in more than one industry.

- Regulated and unregulated industries
- Low-wage industries
- Hidden and public
- Sexual services and non-sexual services
- Gender differences by venue

Recruitment into Labor Trafficking

- The typical case scenario in our study involved a young man or woman learning about a job in the US through their social network and then meeting with a recruitment agency operating abroad on behalf of US employers. The recruitment agency would then engage in high levels of fraud and coercion, misrepresenting the job and benefits, and demanding recruitment fees.

Recruitment into Labor Trafficking by Workers Entering US with Visas



- On average our sample paid over \$6,000 dollars (which is more than the average per capita income in the top 6 countries of origin of survivors in our sample). To afford these fees, they would mortgage family property or take out high interest rate loans.
- During the recruitment process, some victims came into contact with authority figures such as staff member of a US embassy or consulate during the visa application process. Recruiters and traffickers often trained the victims about the interview process with embassy or consulate staff.

Movement⁷

- For victims in our case record sample, movement to the United States most often originated in Asia and Latin America.
- To facilitate movement into the United States, victims usually obtained legal visas. Few victims used fraudulent documents, and approximately 29 percent of individuals entered the United States without authorization, many of whom were smuggled into the United States.
- The most common forms of transportation during the movement process involved flight (71 percent), the use of a car or van (52 percent), and walking (22 percent). Journeys that involved crossing the US–Mexican border were more likely than others to rely on multiple methods of transportation, such as walking and using cars or vans.

⁷ Under US federal and state laws movement is NOT required to prove human trafficking. We chose to analyze experiences of force, fraud and coercion experienced during any movement to the United States or within the United States in pursuit of a job that became labor trafficking to better understand the continuum of a labor trafficking survivor's experience.

- During the movement process, similar to the recruitment stage, fraud and coercion were more prevalent than force. When force was present, it often took place in domestic servitude cases and cases involving immigrants who were unauthorized before their labor trafficking.
- Labor trafficked individuals rarely came into contact with authorities during the movement process. Individuals who entered with visas met with immigration officials at the point of entry, but they often described their interactions as routine and uneventful.
- Compared to labor trafficking survivors entering the United States on a visa, survivors who were smuggled faced a far greater incidence of violence, extortion, abuse, and exploitation during their movement to and within the United States by smugglers and traffickers.

Labor Trafficking Victimization and Labor Exploitation Experiences

LABOR EXPLOITATION AND LABOR TRAFFICKING

	Yes
Less Pay Than Promised	83%
Withheld Pay	81%
Under Minimum Wage	80%
Denial of Pay	80%
Illegal Deductions	62%
No written earnings statement	62%
Safe water, toilet	30%
Hazardous Work Environment	16%
No meal breaks	42%
Movement to work controlled	80%
Victim lived where worked	56%
Depriving/Disorienting	84%
Threats or use of Violence	82%
Demoralizing	82%
Diminishing Resistance	70%
Intimidation and Control	80%
Deception of Consequences	71%
Use/Threatened Use of law	71%

**Labor
Exploitation**



**Labor
Trafficking**

- Once in the US, all individuals in our sample experienced elements of force, fraud, and coercion necessary to substantiate labor trafficking. They were degraded and dehumanized, forced to labor for little or no pay, faced extortion, document fraud,

psychological coercion and manipulation, were deprived food and medical care, lived in substandard and inhumane conditions, experienced sexual abuse and rape, attempted murder and violence and threats against themselves and family members if they tried to leave. Threats of blacklisting were also used to force labor within industries.

- In addition to criminal violations, labor trafficked individuals experienced high rates of labor exploitation, including but not limited to wage theft and illegal deductions (shaded in light blue) which are civil violations as well as high rates of the elements needed to prove force, fraud or coercion for a labor trafficking case (*according to the federal law) – indicated in dark blue. However, the agencies responsible for investigating elements of labor trafficking are criminal agencies – local and federal law enforcement. And the agency responsible for investigating civil violations -- Department of Labor is a civil agency with limited criminal authority. The fact that these agencies are separate indicates a need for cross-training and collaboration when investigating and prosecuting labor trafficking cases. The elements shaded in medium blue are what we termed “indeterminate” forms of labor trafficking. These elements are legal under labor law in many industries (e.g., agriculture and domestic work), but as we found in our study, can facilitate labor trafficking.
- Control over a worker’s immigration status was one of the most powerful mechanisms used to keep workers in forced labor – for both the 71% of individuals in our study in the US with lawful immigration authorization and the 29% who were unauthorized when they were labor trafficked. Labor trafficked individuals would continue laboring in abusive conditions because they were told their visas would be extended or that they would be unauthorized if they tried to leave and the trafficker would threaten to call immigration and have them deported. Our study uncovered evidence of the trafficker/s following through on these threats in many cases. For individuals with work visas, these visas lacked portability, meaning if they left their trafficker/employer they would immediately lose their legal status and become unauthorized.
- On average, labor trafficked individuals experienced more than 8 forms of victimization. The vast majority of individuals in our case data (94%) reported being aware of their abuse, but they blamed themselves for what they commonly described as “being tricked” and experienced high levels of shame. Very few understood that the situation was the crime of labor trafficking and that there were legal protections and services afforded to them if they came forward. Although the promise of protections for all victims of trafficking, regardless of immigration status, is elucidated under law, our study revealed that victims’ overriding fear of being found unauthorized was pervasive. Both authorized and unauthorized immigrant workers reported a lack of knowledge and understanding of their rights and protections under United States law as crime victims.

- Limited interaction with labor inspectors and law enforcement in regulated industries such as agriculture, construction, and hospitality and isolation and a complete lack of oversight for domestic workers compounded this lack of knowledge and information.

Escape from Labor Trafficking

- The majority of our sample, 59%, escaped on their own by running away. Very few, 7%, self-reported to police and 14% of our sample were arrested, most commonly for immigration violations rather than being identified as victims of a crime.⁸ Survivors in our study cited fear of deportation as one factor inhibiting them from contacting law enforcement.
- Additionally, physical barriers (severe isolation and monitoring by traffickers), psychological abuse, and law enforcement shortcomings (e.g., lack of familiarity with different ethnic groups and language barriers) created challenges in escaping.
- At times, bystanders would bear witness to a victim’s abuse, but they rarely acted due to a fear of the traffickers or lack of awareness that what they were witnessing was labor trafficking. Although these encounters sometimes played a critical role in the victim’s escape, many of these interactions resulted in an unrealized opportunity for help.
- In some cases, traffickers continued to contact victims after escape and expanded threats and harassment to the victims’ families in their home countries.
- It was common for survivors in our sample to go for several months or years until they were properly identified and connected to specialized service providers. By the time survivors were connected to a service provider, 69 percent were unauthorized (most of them as a result of having their work visas expire due to the trafficking). Secure emergency shelter and long-term transitional housing were the greatest needs and the greatest challenges reported by service providers, survivors, and law enforcement.
- Obtaining continued presence (CP) for labor trafficking survivors was extremely rare across our study sites.⁹ Service providers reported that law enforcement rarely

⁸ This finding is consistent with an earlier National Institute of Justice- funded study on both labor and sex trafficking I conducted with colleagues at Northeastern University, titled, [Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases](#). In this study, we found very low self-report among both labor trafficking victims and sex trafficking victims (9% and 10%, respectively), as well as significant rates of arrest of victims of sex trafficking (35%), labor trafficking (11%) and victims of sex and labor trafficking (14%). Victims were primarily arrested and charged with offenses committed as a result of their trafficking – for sex trafficking victims they were often charged with prostitution-related offenses (despite approximately 80% being under the age of 20), and for labor trafficking victims they were primarily arrested and charged with immigration-related violations.

⁹ Continued Presence(CP) is a “temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows victims to remain in the United States temporarily during the ongoing investigation of the human trafficking-related crimes committed against them. CP is initially granted for

approved CP requests due to a lack of awareness about the definition of labor trafficking; lack of sympathy and support for survivors; lack of trust with service providers, who some law enforcement officials believed were coaching victims; and a lack of support from agencies in cases in which individual officials might be willing to sign CP.

- Service providers reported high success rates in obtaining T visas for survivors. However, because CP is rarely granted as a form of temporary immigration relief, and T visas may take several months or years to be approved, survivors were forced to live in the United States without authorization. During this time survivors did not qualify for job training programs and were not able to work legally. Given the often large debts they had taken to obtain the jobs that turned into trafficking, wage theft during their labor trafficking victimization, and the financial needs of their families (64 percent of our sample had children), survivors had an acute need to begin working again as soon as possible after their escape. Because delays in T visas and work authorization compounded this need, some survivors did not wait for immigration relief and instead remain unauthorized and moved to wherever they could find work. Once survivors were able to begin working again, many remained mired in low-wage work in the same industries in which they were labor trafficked due to a lack of work history, references, and job training programs. This finding was fairly common for all survivors; however, some of them pursued higher education or advanced training.
- The mental and physical impact of labor trafficking on survivors was severe. Labor trafficking survivors suffered from posttraumatic stress disorder, anxiety, depression, psychosis, suicidal ideation and attempts, fear, and difficulty forming trusting relationships as a result of their victimization. A lack of trauma-informed mental health services was reported, and some survivors reported challenges accessing social benefits they qualified for through their T visa (e.g., driver's licenses, social security cards) due to a lack of program administrator awareness of T visas and human trafficking. Other survivors lost access to benefits such as Medicare or Medicaid when they moved to cities or states away from the initial site of service provision. The majority of survivors in our sample had newly acquired T visas, but only a few had gone through the process of adjusting their status to permanent resident (with numerous reported challenges and financial hardships). Those who had not yet adjusted their status expressed concern over whether they would be able to adjust their status and remain in the United States. The long-term outcomes of these survivors remain unknown.

one year and may be renewed in one-year increments.” When CP is issued, temporary employment authorization is also issued that allows the immigrant to work during the CP period. See US Department of Homeland Security, US Immigration and Customs Enforcement.

Is Justice Being Served? Civil and Criminal Justice Outcomes

- Our study uncovered 169 suspects associated with the case files of 122 victims. However, we found no evidence of arrest for more than half of all traffickers identified, and victims were rarely awarded civil damages or criminal restitution.
- Various factors led to low arrest rates, including lack of law enforcement prioritization and proactive investigation of labor trafficking, declination of cases brought forward by victims, suspects absconding to non-extradition countries, and a lack of victim cooperation. In 6 percent of the cases suspects were not arrested or cases were dismissed because the perpetrator was a diplomat.
- By and large, labor trafficking investigations were not prioritized by local law enforcement agencies. This lack of prioritization was consistent across all study sites and across all industries. We originally set out to review law enforcement investigative case files for labor trafficking and compare them with the labor trafficking cases known to service providers in the same jurisdictions. What we found, however, was that local law enforcement agencies rarely investigated labor trafficking cases. This lack of investigation was noted across all four study sites, including the two sites that had federally funded task forces (although we only sampled and coded 122 cases, 472 victims were identified by service providers across those sites).
- In the few cases in which local law enforcement agents were involved, they played a central role in securing domestic servitude victims and facilitating services in a victim-centered fashion. Although federal law enforcement was involved in more cases than local law enforcement (most often in response to outreach by victims or service providers), federal law enforcement agents were not involved in the great majority of cases known to service providers.
- Both local and federal law enforcement had difficulty defining labor trafficking and distinguishing it from labor exploitation and workplace violations. Neither local nor federal law enforcement is tasked with investigating workplace violations (common in the vast majority of studied labor trafficking cases), because these violations are civil matters. However, as we found, the Department of Labor was absent as a partner in identifying and referring potential cases of labor trafficking to local and federal law enforcement. The vast majority of Department of Labor inspectors lack criminal authority, and in some sites, the training to identify and investigate labor trafficking. As a result of these gaps in training and authority, there is a black hole of enforcement around labor trafficking, with neither local law enforcement, federal law enforcement, nor the Department of Labor responsible for proactively identifying and investigating cases. To compound this problem, a low level of public awareness about labor trafficking also means that potential tips are not being regularly reported to law enforcement.

- Criminal and civil justice system responses to labor trafficking were not the only form of justice for survivors; however, they were important pieces in a more holistic, survivor-centered response to labor trafficking.¹⁰ Even with these responses, survivors in our sample often went without back pay for their wage theft, received no criminal restitution, and were denied the justice they felt they deserved when their traffickers were not arrested and prosecuted. Although not all the victims we interviewed were concerned that their trafficker be prosecuted, many expressed a belief that criminal prosecution would help give them comfort and closure on their victimization experience and ensure that potential victims with similar vulnerabilities were not harmed.

US Systems Facilitating Labor Trafficking

- Labor trafficking thrives in environments in which a workers' vulnerabilities intersect with individuals and companies who seek to exploit their labor for profit (i.e., certain individuals are targeted because their labor can be forced and provide an opportunity for a trafficker's profit). Individual vulnerabilities can include disabilities¹¹, a lack of full rights under immigration or labor law, inability to exercise those rights, a lack of awareness of protections and rights guarantees, the strong desire to remain a law-abiding individual, limited English-language capacity, and limited social networks in the United States.
- A revealing, and somewhat unexpected, aspect of our study was the extent to which US systems facilitate conditions that amount to labor trafficking. As we found in our study, even in states with labor trafficking laws, loopholes in immigration law and weak state labor code provisions, such as exemption of independent contractors and certain types of employment from protection under the Fair Labor Standards Act, may contradict state and federal antitrafficking laws and hinder the ability of authorities to identify, dismantle, and prosecute labor trafficking syndicates and provide services to victims. For example, provisions that may legally allow employers to provide housing and food for employees (such as agriculture workers) and to deduct those expenses from employee paychecks may facilitate conditions that legally increase an employer's control over their employees. At the same time, an employer's control over an employee's living conditions and movement to and from work are common elements used to compel a person to remain in a forced labor situation. These findings were consistent across industries and affected both workers with temporary visas and unauthorized workers.

¹⁰ For a more in-depth study on human trafficking survivors' perceptions of justice, please see: [Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors](#) (J. Hussemann and C. Owens, et al 2018).

¹¹ US citizens with disabilities, as well as homeless youth have been found to be vulnerable to labor trafficking. Please see the following resources for more information: [The Boys in the Bunkhouse](#) (NYT, 2014); [Labor and Sex Trafficking Among Homeless Youth](#).

- Several provisions and practices of temporary work visa programs facilitate labor trafficking. For individuals recruited to work in agriculture (H-2A) or construction, hospitality, or restaurants (H-2B), these program provisions include a lack of visa portability (i.e., a workers' lawful immigration status is tied to their employers which means they become unauthorized if they leave their employer), a lack of oversight and inspection of companies that bring workers to the United States on temporary work visa programs, and lax laws that allow companies to use recruiting agencies that charge recruitment fees that can amount to conditions of debt bondage once the worker arrives in the United States. In addition, either labor law or visa regulations allow employers in industries such as agriculture, construction, hospitality, and certain forms of domestic work to house their employees. Although housing may be seen as a logistical benefit to those recruited for temporary work, in our sample, it was abused to further profit from and control unsuspecting workers.
- For the domestic servitude victims in our sample, these systems include overall lack of protections and regulation of such work under US labor law and a lack of oversight and inspection of working conditions for domestic workers. In the cases that we reviewed, individuals who hired and then trafficked domestic workers did so in one of three main ways: smuggling them or having them smuggled into the United States unauthorized and then extorting their labor; bringing them into the United States on a nonwork visa such as a tourist visa and then compelling their service and threatening to keep them in forced labor when their documents expired; and recruiting and bringing domestic workers to the United States on special "domestic servant" visas for diplomats and government officials and then trafficking them once they arrived. These visas tied workers to the diplomat such that if they faced abuse, they had no recourse to complain. Diplomat domestic workers were not checked on by the US Department of State or the US Department of Labor after they arrived in the United States, further limiting oversight of these programs and lessening available options for victims to seek assistance when abused. We found in our case reviews that when the domestic workers of diplomats did escape, often under harrowing circumstances, the diplomats were provided with immunity, and victims were rarely compensated for their unpaid wages. Given that domestic work is unregulated and performed in relative isolation, domestic workers working for nondiplomat private families faced similar challenges receiving back wages or having their traffickers prosecuted. Individuals recruited for domestic work were primarily female and had lower levels of education, on average, compared to individuals victimized through temporary work visa programs.

Recommendations for Policy and Practice

Policy and practice recommendations are presented below across four core areas: (1) immigration, state, and labor law reform; (2) criminal and civil justice policy and practice; (3) awareness and outreach; and (4) service provision. Please note that some recommendations have been redacted if they are more federal than state in nature. More detailed recommendations, including direct recommendations from survivors, are presented in chapter 10 of the report.

Reforms to State and Federal Laws

- Immigration reform is needed for guest worker programs because tying a worker's immigration status to a specific employer is one of the most powerful forms of control used against labor trafficking victims across industries. An oversight process with the goal of protecting workers from abuse is also needed.
- Increase transparency for consumers about employers that traffic and use forced labor in their supply chains.
- Examine and strengthen state and federal labor laws to ensure back wage and overtime regulations are the same for foreign national and US workers, and to increase domestic worker rights under labor law.
- The California Transparency in Supply Chains Act is the only state law requiring US companies to disclose their efforts to ensure their supply chains are free of human trafficking. The implementation and impact of this Act should be studied. Learning from the implementation can help inform other states which should consider adopting similar laws. State governments could also look to the federal government's executive order on trafficking in federal contracts and adapt similar laws applicable at the state level.
- Labor trafficking victims may be arrested for crimes or violations committed pursuant to their victimization. State laws should be amended to allow a victim's criminal record to be expunged if the crimes committed were a direct result of being trafficked.
- Given the challenges prosecuting labor trafficking cases under labor trafficking laws, some states are beginning to experiment with increasing penalties under their civil codes related to labor exploitation (e.g., wage theft). Additionally, other jurisdictions are using civil rights laws to prosecute labor trafficking cases. I'm happy to connect you to stakeholders engaged in this in these jurisdictions.

Criminal and Civil Justice Policy and Practice

- Assess the extent to which jurisdictions within California are encountering and proactively identifying labor trafficking. Assess whether specialized units or point people

exist within local law enforcement and prosecutors' offices to handle these cases. Additionally assess the extent to which Departments of Labor and other regulatory agencies are trained and coordinating with local, state and federal criminal authorities on labor trafficking.

- Given the often international nexus of these cases, federal authorities may need to be involved. To what extent are these authorities coordinating with local jurisdictions? What challenges and barriers exist to cooperation? What happens with cases if they are not pursued federally?
- Specialized training is necessary to help law enforcement identify coercion and fraud that lead to trafficking as distinct from labor exploitation. As part of my role with the [IACP National Anti-Human Trafficking Training and Technical Assistance Program](#), we are developing an advanced investigator training for labor trafficking investigations. Next year, it will be offered to task forces and other interested jurisdictions in California.
- Encourage local jurisdictions within the state to develop labor trafficking threat assessments for their communities to help guide their efforts to investigate labor trafficking. Perhaps begin with the federally-funded and non-federally funded task forces operating across the state with more experience addressing human trafficking. Consider what a more macro-level version of this might look like for the state. For more information, please see: [Developing Your Labor Trafficking Threat Assessment](#) by Erin Albright and Colleen Owens
- Invest in data analysis (including the use of Artificial Intelligence) to support proactive identification and support investigators and prosecutors building evidence once cases are identified. Cases with indicators of labor trafficking and identified as another crime type may already have come to the attention of law enforcement, but failed to be properly identified. These cases may exist within data systems that are not being analyzed for this purpose. Employing analysts can help support traditional investigative police work needed to investigate these cases.¹² I am involved with a team from Lehigh University, the RIIC, and Aequitas to apply Artificial Intelligence to uncover human trafficking victimization and support cases. We have been involved in the [United Nation's Code 8.7](#) efforts and would be happy to share more if it is of interest to your efforts.
- Given that survivors of labor trafficking have been documented in this study and elsewhere as experiencing arrests related to their trafficking, training for criminal court stakeholders throughout the state is key. Through THE WHY, I advise on the following project which may be useful in providing resources to assist with this.

¹² I am involved with a team from Lehigh University, the RIIC, and Aequitas to apply Artificial Intelligence to uncover human trafficking victimization and support cases. We have been involved in the [United Nation's Code 8.7](#) efforts and would be happy to share more.

- [MOSAICS](#) (Maximizing OVC's Survivor Assistance in Court Settings) is a training and technical assistance (TTA) project to assist courts in implementing trauma-responsive policies to: 1) Identify survivors of human trafficking who are facing criminal charges; 2) Respond to the needs of survivors facing charges with a range of outcomes in their cases and a continuum of social service referrals; and 3) Reduce the infliction of harm on survivors facing criminal charges in court proceedings.

Awareness and Outreach

- Public awareness campaigns about labor trafficking are needed. Campaigns could feature survivors' voices, highlight a few major forms of labor trafficking, and indicate that labor trafficking can involve US citizens, as well as unauthorized and authorized immigrant workers in the United States. Materials should be developed in multiple languages and media formats.
- Training of state and local regulators that come into contact with trafficked persons during the course of routine inspections is also needed.
- Major commercial airlines could develop, in consultation with antitrafficking experts and survivors, short awareness-raising videos to be played, and available in several different languages, on airplanes arriving in the United States (71 percent of our sample arrived to the United States via airplane before they were labor trafficked).

Service Provision

- Funding through the Office for Victims of Crime or an alternative federal funding stream should be specifically dedicated to support civil litigation for trafficking survivors so they can collect back wages and damages. Efforts should also be made to better coordinate with the Department of Labor to file back wage claims for trafficking survivors. Dedicating responsibility to local department of labor officials assigned to labor trafficking back wage cases would be helpful.
- Housing was one of the biggest service challenges in our report. Study housing needs and opportunities within the state of CA to better tailor responses to address this common gap.
- Explore options to increase availability of trauma-informed, linguistically and culturally competent mental health care.
- It is imperative that vocational training programs be created for survivors of trafficking and existing program requirements be amended to increase access.
- Remove the requirement that trafficking victims cooperate with law enforcement to obtain T visas. Doing so may increase victim identification and cooperation.

- Continued Presence was rarely granted across our study sites and it is a common challenge I hear in my work across the country. Look into whether CP is a challenge for service providers in California and if so, what specific service needs and challenges are created because of this.

Recommendations for Further Research

- More in-depth review of the activities of the federally-funded anti-trafficking task forces in CA to combat labor trafficking. As part of my role providing technical assistance to all of the federally-funded task forces across the United States, we are conducting needs assessments with all task forces (including those in CA) to better assess their needs for technical assistance. We are also providing some technical assistance related to labor trafficking, including an upcoming training on a new law enforcement investigator curriculum on labor trafficking we developed. I'd be happy to share more regarding these efforts if they are of interest to your work.
- Estimate the economic impact of labor trafficking on the CA economy.
- Continue to examine why service providers report high percentages of T visas for individuals who were labor trafficked while in the United States on a visa and lower percentages of T visas for individuals who were unauthorized in the United States at the time they were labor trafficked.
- Examine the prevalence of labor trafficking within unauthorized immigrant worker populations; further explore the overlap between smuggling and the incidence of eventual labor trafficking and analyze outcomes by gender, age, and industry.¹³
- Conduct prevalence studies and/or studies to screen for labor trafficking among unauthorized immigrants held in detention centers and unaccompanied refugee minors.
- Include questions that measure indicators of labor and sex trafficking on nationally representative surveys on workplace labor violations. These surveys should also collect and report information by immigration status and specific visa types.
- Gather data for analysis on the manifestation of labor trafficking among minors in the United States and within vulnerable US citizen populations (e.g., individuals with disabilities).
- Conduct further research on labor traffickers and their networks. Although we were able to uncover some information about labor traffickers and their networks, we were limited to those few cases for which police had information and the limited information from victims, who commonly didn't fully understand the network. Interviewing traffickers and their associates could also provide important information on the criminal networks and modus operandi of labor traffickers.¹⁴ Our findings suggest there are

¹³ See [Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County](#) (Zhang, S.) and consider replicating in other industries and among other populations within California.

¹⁴ Colleagues and I used this approach to better understand the operations of sex traffickers. An approach like this could be applied to labor trafficking. See: [Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities](#) (Dank, M. et al, 2014)

different types of labor trafficking networks—from more organized criminal networks to loosely coupled or single traffickers—and that the organization of traffickers varies by industry and venue.

- Conduct legal analyses to assess whether and how US labor laws, immigration law, and aspects of corporate law facilitate labor trafficking, as well as inhibit holding offenders accountable. The legal complexity involved in prosecuting and holding corporations accountable for labor trafficking (companies involved in labor trafficking have closed down and reincorporated under different names to avoid prosecution and culpability) should be examined.
- Ascertain the extent to which survivors are able to access, and do access, the services they are qualified for under the T visa.
- Conduct longitudinal studies to track labor trafficking survivors over time to determine the percentage of survivors able to adjust their status to permanent residency or citizenship. Differences in immigration status at the time of trafficking, gender, education level, and physical and mental trauma should be compared against immigration adjustment outcomes.
- Analyze T visa processing times and case outcomes to identify patterns in case outcome by trafficking case facts.

I commend you for your efforts to bring increased attention and action to combat labor trafficking within the state of California. I look forward to your findings and the positive impact they will have on the field. Thank you for your time and inviting me to speak with you. I wish you the best as you move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Colleen Owens". The signature is fluid and cursive, with the first name "Colleen" being more prominent than the last name "Owens".

Colleen Owens

Appendix A: Elements of Force, Fraud and Coercion Experienced by Labor Trafficked Individuals (extracted from redacted case data)

<p>Depriving/ Disorienting</p> <p>(e.g. isolation, restricted communications, manipulation of debts, monitoring or surveillance)</p>	<p>Victim wasn't able to talk to the neighbors or the guests, and she had restricted communication with her family.</p> <p>Victims incurred debts they weren't aware of, were driven to and from work, forced to rent specific apartments with specific amounts of rent.</p> <p>Victim did not have a key to the <u>condo</u> so she was unable to leave unless she was accompanied by one of the family members. She was not allowed to use the phone, and she could not speak Hindi around the house. She felt like she was in prison.</p>
<p>Threats or Use of Violence</p> <p>(e.g., physical, sexual, psychological, financial, reputational, harm to family)</p>	<p>Trafficker's son bragged about "going hunting" for workers who tried to leave the camp.</p> <p>One of the traffickers kept a handgun with him in the fields and shot and killed animals as a threat. He also violently beat a young migrant worker which was witnessed by other victims. Forced to work when sick, threatened with death when they were ill.</p> <p>When she made a "mistake" she was not able to eat for four days, she was hit in the face by the female exploiter; she was hit in between the eyes with a spoon when she used the wrong spice; once she took two pieces of chocolate because she was hungry and was forced to stand from 6am-4pm.</p>
<p>Deception of Consequences</p> <p>(e.g., overstate risks of leaving, overstate rewards of staying, feigning power or ties to authorities or hit men/gangs)</p>	<p>Told that they had taken risks and debts to come here and they should just play by the rules to make life easier. Told the company was working on their permanent resident status and if they violated rules or <u>left</u> they would not receive immigration status.</p> <p>Numerous false paperwork sent to victim making it look like the company was processing their immigration requests.</p> <p>Victim told trafficker was very powerful and knew people in positions of power. Confirmed when victim tried to seek help and people at [home country] embassy told her trafficker knew people and they could not help her. Trafficker has power in [home country] and threats to family were frightening to victim.</p> <p>Trafficker brought over a "friend" in a law enforcement uniform with his gun to show workers that he has "friends" who can help him if the workers act out.</p>
<p>Use/Threatened Use of Law</p> <p>(e.g., Threats to get victim deported, threats to get victim arrested, threats to turn victim over to police or immigration)</p>	<p>Trafficker called police on the victim and blamed him for assault after he himself had hit the victim when he asked for pay.</p> <p>The female employer told the victim that if she ever <u>left</u> she would be put in jail and if she misbehaved they would call immigration on her. He also threatened to put her family in jail and threatened to kill them.</p> <p>Threatened deportation and said they had connections to judges and other immigration officials. Also told that police were monitoring their phone calls.</p> <p>Told stories of other workers who were jailed for complaining.</p> <p>Trafficker threatened to have the victim deported if she did not engage in sex with customers when requested.</p>

Demeaning and Demoralizing (e.g., verbal abuse, humiliation)	Farmer called the victims his "burros."
	Victim was verbally abused regularly, called a whore, stupid, yelled at in public.
	Victims lived in squalid conditions. They were threatened verbally and physically. Two victims were repeatedly bullied and assaulted for their sexual orientation.
Diminishing Resistance (e.g., substandard living conditions, denial of food, water, medical care, weakening with drugs or alcohol)	The living conditions in some locations were so bad that they were condemned by inspectors.
	Food spoiled, lived in rooms with 20 people, medical conditions denied, too many people for too few bathrooms.
	Denied food at home where being housed, told they should "complain less and work more."
Intimidation and Control (e.g., abuse, atmosphere of violence, displaying weapons, rules and punishments)	Display and actual firing of weapons, talk about weapons, verbal abuse. Trafficker found out the victim's address in [home country] and used this as a means of control, even after victimization.
	One of the supervisors who worked for the trafficker stated that he was violent and had access to guns.
	Trafficker threatened to kill victim's brother and said she had ties to assassins in [home country] that could kill other family members.