



THE LOUISIANA HUMAN TRAFFICKING REPORT

.....
THE Modern Slavery Research Project
AT Loyola University





**MODERN
SLAVERY**
RESEARCH PROJECT

The **Loyola University Modern Slavery Research Project (MSRP)** produces thoughtful, geographically-informed, data-driven, community-based collaborative research that meets the needs of survivors and community stakeholders in addressing human trafficking in New Orleans, the US, and internationally.

The **New Orleans Human Trafficking Working Group** is a coalition of state, civil society, and citizen organizers committed to the prevention of human trafficking in the Greater New Orleans area through education, advocacy, and research.

Modern Slavery Research Project

Loyola University New Orleans
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**LOYOLA
UNIVERSITY
NEW ORLEANS**



TABLE OF CONTENTS

Executive Summary.....	5
Introduction: Defining Human Trafficking.....	6
<i>Spotlight</i> : Trafficking in the Wake of Hurricane Katrina.....	9
Trafficking in Louisiana.....	11
Labor Trafficking.....	15
<i>Spotlight</i> : Labor Violations in a Louisiana Crawfish Plant	17
Sex Trafficking.....	19
<i>Spotlight</i> : Trafficked Teenagers in a Louisiana Home.....	21
Coordinated Response.....	23
State Legislation.....	24
<i>Spotlight</i> : Louisiana’s First Federal Conviction.....	29
Conclusions & Recommendations.....	31
Resources in the New Orleans Area.....	33

Louisiana Human Trafficking Report

Executive Summary

The **Louisiana Trafficking Report** is a brief survey of the current state of knowledge regarding the forms, prevalence, and sources of trafficking in the New Orleans metro area. The report synthesizes the information we have on trafficking-related legislation, arrests, cases, and response.

The goal of the paper is to provide service providers, law enforcement, citizen activists, community groups, and researchers with solid information on the issue of human trafficking in our region. This material should be used to support the work we are already doing in the region to address this issue and as evidence of the continued investment we need to make in pursuing justice and providing resources for those who are victims of trafficking. This paper is merely the first in a series of local community conversations and research projects that will help support anti-trafficking work in the state.

The report is fueled by a series of guiding questions that arise any time human trafficking is discussed in the region:

- What do we know about the prevalence, scope, and forms of trafficking found in Louisiana?
- What are we doing to prevent and respond to it?
- What can we do to improve our response?

We turned to survivors, service providers, social workers, journalists, law enforcement, local and state officials, and researchers to begin to uncover the answers we may have to these pressing questions. As we asked stakeholders in Southern Louisiana these questions, we found that:

- There are indicators that suggest that trafficking is indeed a significant problem in Louisiana.
- However, there is little official data kept regarding trafficking that we can study for statistical purposes.
- We have rapidly increased our legal, law enforcement, and service provider capacity to address trafficking in the last five years.
- There are critical impediments to effectively assisting victims that need to be addressed.

At the end of this report, we offer recommendations for ways we can improve our response to human trafficking in Louisiana in the realms of legislation, law enforcement, healthcare, services, awareness, and research. A collaborative approach that incorporates the input of all stakeholders is critical to addressing such a diverse and complex human rights issue.

This paper is written with the support of the New Orleans Human Trafficking Working Group and the Loyola University New Orleans Modern Slavery Research Project. It could not have been completed without the collaboration of numerous non-profit service providers, law enforcement agents, and community members. It was funded by a community-based research grant from the Office of Community Engaged Learning, Teaching, and Scholarship at Loyola University New Orleans. Thanks to our research interns Lauren Cutuli and Saramaile Tate. Our greatest appreciation goes to Randy Laumann for his superb copyediting.



INTRODUCTION:

Defining Human Trafficking

The United States defines human trafficking as:

“the recruitment, harboring, transportation, provision, or obtaining of a person” for:

- Sexual services in which a commercial sex act is induced by force, fraud or coercion;
- Sexual services “in which the person induced to perform such acts has not attained 18 years of age” regardless of the use of force, fraud or coercion;
- Labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Though the word ***“trafficking”*** evokes movement or transport, the legal definition of trafficking **does not require a person to cross state or national borders**. The central facet of trafficking is the use of “force, fraud, or coercion” to compel someone to labor. While some people still confuse trafficking with the illegal smuggling of humans across state borders, and people who are smuggled across borders are often at risk of being coerced to work, trafficking does not require the movement of people, but addresses how laborers are treated by their employers.

Of the **29.8 million** people trafficked around the world today,
57,000 to 63,000 are trafficked in the **United States**.

Walk Free Foundation, 2013. www.globalslaveryindex.org



President Obama with survivor of trafficking, Ima Matul
at the Clinton Global Initiative, 2012

“It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I’m talking about the injustice, the outrage, of human trafficking, which must be called by its true name—**modern slavery.**”¹

- *President Barack Obama*

This paper provides a more detailed picture of the nature of trafficking, how is it affecting Louisiana’s citizens and laborers, and what we are doing to address it. The aim is to provide a better informed response to trafficking in our region and to highlight next steps for research, services, legislation, and response.

*I'm talking about the **injustice**, the **outrage**,
of human trafficking, which must be called by its true name—
modern slavery.*

- President Barack Obama

The State of Louisiana has adapted the U.S. definition of trafficking in our codes, making it a **criminal offense**.

- *“to knowingly recruit, harbor, transport, provide, solicit, obtain, or maintain the use of another person through fraud, force, or coercion to provide **services or labor**.”*
- *“to knowingly recruit, harbor, transport, provide, sell, purchase, obtain, or maintain the use of a person under the age of 18 years for the purpose of engaging in **commercial sexual activity**”*

In the state of Louisiana, if a person is working against his will because his employer is using “force, fraud, or coercion” to convince him to continue working, that is trafficking. The only exception to that rule is for children under the age of 18, who are considered victims of trafficking if they are providing sexual services under any circumstances.

Many people know that trafficking occurs in the sex industry, but in New Orleans, trafficking also has been found in cases of domestic service, farming, entertainment, construction, and factory work.

Given Louisiana’s history of slave-holding, it is imperative that we take the lead on eradicating these modern forms of slavery described in this report.

Trafficking in the Wake of Hurricane Katrina

In the wake of Hurricane Katrina, a region-wide reconstruction effort took place, which required thousands of construction workers and other skilled and unskilled laborers. Men and women flooded into the region ready to help, as both paid and volunteer workers. The chaotic environment made laborers vulnerable to exploitative labor practices.

A University of California study showed that almost half of the construction workers in New Orleans after Katrina were Latino immigrants, 54 percent of whom were undocumented.² Illegal immigration status makes people particularly vulnerable to being targeted by traffickers because they feel unable to report abuse to law enforcement for fear of deportation. To exacerbate the issue, the Department of Labor temporarily suspended health and job safety standards for workers doing Katrina-related reconstruction and affirmative action requirements for federal contracts related to the storm. President Bush declared a suspension of the Davis-Bacon Act, which requires all federal contracts to pay the prevailing local wage to construction workers.³

By journalist Stephanie Hepburn's estimate, at least 3,750 people were identified as potential victims of trafficking in the Gulf Coast region in the years following the devastation.⁴ In one case, Million Express Manpower, Inc. recruited Thai workers through the fraudulent promise that they would have jobs as agricultural laborers in North Carolina after they paid a fee equivalent to approximately \$11,000. After a few months working in North Carolina fields, they were forced to move to New Orleans, where they were compelled to do demolition work under threat of violence and held hostage by armed guards in squalid, unrehabilitated buildings. Their passports and visas were confiscated. They were given no money for food, so they were forced to eat birds they caught outside their building.⁵ This is just one of far too many cases in which immigrant laborers were exploited in the post-Katrina reconstruction effort.

Since Katrina, the New Orleans Workers Center for Racial Justice and their worker-led National Guestworker Alliance have been at the forefront of pursuing justice in cases of trafficking and other labor exploitation in the region. They have pursued legal remedies against employers who exploit the federal guestworker visa program and other post-Katrina violations of the legal protections workers have against abusive employment, wage slavery, and indentured servitude. Worker organizers are now putting pressure on Congress to pass comprehensive immigration reform that will end the single-employer restriction on guestworker visas and provide whistleblower protections to those who experience labor abuses while in the US.⁶





TRAFFICKING IN LOUISIANA

New Orleans is a significant source, transit, and destination location for human trafficking. This is the case for a number of reasons, among them the city's central location as a transportation hub, the constant influx of work-seeking migrant laborers and transplants to the area in the years since Hurricane Katrina, and the preponderance of sexual entertainment services. None of these factors in itself necessarily indicates that trafficking is occurring, but each provides the potential for exploitation of our most marginalized citizens and visitors.

No less important a factor in trafficking is the human vulnerability that is increased by certain local demographics: Louisiana consistently ranks among the highest rates of poverty, with nearly 20 percent of our population living in poverty in 2012, a figure that has remained stable for at least ten years.⁷ The poverty that leads to vulnerability in the labor market is one of the most significant indicators of a person's likelihood to be exploited for their labor. People who have no sustainable income are more at risk of being coerced or fraudulently tricked into dangerous labor situations or trafficked.

Youth homelessness is also a serious problem in Louisiana that puts our youngest citizens at risk of trafficking. In 2010, Louisiana ranked 46th out of 50 for risk of child homelessness.⁸ In addition, the Louisiana State Police indicates that in 2012, Louisiana families reported 7,645 runaways.⁹ Youth who are marginally housed or homeless are at significantly greater risk of being sexually exploited and trafficked. Fordham University studied homeless and marginally housed youth at the Covenant House programs in New York City and found that 13.9 percent of the nearly 200 Covenant House clients interviewed had experienced some form of trafficking (as defined by federal law), and another eight percent of them had engaged in a sexual exchange in order to survive.¹⁰ The Modern Slavery Research Project at Loyola is currently replicating this survey in New Orleans to determine the extent to which homeless youth in New Orleans are trafficked for labor or for sex.

Data collected by the National Human Trafficking Resource Center, which runs a hotline for suspected cases of trafficking, indicates that forty potential cases of trafficking were identified in Louisiana in 2012 through their hotline alone.¹¹ Extensive training in Louisiana by the NHTRC led to a 47 percent increase in call volume that year.¹² Baton Rouge and New Orleans saw the highest number of calls to the hotline, and while sex trafficking accounted for the majority of the cases, victims were also working as domestic laborers and in other forms of labor.

As awareness increases, so do calls to the hotline. In 2012, the NHTRC hotline received 233 calls from Louisiana, which includes those 40 that identified trafficking victims and those that asked for assistance, training, resources, or referrals.

New Orleans is a significant source, transit, and destination location for human trafficking.

In the first six months of 2013 alone, the hotline received 227 reports from Louisiana, approximately the same number received in all of 2012. Based on those six months of calls, the NHTRC reported 50 likely cases of trafficking, 10 more than all of 2012. At least half of those cases involved minors. Sixty-eight percent were sex-trafficking-related, and at least 16 percent were cases of labor trafficking. The calls revealed that sex trafficking occurred in a wide variety of locations, including strip clubs, commercial-front brothels, hotels/motels, and truck stops. The internet was a mechanism through which at least eight people were trafficked. People were also forced into labor as housekeepers, door-to-door salespeople, restaurant workers, and landscapers. (See Figures 1 & 2)

Location of Potential Trafficking (2012)

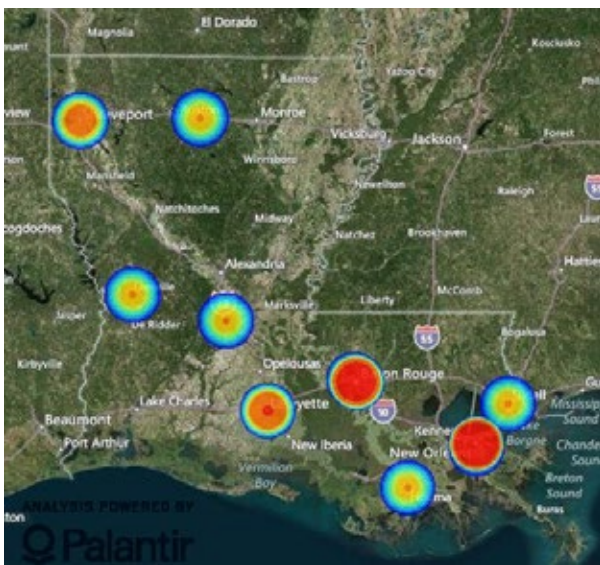


Figure 1: from National Human Trafficking Resource Center Data Breakdown: Louisiana State Report: 1/1/2013-6/1/2013

Location of Callers (2012)



Figure 2: from National Human Trafficking Resource Center Data Breakdown: Louisiana State Report: 1/1/2013-6/1/2013

In **2012**, the NHTRC hotline received **233** calls.

In the **first six months of 2013**, the hotline received **227** calls from Louisiana -- approximately the same number received in all of 2012.

Venue / Industry of Potential Trafficking	# of Cases	% of Cases
Sex	34	68%
Pimp-Controlled	10	20%
Internet-Based Commercial Sex	8	16%
Escort Service / Delivery Service	4	8%
Other / Not specified	4	8%
Commercial Front Brothel	2	4%
Hotel / Motel-based Commercial Sex	2	4%
Truck Stop	1	2%
Street-Based Commercial Sex	1	2%
International Marriage Broker	1	2%
Hostess / Strip Club	1	2%
Labor	8	16%
Other / Not Specified	3	2%
Restaurant / Food Service	1	2%
Other Small Business	1	2%
Housekeeping / Cleaning Service	1	2%
Door-to-Door Sales Crew	1	2%
Landscaping Services	1	2%
Other / Not Specified	8	16%
Total # of Potential Trafficking Cases	50	100%

Figure 3: from National Human Trafficking Resource Center Data
Breakdown: Louisiana State Report: 1/1/2013-6/1/2013

It is important to note that these statistics represent only those cases that were identified as such by a citizen and then reported to law enforcement by the NHTRC hotline staff. The number of cases reported to the hotline represent merely a fraction of the cases that exist in the state and remain unreported or reported through other channels. At the same time, not all calls made to the hotline represent identifiable victims. This data does not by any means represent the full extent of trafficking in Louisiana, nor does it give us a complete portrait of the variety of forms trafficking takes in the state. (See Figure 3)

Despite the significant risk factors for trafficking in this region and the significant number of cases being reported to the national hotline, there are no statistics on the precise numbers of people being trafficked in this region. Nor is there a records management system in place for law enforcement to keep statistics on trafficking identification in the region. As a result, at this time, we are dependent on these national reports to begin to sketch a portrait of trafficking in Louisiana.

Signs are positive that this trend will change, however, because as a result of the Trafficking Victims Protection Reauthorization Act of 2008, the FBI dedicated itself to collecting information on both commercial sexual trafficking and forced labor trafficking as part of its Uniform Crime Report, starting in January of 2013. By the middle of 2014, we should begin seeing the results of this data collection.¹³ In 2013, the Department of Child and Family Services in Louisiana also implemented a policy that expanded their ability to identify and keep records of foster youth who are suspected of having been trafficked. There are also new screenings for commercial sexual exploitation among its clients.¹⁴ In addition, a new study with Covenant House will help us to determine the likelihood of homeless youth being trafficked in our area. These efforts will certainly improve our ability to estimate the prevalence of trafficking in the region.

Labor Trafficking

Direct force, threats of physical harm, deception, psychological coercion, the use of bonds or debts, and the use of child workers are all forms of exploitation utilized by employers that can constitute a severe form of human trafficking. While the presence of sex trafficking in Louisiana has received significantly more media attention than labor trafficking, recent cases have demonstrated the need for increased awareness of and response to incidents of wage slavery, debt bondage, guestworker visa exploitation, child labor, and other forms of forced labor.

Louisiana's diverse economy provides far too many opportunities for these kinds of labor abuses. From the agricultural fields to the oil fields, from offshore fishing boats to offshore drilling rigs, from factories to construction sites to restaurants to classrooms, employers have found ways to circumvent Louisiana's labor and wage standards. Foreign nationals are particularly vulnerable because of their reliance on keeping their immigration status, but U.S. citizens are not risk-free either.

The vast majority of labor trafficking cases in the United States involve the exploitation of foreign nationals seeking work opportunities. Non-immigrant laborers seek employment opportunities, often by applying for a variety of visas provided by the U.S. government. The **J-1** visa provides opportunities for cultural exchange through work or study in the U.S., the **H-1B** visa permits professionals to work in the country, the **H-2A** visa admits agricultural laborers, and the **H-2B** is for temporary or seasonal laborers. Because the terms of the visas commit an individual laborer to his or her employer, and such visa holders are unable to change employers during their stay in the U.S., exploitation is remarkably prevalent. Employers often confiscate legal documentation, give fraudulent documentation to their employees, and threaten deportation in cases of whistleblowing. It is clear from data gathered by the National Human Trafficking Resource Center that Louisiana has a high volume of suspected labor visa abuses for J-1, H-1B, H-2A, and H-2B visas. (See Figure 4)

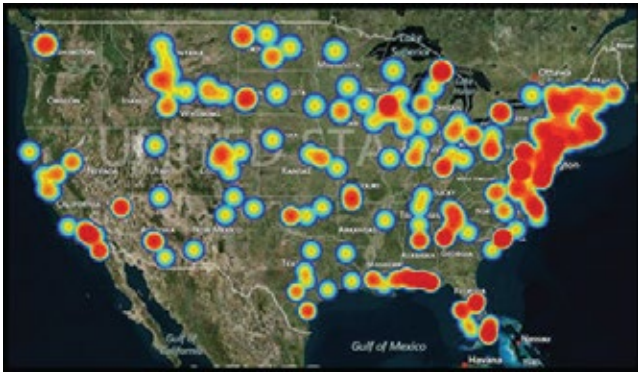
Map 1: Location of Callers Referencing J-1 Visas



Map 2: Location of Callers Referencing H-2B Visas



Map 3: Location of Callers Referencing H-2A Visas



Map 4: Location of Callers Referencing H-1B Visas



Figure 4: from Polaris Human Trafficking Trends in the US, 2013

Labor trafficking victims “often work in places **hidden from public view and at the margins of formal employment**,” in places such as “fishing vessels and construction sites, in commercial agriculture and in factories.”¹⁵

(International Labor Organization, 2013)



The National Guestworker Alliance, located in New Orleans, approximates that they have supported the cases of nearly 1,000 victims of forced labor or human trafficking in the last seven years, the majority of whom were working in the Gulf South. (See Trafficking in a Louisiana Crawfish Plant.)

Catholic Charities Archdiocese of New Orleans works with immigrant laborers who report significant labor exploitation and abuse, including trafficking.



From 2009 to 2011 Catholic Charities of New Orleans was funded through a contract with the United States Conference of Catholic Bishops to respond to cases of human trafficking. In that time, they estimate that they provided services and legal support to approximately 125 people making claims of trafficking against their employers.

The volume of cases handled by these two agencies alone indicates that labor trafficking is indeed prevalent in the region, despite the fact that these cases often remain much less visible than cases of sex trafficking.

Labor Violations in a Louisiana Crawfish Plant

In the summer of 2012, Martha Uvalle and Anna Rosa Diaz, along with eight of their fellow workers, went on strike against C.J.'s Seafood Company in Breaux Bridge, Louisiana, a supplier for Walmart. For years, the workers migrated from Mexico on temporary guestworker visas to work in Louisiana as seasonal laborers for the crawfish packing company.

When C.J.'s received a contract to work for Walmart, their production needs increased, as did their expectations for the seasonal workers. While they had always been underpaid and poorly treated, the new demands from the multinational supplier were accompanied by up to 24-hour shifts, totaling an average of 84 to 90 hours a week, with no overtime pay and few if any breaks. Workers were forced to reside in cramped living conditions and were faced with intimidation and physical restraint while at work. In an arrangement akin to 19th-century labor practices, workers were compelled to go to the company store to purchase overpriced safety gear necessary for their work because the extraordinarily long shifts made it nearly impossible for the workers to go into town.

Then, according to the strikers, the threats of violence began. The owner of the company, Michael LeBlanc, allegedly told the guestworker employees that they shouldn't become his enemies because he knew "bad people" and also knew where the employees' families lived. It was at this point that the workers realized that LeBlanc meant to coerce them into continuing to work in the bad conditions, silently and without protest, through threats of violence. They admitted to themselves that his promises of the prevailing local wage of \$8.53 an hour and six months of work (the conditions required by their visas) were fraudulent as well.

Together with the National Guestworkers Alliance, headquartered in New Orleans, the workers protested against the labor conditions at C.J.'s seafood and launched a nationwide campaign to get Walmart's attention. Within a month, Walmart ended its relationship with the crawfish supplier under intense pressure from the alliance and citizen activists around the country. The U.S. Occupational Safety and Health Administration (OSHA) investigated and found the company to be in violation of numerous health and safety regulations, and C.J.'s was fined \$34,000 for safety violations and \$214,000 for violations of wage and hours rules, which included an order to pay \$76,000 in back wages to its employees, including Uvalle and Diaz. Based on this case, the National Guestworker's Alliance launched an investigation into 18 of Walmart's suppliers that rely on guestworkers, five of which are located in Louisiana, and found 622 federal citations for workers' rights and safety violations, including indications of forced labor conditions. No criminal charges were brought against the supplier.

In October 2012, the U.S. government granted the C.J.'s strikers U-visas, which allowed them to remain in the country. Since then, they have been organizing in labor camps across the Gulf South to educate workers about their rights.¹⁶ Workers won a face-to-face meeting with a Walmart vice president in Bentonville, Arkansas, where they negotiated improvements for workers on Walmart's supply chain. Though they left that meeting without having their demands met, they continue to build support with other workers on the Walmart supply chain. National Guestworker Alliance members have become national spokespeople for immigration reform and have made multiple trips to Washington, D.C.



Sex Trafficking

The term “sex trafficking” encompasses a wide range of commercial sex acts performed as a result of force, fraud, or coercion or on young people under the age of consent. The majority of reported cases involve women or girls, but men and boys are also victims. The U.S. Department of Health and Human Services indicates that there is no typical setting for sex trafficking operations, as traffickers can operate in “highly-visible venues such as street prostitution [or] ... more underground systems such as closed-brothels that operate out of residential homes,” with business also taking place in “massage parlors, spas, strip clubs and other fronts for prostitution.”¹⁷ Some trafficking for sex is managed by a third-party controller (a “pimp”) (see Figure 5), but others might be coerced into trading sex by a family member, caretaker, neighbor, or stranger. Others may have chosen to trade sex, but find that they are forced to relinquish their earnings or are threatened with violence if they quit or report the crime. Some minors, especially runaways, trade sex for basic necessities in order to survive, and because of their age are considered commercially sexually exploited as well. All of these forms of sex trafficking exist in Louisiana.



Figure 5: Location of Pimp-Controlled Sex Trafficking Cases
from Polaris Human Trafficking Trends in the US, 2013

Between April 2009 and November 2012, the Rescue and Restore Coalition Louisiana, funded by the U.S. Department of Health and Human Services, identified 140 victims of sex trafficking in the New Orleans and Baton Rouge areas. The youngest confirmed victim of sex trafficking that the Coalition encountered was six years old.¹⁸ In 2008, Shared Hope International studied domestic minor sex trafficking in the Baton Rouge and New Orleans areas, and they found that, in the previous two-year period, the service providers they surveyed had served over 100 sex trafficking victims under the age of eighteen. At one shelter in Baton Rouge, records showed potentially up to 5 percent of its minor clients had been victims of commercial sexual exploitation, though they had not been identified as such when they were served. Between 2006 and 2008, the Office of Community Services had identified 35 confirmed cases of a parent or caretaker trafficking a child.¹⁹ They also found that, when children had been charged as juvenile delinquents and later found to be victims of trafficking, investigations and prosecutions were rare.²⁰

More recent data is difficult to come by. In Louisiana, the Department of Child and Family Services (DCFS) cares for children who are abused by their caretakers. In 2012, they identified five victims of human trafficking, and by November 2013 they had identified four.²¹ DCFS strategies to identify children who have been exploited and keep records on these cases has been made a priority, and we expect their data will improve in the coming years.



Covenant House of New Orleans is an emergency and residential shelter program for young people aged 16-23 who are at-risk, runaways, or homeless. Professional estimates made by their trained case workers suggest that approximately 15 percent of their male and 20 percent of their female clients have traded sex for money. When they add those who have traded sex for shelter, they estimate that the rates go up to 25 percent of their male and 33% of their female clients. They estimate that 70 percent of their clients have been physically or sexually abused before arriving at the shelter program.²²

Covenant House's population shows how vulnerable young people are to sex trafficking and also reveals some ways we might consider the context in which sex work is performed. This data is indicative of the prevalence with which youth who are homeless or marginally-housed are at-risk of trafficking before they turn 18. It also reveals that young adults often continue to find short-term solutions to their economic crises (such as survival sex) necessary as they grow older. This provides a cautionary tale about the problem of young people "aging- out" of services and legal recourse when they reach adult age. According to the current legal code, young people turn from being considered a victim of trafficking to a criminalized "prostitute" on their 18th birthday. Adults are often overlooked in the screening processes that identify trafficking victimization, and the age at which a person was first forced to sell sex is currently not considered in adult cases. These are all challenges we face in identifying and providing services to those most in need.

Differentiating Sex Work and Sex Trafficking

There is significant public confusion regarding what constitutes the difference between forced sex trafficking and consensual sex work. While the sale of sex remains illegal in Louisiana and much of the United States, sex work can only be considered trafficking when there is an element of "force, fraud, or coercion" involved, or if the person trading sex is under 18 years of age. Confusion on this point leads media outlets to equate "prostitutes" with "trafficking victims,"²³ which both denies the agency of adults who choose sex work and serves to obfuscate the need for services of those who are indeed victims of trafficking.

Louisiana law enforcement has substantially increased training and awareness regarding sex trafficking in the last few years, but the challenge remains to ensure that prostitution and trafficking are not confused. Currently, prostitution sting operations are sometimes pursued in the name of responding to "human trafficking."²⁴ Human trafficking efforts and resources have been redirected to arrest sex workers who are not themselves traffickers or trafficked. In a Mardi Gras 2014 trafficking sting operation in the Lafayette area, for instance, Louisiana State Police and the FBI arrested five women for prostitution, one man for "promoting prostitution," one for "pandering," and only two for soliciting sex with a minor online. No arrests seem to have been made for trafficking.²⁵ Similarly, in a sting operation during the 2014 NBA All-Star Weekend in New Orleans, 30 arrests were made "in connection with sex trafficking." Twenty-two of those arrested were women who were booked for prostitution, and four men were arrested for prostitution. Of those 30, only four were arrested for online solicitation of sex with a minor.²⁶ Because these stings target non-trafficked sex workers, and because there are few laws that protect them from exploitation, sex workers are typically afraid to report abuses – including rape and certainly wage theft – for fear of criminalization.

Trafficking of Teenagers in a Louisiana Home

For two months, the Bossier Parish Sheriff's Department watched 37-year-old Randell White and his 31-year-old wife Brandi White, collecting text messages, photos, and videos as evidence that the couple was trading money for sex with their teenage family members. Allegedly, the couple forced two of their female relatives, one 14-years-old and the other 16, to lie about their ages and to sell sex to men for as little as 60 dollars.

Neighbors reported that they learned what was happening to the young women because the family was open about the transactions. They knew they had to protect the girls by reporting it to law enforcement.

On August 27, 2013, the Sheriff's Department finally had enough evidence to charge the Whites with "inciting prostitution." The couple faces a \$50,000 fine and 50 years in prison, according to Louisiana state law, if they are convicted. Police also arrested two men for "indecent behavior with a juvenile," because they had evidence that the men had had sex with the teenagers, but could not prove that money had been exchanged.

Although in 2012, the state of Louisiana passed a law that indicated that minors who are commercially sexually exploited are to be considered victims of sex trafficking and not prosecuted for selling sex, the two teenage girls were arrested for prostitution nonetheless. When KTBS reporter Erin Buchanan pursued whether the girls might be "re-victimized by being sent through the juvenile justice system," the response was that it was "not so, because their records will be sealed when they turn 19, preventing what happened to them as children from following them around as adults."

While their records may be sealed, of course, the psychological damage of their experiences will certainly follow them into adulthood. Furthermore, their arrests were illegal, and any court proceedings against them violate both state and federal law. The girls were put into state custody and were provided counseling services, but their arrests still marked them as criminals instead of as victims.²⁷

Legislation passed in the last two years makes some provisions to avoid re-traumatization of trafficking victims and provide therapeutic resources for people of all ages who fall prey to traffickers, but more is still needed.



COORDINATED RESPONSE

Awareness of the issue has steadily grown in the last 10 years. When Shared Hope International studied New Orleans and Baton Rouge's response to trafficking, they declared an "awareness crisis" in the region, citing a "lack of awareness of the crime, the statutes, and the victims of DMST [Domestic Minor Sex Trafficking] on the part of people who come into contact with DMST victims in their daily work" which serves as "an impediment to the identification of DTMs [domestic trafficked minors] and blocks the delivery of specific services to victims."²⁸

The Shared Hope report did cite the Louisiana Human Trafficking Task Force as an advance the state had made in addressing trafficking. Two task forces were formed in 2006: the Middle District program, centered in Baton Rouge, and the Eastern District, centered in New Orleans. Funding from the U.S. Department of Justice allowed the task forces to bring together local, state, and federal law enforcement with service providers and NGOs to provide swift, adequate, and sensitive responses to cases of human trafficking. Law enforcement trainings were part of the grant and collaborative response protocols were developed.²⁹

This deliberate, coordinated response reflected best practices in the field of human trafficking and law enforcement. By coordinating efforts, law enforcement are more likely to successfully and compassionately identify cases of human trafficking and are more likely to encourage witnesses to cooperate in prosecutions when necessary. These collaborative teams have been mobilized in major anti-trafficking efforts, including the nationwide Operation Cross-Country, as well as during the Super Bowl.

In June 2012, the New Orleans Human Trafficking Working Group was established as a collaborative, citywide coalition of law enforcement, service providers, community activists, researchers, survivors, faith-based groups, and concerned citizens who were interested in advocacy projects and awareness-raising in the region. The goal of the group is to encourage all stakeholders to take part in the conversations about how we address trafficking in the region. Survivor voices are central to an informed response to trafficking, so several survivor speakers have been invited to speak to the group, in addition to researchers, journalists and service providers, who together map out plans for action in the region. Collaborative efforts of this kind seek to ensure that programs do not unnecessarily overlap or compete, and that gaps in our response are identified and addressed.



STATE LEGISLATION

Louisiana's criminal code, amended in 2005 to include human trafficking and "trafficking of children for sexual purposes" as crimes, currently provides one of the nation's more comprehensive frameworks of state anti-trafficking laws. In its 2013 State Ratings, the Polaris Project recognized Louisiana for providing legal provisions in all 10 categories for which they rank the states, placing the state in Tier 1 along with 20 other states. Polaris found Louisiana lacking in only two major areas: required/funded law enforcement training and vacating of convictions for people found to have committed a crime as a result of being a victim of trafficking.³⁰

Shared Hope International's Protected Innocence Challenge has presented a report card each year since 2011, grading each state on their legislative response to domestic minor sex trafficking (DMST). (This score does not evaluate legislation that addresses forms of labor trafficking or adult sex trafficking.) Louisiana has been one of the frontrunners among the states in both overall score and in improvement over time. Louisiana's scores have improved dramatically over each of the three years the report has been issued (See Figure 6).³¹

Protected Innocence Challenge // Louisiana Report Card

Louisiana's criminal laws make the actions of traffickers, buyers and facilitators subject to serious penalties, including substantial financial penalties that reach the profits that motivate these offenses.



Figure 6: from Shared Hope International Protected Innocence Challenge

By Louisiana law (§46.2), it is unlawful “to knowingly recruit, harbor, transport, provide, solicit, obtain, or maintain the use of another person through fraud, force, or coercion to provide services or labor.” The actions of those knowingly benefiting from or facilitating the activity of traffickers, whether by “helping, aiding, abetting, or conspiring,” are also criminalized. The Louisiana statute on trafficking of children for sexual purposes (§46.3) states that “to knowingly recruit, harbor, transport, provide, sell, purchase, obtain, or maintain the use of a person under the age of 18 years for the purpose of engaging in commercial sexual activity” is a criminal offense, as are the actions of facilitators, beneficiaries, and parents or guardians consenting to the use of their children for sex acts.

Like the U.S. Trafficking Victims Protection Act of 2000, trafficking in Louisiana is defined by the means of compelling work – “force, fraud, or coercion” – and it criminalizes the commercial sexual exploitation of minors under 18 as well. Louisiana House Bill 49 (Act 446), which was sponsored by Representative Neil Abramson and went into effect on August 1, 2012, expanded the scope of the state’s human trafficking statutes, increasing penalties for facilitators of trafficking as well as those charged with the commercial sexual exploitation of children. The bill also took the crucial step of decriminalizing the activities of minors identified as victims of sex trafficking, specifying that prostitution-related offenses would not be regarded as delinquent acts “for a child who, during the time of the alleged commission of the offense, was a victim of trafficking of children for sexual purposes.”³²

Louisiana Senate Bill 88, sponsored by Senator Sharon Weston Broome, created the Exploited Children’s Special Fund, which requires convicted child trafficking offenders to pay restitution to victims and to contribute to a victims’ treatment and services fund. Commercially sexually exploited children are also able to have their convictions vacated if they committed a crime while being trafficked. That bill also introduced a diversion program that allows DMST victims to avoid criminalization. However, the language of the law still allows some leeway for prosecutors to charge a person under 18 who trades sex, even if by dint of their age that person is a considered a victim of trafficking.³³

These legislative advances have garnered Louisiana much attention at the national level.

The existence of trafficking-specific laws, however, does not guarantee their enforcement or overall effectiveness. Even when law enforcement identify trafficking cases, impediments exist to bringing the case to trial, including willingness of the victim to testify and difficulties in proving force, fraud, or coercion. The one federal conviction for human trafficking in Louisiana took place in September of 2012.

Furthermore, these bills provide no funding allocations for victim services or for enhanced law enforcement training required to enforce these laws.

Depending on the nature of the trafficking and the age of the victims(s), traffickers in Louisiana face sentences of between five and 50 years of imprisonment, maximum fines of between \$10,000 and \$75,000, and asset forfeiture (see Figure 8). A life sentence is possible if the offender is convicted of sex trafficking of a minor after having been previously convicted of a sex offence involving a minor. Several statutes relating to criminal procedure provide additional tools to investigate and prosecute trafficking, and include the procedure for forfeited property following a trafficking conviction (§539.1); instructions for the posting of the National Human Trafficking Resource Center (NHTRC) hotline (§541.1); and the authorization for interception of wire or oral communications in order to obtain evidence of trafficking (§1308).

Most anti-trafficking legislation currently focuses on sex trafficking, especially that of minors. Concentrated efforts to address labor trafficking are still on the horizon.

For all criminal statutes with relevant trafficking clauses, see Figures 7 and 8 on the next page.³⁴

Louisiana Criminal Statutes Regarding Trafficking

14:46.2	Human Trafficking
14:46.3	Trafficking of children for sexual purposes
539.1	Forfeited property related to certain sex crimes; exempt property;
541	Registration of sex offenders, sexually violent predators, and child predators; Definitions
1308	Authorization for interception of wire or oral communications
SCR 27	Human Trafficking Task Force
SB 435	Posting of a Human Trafficking Hotline

Figure 7

Louisiana Criminal Code: Trafficking Penalties

Statute	Crime	Sentence	Fine
<i>R.S. 14:46.2</i> <i>Human trafficking</i>	Human trafficking	Up to 10 years	Up to \$10,000
	Human trafficking involving commercial sexual activity/criminal sexual conduct	Up to 20 years	Up to \$15,000
	Human trafficking involving minor (under 18)	5-25 years	Up to \$25,000
<i>R.S. 14:46.3</i> <i>Trafficking of children for sexual purposes</i>	Sex trafficking of minor	15-50 years	Up to \$50,000
	Sex trafficking of minor under 14	25-50 years	Up to \$75,000
	Sex trafficking of minor after previous conviction of sex offense involving minor	50 years-life	Up to \$100,000

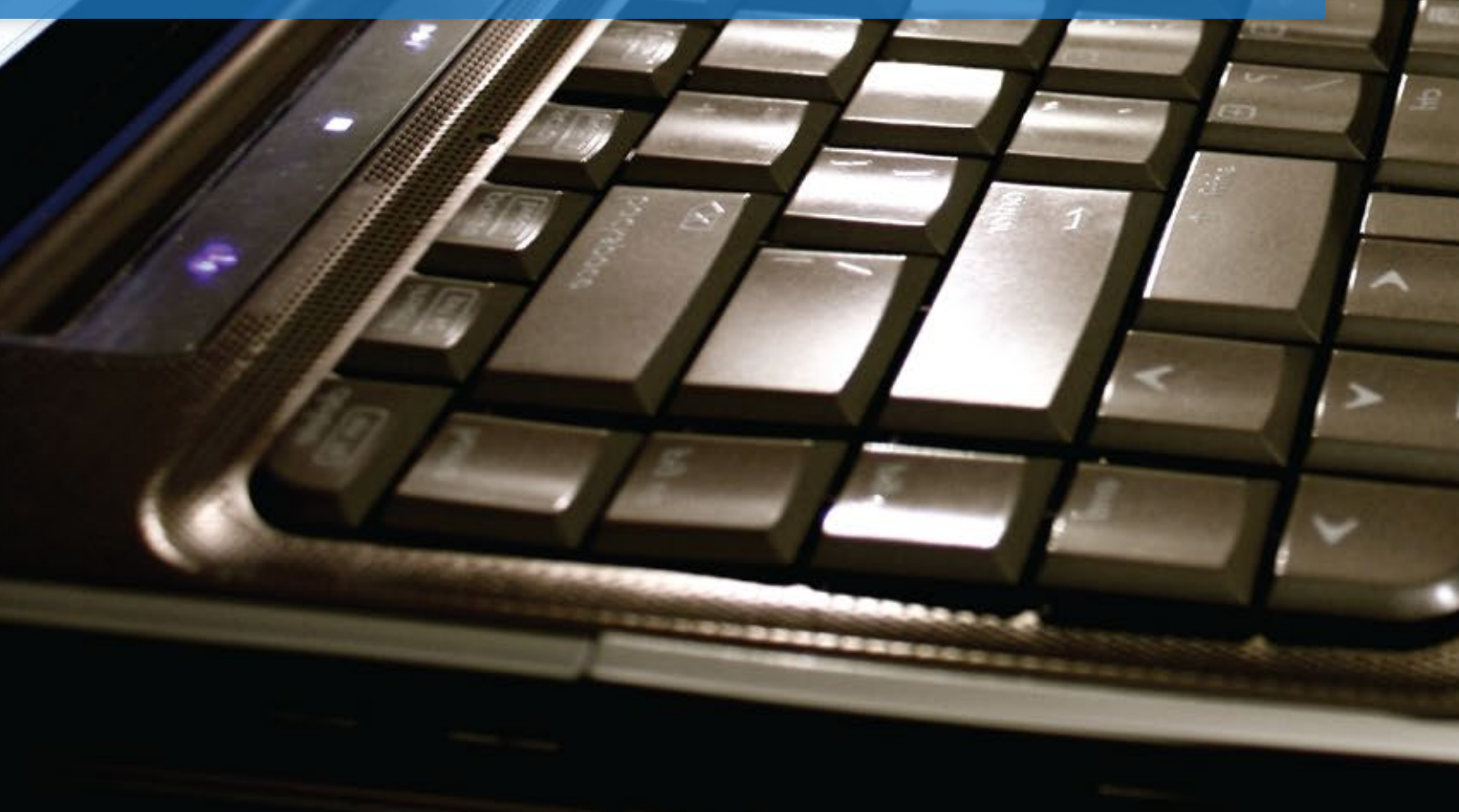
Figure 8

Louisiana's First Federal Conviction

The first human trafficking conviction in Louisiana's Eastern District took place September 7, 2012, when 30-year-old defendant Benson December Coriolant was convicted by a federal jury of sex trafficking of a child, conspiring with others to sex traffic a child, coercing and enticing an individual to engage in prostitution, and coercing and enticing a minor to engage in illegal sexual activity.

In late 2008, Coriolant began a sexual relationship with a 14-year-old female while arranging paid sexual encounters for her in the Orlando, Florida area by means of classified ad websites. He forced her to have paid sexual encounters with men who answered the advertisements and forced her to relinquish the money she made from those encounters to a bank account in his name. She was forced to keep a journal of every expense she had including food and personal expenses so that he could monitor her. About a year later, Coriolant moved the minor to the New Orleans area and continued selling her sexual services online, which led to her arrest at a Kenner motel in April 2010.³⁵ After being sent by authorities back to her home in Florida, the girl resumed working for Coriolant, and he sent her back to New Orleans in May 2010, where he advertised her services once again in online classified advertisements. The minor was arrested a second time several days later, leading to Coriolant's arrest in Tampa in October.

Coriolant was sentenced to 40 years imprisonment on February 7, 2013. The investigation of the case was a collaborative effort between federal, state, and local law enforcement as part of the Innocence Lost National Initiative and Project Safe Childhood.





CONCLUSIONS & RECOMMENDATIONS

Louisiana has made great strides in the last 10 years to address human trafficking. We have created some of the most comprehensive anti-trafficking legislation in the country; we have provided trainings to law enforcement; we have created collaborative coalitions and task forces that address the needs of survivors; we have pursued several important cases of labor and sex exploitation at the local and federal levels; and we have increased penalties for those who are convicted of trafficking.

Nonetheless, there are some victims of trafficking who are still largely falling through the cracks in our efforts, as well as those who are inadvertently criminalized due to enforcement of our laws:

- Guestworker visa holders who are trafficked are often having their cases pursued under the Fair Labor Standards Act (FLSA) or through civil suits, and traffickers are not being held responsible for their exploitation.
- Immigrant laborers are often intimidated by employers against reporting exploitation and often remain unidentified as trafficking victims.
- 18+-year-olds who were originally sexually trafficked as minors “age out” of services and are often unable to pursue their cases as trafficking once they have reached adult age.
- Young people under the age of 18 are still being charged with “underage prostitution” despite their status within the law as victims of trafficking and adults, who are victims of trafficking are often nonetheless arrested after being identified.
- Adults who trade sex as a result of force, fraud, or coercion are often overlooked as trafficking victims.
- Adult voluntary sex workers are often the targets of criminal sting operations meant to arrest traffickers and rescue trafficking victims.

Our recommendations suggest ways we might improve our awareness and response to trafficking in Louisiana. While legislators must take the lead in providing the framework from which service providers, nonprofits, workers’ rights groups, and individuals can pursue justice, a robust community response is needed to enforce the laws and make services available. Furthermore, a cultural shift in public perceptions and assumptions about immigration, sex workers, and laborers in general is required if we are to respond compassionately and justly toward people who are vulnerable to exploitation. The recommendations outlined here represent the next steps we need to take based on the information collected for this report and through the discussions held by the New Orleans Human Trafficking Working Group.

<p><i>Legislation</i></p>	<ul style="list-style-type: none"> • Establish a dedicated human trafficking court • Resolve conflict between victim status for minors and Article 836 in SB 88, creating full immunity for minor victims • Vacate criminal records for all crimes committed by adults that are determined to be a result of labor or sex trafficking victimization • Provide an affirmative defense for adult victims of sex and labor trafficking • Create alternatives to incarceration for adults who have “aged out” of sex trafficking victim status • Allow a 72-hour window for service providers to shelter suspected child victims of trafficking or sexual exploitation • Fund law enforcement training • Fund services and shelters dedicated to survivors of sex and labor trafficking
<p><i>Law Enforcement</i></p>	<ul style="list-style-type: none"> • Pursue appropriate cases as human trafficking instead of FLSA or, in the cases of sex trafficking, pandering or inciting prostitution • Require trafficking training in police academy • Require trainings for veteran officers • Focus on arrest of traffickers instead of sex workers • Create data management system for trafficking offenses
<p><i>Health</i></p>	<ul style="list-style-type: none"> • Increase training of health care professionals on identifying victims of trafficking • Add questions to triage intake questionnaire in cases of sexual- or labor-related abuse • Increase harm-reduction efforts aimed at trafficking victims and at-risk youth and adults
<p><i>Service Providers</i></p>	<ul style="list-style-type: none"> • Create and distribute a working protocol for identified victims • Enhance outreach to trafficking victims • Implement data collection for confirmed and suspected cases of trafficking • Expand access to self-esteem, harm-reduction, and anti-trafficking curricula for youth
<p><i>Awareness</i></p>	<ul style="list-style-type: none"> • Publish a Know Your Rights pamphlet for distribution by law enforcement, service providers, outreach • Create a high school curriculum with sustainable dissemination model • Produce Public Service Announcement campaigns across the state • Distribute posters with hotline across the state, to assist businesses in complying with SB88
<p><i>Research</i></p>	<ul style="list-style-type: none"> • Study the prevalence of trafficking in the state • Research and create an identification tool for trafficking (labor and sex) • Study the effectiveness of outreach programs • Study the effectiveness of training programs • Study the effectiveness of awareness campaigns and curriculum

RESOURCES IN NEW ORLEANS AREA

Services to Assist Victims of Human Trafficking

New Orleans Area Shelter Services

Baptist Friendship House <i>813 Elysian Fields Ave., New Orleans, LA 70117</i>	504-949-4469 <i>baptistfriendshiphouse.org</i>
Covenant House <i>611 N. Rampart St., New Orleans, LA 70112</i>	504-584-1111 <i>covenanthouseno.org</i>
Eden House <i>P.O. Box 750386, New Orleans, LA 70113</i>	504-407-0943 <i>edenhousenola.org</i>
Louisiana Baptist Children's Home <i>P.O. Box 4196, Monroe, LA 71211</i>	318-343-2244 <i>lbch.org</i>
New Orleans Dream Center <i>1137 St. Charles Ave., New Orleans, LA 70130</i>	504-621-5544 <i>neworleansdreamcenter.org</i>
Odyssey House Louisiana <i>1125 N. Tonti St., New Orleans, LA 70119</i>	504-821-9211 <i>ohlinc.org</i>

New Orleans Area Legal Services and Immigrant Rights

Catholic Charities <i>1000 Howard Ave., Suite 200, New Orleans, LA 70113</i>	504-310-6875 <i>ccano.org</i>
New Orleans Workers' Center for Racial Justice <i>217 N. Prieur St., New Orleans, LA 70112</i>	504-309-5165 <i>nowcrj.org</i>
Law Offices of Donglai Yang <i>829 Baronne St., New Orleans LA 70113</i>	504-581-9322 <i>donglailawfirm.com</i>
Loyola University: Stuart H. Smith Law Clinic <i>540 Broadway St., New Orleans, LA 70118</i>	504-861-5590 <i>loyno.edu/lawclinic</i>
Louisiana Center for Children's Rights <i>1820 St. Charles Ave., Suite 205, New Orleans, LA 70130</i>	504-207-4577 <i>laccr.org</i>
Pelton + Balducci <i>1100 Poydras St., Ste. 2725, New Orleans, LA 70163</i>	504-708-5400 <i>pbimmigration.com</i>
Ware Gasparian <i>3850 N. Causeway Blvd., Suite 555, Metairie, LA 70002-1752</i>	504-830-5900 <i>david-ware.com</i>



New Orleans Area Domestic Violence and Sexual Abuse Services

New Orleans Family Justice Center

701 Loyola Ave., New Orleans, LA 70113

504-592-4005

nofjc.org

New Orleans Area Community Health Centers

Tulane Community Health Center

Ruth U. Fertel / Tulane Community Health Center

711 N. Broad Ave., New Orleans, LA 70119

504-988-3000

tulane.edu/som/tuchc

Tulane Community Health Center Covenant House Clinic

611 N. Rampart St., New Orleans, LA 70117

504-988-3000

tulane.edu/som/tuchc

Tulane Community Health Center New Orleans East

4626 Alcee Fortier Blvd., Suite D, New Orleans, LA 70129

504-255-8665

tulane.edu/som/tuchc



LOYOLA
UNIVERSITY
NEW ORLEANS

This report was prepared by the Loyola University Modern Slavery Research Project in conjunction with the generous members of the New Orleans Human Trafficking Working Group.

The new **Modern Slavery Research Project** at Loyola University New Orleans seeks to improve the lives of victims and survivors of modern slavery (also called human trafficking). Our work builds the capacity of state and civil stakeholders through projects that are focused on education, advocacy, and research. The Project was launched in September 2013 and is dedicated to collaborating with community partners and to raising awareness of trafficking at the local and national level. Accomplishments in our first six months include the following.

- Monthly meetings of the *New Orleans Human Trafficking Working Group* brought together law enforcement, nonprofits, community organizers, service providers, researchers, and citizen activists.
- A city leadership planning meeting mapped a course for New Orleans' response to trafficking.
- A campaign to Make Escape Possible was designed to increase the likelihood that victims can escape.
- Testimony before state legislators aided in drafting improved anti-human trafficking legislation.
- Trainings at New Orleans area hospitals informed staff and medical residents on indicators of trafficking.
- A partnership with the Net Charter High School raised awareness among students about anti-trafficking leadership.
- Appearances on MSNBC's Melissa Harris-Perry show as well as on local news outlets spread the word of our work against trafficking.

Join us in our efforts in 2014:

- The official launch of the Make Escape Possible Campaign.
- Research with Covenant House New Orleans will examine the prevalence of trafficking among marginally-housed young adults.
- A partnership with Children's Hospital and area faith-based communities will make Know Your Rights pamphlets available across the city.
- A campaign to pass even stronger anti-trafficking legislation.
- A new Survivor Circle, led by a local survivor, will begin holding monthly meetings.
- Monthly volunteer opportunities around the city will be led by our team of interns.

All of this work is possible because of the enthusiastic support of community members, interns, and volunteers.

Learn more at www.loyno.edu/modernslavery and nolahumantrafficking.org.
Follow us on Twitter @MSRPLoyola and @nohtwg.

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