

# Senate Majority Policy Committee Hearing on Human Trafficking

Written Testimony of

The Pennsylvania Office of Attorney General

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Chairman Laughlin and Senators:

Thank you for the opportunity to address this issue that is so important to the Commonwealth and to AG Henry. While this topic has become more talked about in recent years, it is imperative to address what human trafficking actually is. The federal law and Pennsylvania laws are similar in how they define human trafficking. The human trafficking laws in Pennsylvania address the two types of human trafficking – sex trafficking and labor trafficking.

In 2014, Act 105 extensively revised the law on human trafficking in Pennsylvania. This Act is focused on prevention of human trafficking, prosecution of human trafficking and protection of human trafficking victims/survivors. The Pennsylvania Office of Attorney General received concurrent jurisdiction to prosecute human trafficking cases in December 2018, but has tackled this crime for over a decade utilizing other related criminal statutes.

The two main statutes criminalizing human trafficking in Pennsylvania are Trafficking in Individuals and Involuntary Servitude. Both of these offenses are included under the rubric of **“human trafficking,”** to ensure that both the persons who arrange for an individual to be subjected to involuntary servitude, and the persons who then maintain that individual in a state of

involuntary servitude, are both subject to this chapter. **Involuntary servitude** is further divided into two categories, labor servitude and sexual servitude.

18 Pa. C.S.A. §3012 defines involuntary servitude and lists the “means” by which an individual can be subjected to such. There are thirteen separate means listed in this section. They can be broken down to categories of either force, fraud or coercion. Of importance to note is that only one of these thirteen means is kidnapping.

I use both the terms “victim” and “survivor.” The use of the term victim in this context is not meant in any way to demean or diminish the individual in that role, rather it is the legal term used under Pennsylvania Law. Truly an individual subjected to human trafficking is and should be referred to as a survivor.

If the victim is a minor, then there is no need to prove any of the thirteen means listed above, *i.e* there is no need to prove threats, harm, restraint, kidnapping, abuse of the legal process, etc. in determining whether a minor has been subjected to sexual servitude. As such, any commercial sex act involving a minor counts as trafficking under Pennsylvania law. One of the most common misconceptions regarding human trafficking is that trafficking requires the movement of someone or something from country to country, state to state or county to county – when in fact the crime of human trafficking require no movement at all.

Fortunately, as awareness has increased and more resources are dedicated to the cause, we have seen an increase in the investigation and prosecution of this crime in recent years.

The Villanova Law Institute to Address Commercial Sexual Exploitation maintains statistics on the number of sex trafficking cases charged since 2014 and releases those statistics in an Annual Report. As of 2022, 35 counties in PA have charged at least one trafficking related case. From

2014-2022, prosecutors have charged 245 sex trafficking cases. (Villanova University Charles Widger School of Law – Commercial Sexual Exploitation in Pennsylvania: 2023 Annual Report)

### **Significant Cases**

The OAG has been working with the state police to investigate and prosecute human trafficking cases since 2009 when we investigated and prosecuted an organization in Philadelphia which was trafficking multiple young women and forcing them to have sex with up to 20 men per day. In another case, a defendant was convicted of trafficking multiple young women across the country and forcing them into sexual servitude in suburban Philadelphia. In a third case, the largest sex trafficking case ever charged in the Commonwealth, which involved the testimony of eight victim/survivors at trial against two notorious traffickers who operated in several counties in southeastern and central Pennsylvania, as well as in multiple counties in southern New Jersey. These cases, as well as several others, have resulted in sentences that are essentially life sentences for these defendants.

The OAG also investigates labor trafficking cases. These cases often involve foreign undocumented workers who came to Pennsylvania in hopes of gaining employment to better their lives and the lives of their families. In some cases, the workers were hoping to send money back to family members in their native country who were living in poverty. Instead, their trafficker-employers used their vulnerabilities to force them into working unreasonably long hours in impossible conditions. The victims suffer physical and mental abuse all in an effort to keep them working for the traffickers. Some were forced to live in small apartments, sleeping on the floor with other exploited co-workers. Oftentimes, the trafficker held the debt that the worker owed for getting them into Pennsylvania over the worker's head to keep them working in these deplorable conditions. Documentation necessary to prove their legal status in Pennsylvania

is often withheld from them by the traffickers in an effort to keep victims from reporting these abuses to law enforcement. The Human Trafficking Section also works closely with the OAG Fair Labor Section on cases in which severe cases of labor exploitation rise to the level of criminal labor trafficking.

The crime of human trafficking is committed by people with utter disregard for humanity at even the most basic level, making them one the highest dangers to our society. The traffickers' belief that the sale of other human's bodies is a valid professional trade is appalling and indicates a callousness and cruelty that is almost unimaginable.

### **New Section**

In light of her recognition of the seriousness of this crime and her dedication to fighting for justice for victims and survivors, AG Henry has recently announced the formation of the first statewide Human Trafficking Section in the PA Office of Attorney General. Eventually, this section will be comprised of dedicated investigators, analysts and prosecutors. This section is in the process of formulating an internal protocol for what practices to employ when a human trafficking tip or complaint comes into our office. This would ensure that the information regarding human trafficking tips, lead and/or complaints reaches the individuals trained and experienced in the area, and also ensure the information is handled with expertise and in a trauma informed manner. This new section will develop a best practices protocol to systemically address Human Trafficking throughout the Commonwealth using a multidisciplinary approach.

Furthermore, the new Human Trafficking Section will continue to work with the Pennsylvania State Police as they have been our partner on these cases since the beginning. We will also continue to work with our federal partners, as well as the specialized sections already in

existence within the OAG with their own areas of expertise, such as Child Predator, Organized Crime, Fair Labor, Asset Forfeiture and Money Laundering Sections.

### **Education and Outreach**

The prosecutors and investigators already working human trafficking cases at the OAG have used their experiences to engage in education and outreach on the topic. We have been invited to and participated in dozens of conferences and symposiums. The OAG has also been asked to and has participated in the presentation of case studies highlighting successful prosecutions of large scale national sex trafficking organizations at international conferences. These cases are often worked with the Pennsylvania State Police, Homeland Security Investigations and local police departments.

Our goal is to increase this education both externally and internally within our office. Perhaps the most important aspect of this training would be to focus on recognizing and spotting a human trafficking incident when one occurs, and what the best practices should be in addressing a human trafficking situation once it has been properly identified. The Human Trafficking Section will offer regular internal trainings to attorneys and agents so that they are regularly kept abreast of the best practices in this field and the developments in investigative techniques relevant to human trafficking. The OAG will continue to build relationships with established partners in this field, and the Section will also forge new alliances with persons and organizations dedicated to combatting the problem of Human Trafficking including local District Attorney's Offices.

### **Demand Reduction**

The focus on human trafficking is often on the traffickers themselves, but the very economy in which human traffickers thrive would not exist but for the market for the human beings they are trafficking. That market is promulgated, validated, and enhanced when individuals are allowed to seek out these victims/survivors and purchase access to their bodies. The trafficker's crime impacts the community through the encouragement and perpetuation of prostitution and the market for human trafficking in this Commonwealth.

### **Victim/Survivor Support**

People often wonder how trafficking starts. It typically begins with someone the victim/survivor knows and trusts. Traffickers target vulnerable people with need and then fill those needs. This could look like food, shelter, clothing or even a scam to make a lot of money. Some traffickers use finesse and offer a sense of belonging, attention and claimed emotional support. Despite the myths perpetuated by Hollywood and social media, kidnapping and physical constraint and force are rarely tactics used by traffickers.

The victims of sex trafficking can be anyone with a vulnerability – whether it be mental health, drug dependency, homelessness, prior mental or physical abuse. Victims and survivors are those of every race, religion, ethnic background, socio-economic status and live in every town, suburb, city, state and country.

Perhaps the most common question people have for both sex and labor trafficking situations is “why don't they just leave?” This is a simple question with a complicated answer that includes an understanding of the mindset of both the trafficker and the victim. Traffickers “groom” their victims into believing that they making a choice to engage in this activity – whether it be sex or labor. People in trafficking situations are usually dependent upon their

trafficker for survival. Traffickers also commonly use tactics to threaten their victims to stay in the situation. For example, they may threaten the victim's family. Victims often do not identify themselves as victims. The bottom line is that you cannot make a choice if you do not have a choice.

### **Conclusion**

The OAG will continue to work closely with and hopefully expand our relationships with victim service organizations throughout the Commonwealth, and continue to respond to both sex trafficking and labor trafficking using a victim-centered, trauma-informed, multi-disciplinary and collaborative approach. AG Henry's creation of a dedicated Human Trafficking Section emphasizes the importance and priority the OAG places upon tackling the scourge of human trafficking in the Commonwealth.

We thank the Committee again for its consideration of our testimony.