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## **Human Trafficking Investigations, Implications of Apathy and Inaction, Recommended Solutions**

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## **Introduction**

Human Trafficking (HT) is both a global and national epidemic and yet, it has not truly touched the hearts and minds of the Canadian population at large. For example, to date, neither law enforcement/justice training nor investigation is on par with gang violence, drugs, or even prostitution. So the questions I wish to explore in this paper are:

- Why such apathy?
- How does it get changed?
- Why does the Canadian population at large not have even a working knowledge of the epidemic of HT?
- Why do members of the criminal justice system (police, lawyers, judiciary etc.) not have a detailed understanding of or resources to fight and prosecute HT offenses?
- Why do elected representatives at all levels, from municipal to federal, fail to grasp the seriousness of the problem, offering cursory commitments and minimal assistance to victims and investigators alike?
- Why is Canada not yet living up to the provisions of the United Nations (2000) protocol on HT?
- What price can we attach to the battle against slavery in a country where slavery was not only outlawed but, historically, viewed as a safe haven (Rosemary Sadler - President n.d.)?

## **Human Trafficking in Canada**

Human Trafficking is a crime that is only recently starting to come into the consciousness of the Canadian public. Although it is an active crime occurring worldwide, it has traditionally been seen as a third world problem. Due to a combination of several high profile cases, extensive advocacy work from non-

governmental organizations (NGO's), and recent amendments to the criminal code of Canada, HT is slowly being exposed as a global organized crime problem (Interpol 2012). It is also, more specifically, a Canadian organized crime problem (Government of Canada 2011). In my opinion, the single greatest cause of Canadians' lack of knowledge of this horrendous crime is "NIMBY" or the Not In My Back Yard view permeating people's attitudes. Canadians as a whole generally do not believe such things can happen in this country and if it does happen, they are convinced it cannot possibly happen in their town or province. It is this attitude that needs to change. This is something that can be done only through enhanced awareness, intensive law enforcement action, and education by credible subject matter experts. The term "Human Trafficking" for the purposes of this essay is defined both within the Criminal Code of Canada and within the United Nations Convention (United Nations Assembly, 2012; United Nations, 2000). More accurately, however, it should (Collins English Dictionary 1991, 1994, 1998, 2000, 2003) be understood in terms of its most true and basic meaning: "SLAVERY" (Not For Sale 2009-2012).

Human Trafficking is defined as "the organized criminal activity in which human beings are treated as possessions to be controlled and exploited (as by being forced into prostitution or involuntary labour)" (Merriam-Webster Dictionary n.d.), compare this to the definition of slavery which is "the state or condition of being a slave; a civil relationship whereby one person has absolute power over another and controls his/her life, liberty and fortune" (Collins English Dictionary 1991, 1994, 1998, 2000, 2003) and the nexus between the two are clear. HT has no boundaries in terms of victimology (male, female, children, ethnicities, religions etc.). However, my practical experience and expertise were developed while working with young female sex-worker victims, other law enforcement officers and NGO's in the field of human trafficking.

Organized crime has the strongest, most pronounced foothold in the industry of selling human beings. The primary reason for this is that tremendous sums of money can be made from the sale and exploitation of victims. HT is an international industry valued at up to \$32 billion per year (Freethem anti-human trafficking organization n.d.). From a policy perspective, it has proven extremely difficult to draft legislation that makes the trafficking of human beings less lucrative. Canadian laws are limited in both their weight and effectiveness, primarily due to the Criminal Code's inclusion of "fear" as an essential element of the offense (Government of Canada 2013). The sentencing structure available to the courts has also been shown to be woefully inadequate. While sentences appear to be high, in fact the applicable case law is extremely limited and the sentence tariffs judges rely on are deficient (Cherry 2009).

In my experience, members of the Canadian justice system are a significant part of the problem due to their lack of knowledge, awareness, and education on HT related offenses. There is both a lack of experienced/dedicated investigators and crown attorneys as well as an historic lack of communication/cooperation between law enforcement agencies. More importantly, there remains a pervasive attitude within policing culture that this is an issue of negligible importance. After all, the victims are “just hookers.” For example, only in the past year and a half has the Canadian Police College begun to include an HT investigators course in its curriculum. Additionally, the Ontario Police College, tasked with educating the majority of police officers in the province, still does not offer specific HT training to either senior officers/investigators or new recruits. This omission from formal police training is at best counter-productive. The United States Department of Justice offers extensive training to law enforcement and was in fact the organization that facilitated my introduction to Human Trafficking in 2010. Prior to that time I had no knowledge that this was even an issue, let alone the prevalent criminal activity that I know it to be today.

On the bright side, this police-training gap is slowly starting to change. Early in February 2012, the Human Trafficking National Coordination Centre (HTNCC) based in Ottawa launched a voluntary basic training course to policing agencies through an online portal known as the Canadian Police Knowledge Network (CPKN). This course was developed at the HTNCC with input from experienced HT investigators across Canada, including myself. The Toronto Police Service, York Regional Police Service, Niagara Regional Police Service, Peel Regional Police Service, and several others have also hosted Human Trafficking Awareness Training courses (1-3 days in length). These courses are voluntarily attended and are typically the brainchild of an already invested officer, rather than a concerted effort by police agencies to fully educate the rank and file. While these are all positive steps to addressing the police training void, the numbers being reached are very small.

On the other side of the criminal justice system, crown attorneys and judges are also inadequately trained. They have little knowledge or experience in this unique type of crime with its complex dynamics typically hinging on circumstantial evidence and the word of the victim. Prosecutors I have dealt with in the past are hesitant to base their case on such shaky foundation unless there is something more substantive that can be brought to the table. With that said, I will leave it to experts in the area of the justice system to offer their perspective on the matter.

The lack of HT training offered to law enforcement begs the question: how are these crimes being investigated, offenders caught, and victims rescued? The answer is that a handful of dedicated investigators ultimately take it upon

themselves to seek out any kind of available training, and/or teach themselves and each other through trial and error.

Detective Thai Troung of the York Regional Police Service is one of these officers. He is, in my opinion, one of the best investigators in the field of domestic HT in the country. Thai is pretty much self-taught and created an approach that like-minded investigators have since adopted as “best practice”. It is a victim centred approach that places their wellbeing and safety ahead of all other considerations. Proactive rapport building with victims is an integral part of the process, creating a personal connection and genuine approach is the mainstay of this best practice. He started in this field of investigation unwillingly. An accomplished undercover and drug enforcement investigator, Thai was transferred into the Vice section under protest. There he was given the book “Somebody’s Daughter” (Jessome 1996) by his supervisor and told to read it before making a final decision. Thai states that when he finished reading the book he was furious (a sentiment I deeply share) and came back to his supervisor eager to take on this new mission. To better educate himself on the issue of HT, Thai travelled to Las Vegas, Nevada on his vacation and at his own expense. There he worked informally with the Las Vegas Police Department (LVPD) Vice Team, learning from them and, more importantly, from the girls and women they interacted with in the sex industry. Upon returning to the York Regional Police, Thai attacked his job with a renewed vigor and purpose. It is his work, along with other pioneers in the field, that has shaped the current operating procedures of Canada’s small pool of HT investigators.

The culture of policing is both simple in its structure and complex in its nature. Based on the hierarchical framework of the military, it is essentially a paramilitary culture. Within the clear boundaries of such a culture, complexity occurs when politics becomes the mainstay and motivator for decision-making. Politics in policing has an adverse impact on what might be considered “pure” policing. Such politics govern not only what gets done, how it is funded, and what resources are dedicated to the endeavor, but also where credit is placed for successes and where blame is placed for failures.

Inter-jurisdictional rivalries also play a role in preventing HT cases from being more effectively investigated. Failure to “play nice in the same sand-box” is an issue that plagues law enforcement agencies everywhere. There are also budget constraints, political ambitions, professional development, salary, and personal issues to consider. Such systemic constraints leave offenders the ability to cross-jurisdictional boundaries with virtual impunity, knowing that inter-jurisdictional cooperation and information sharing are not readily accomplished. To circumvent this problem, a group of committed investigators took it upon themselves to create informal cross-jurisdictional working groups and proactively share information. I

was a member of one such group while working as a Human Trafficking investigator. No one there cared who received credit for a case. Our sole concern was that victim(s) were rescued and offender(s) apprehended.

Non-Governmental Organizations (NGO's) have also responded to the need for investigators and NGO's themselves to share information and resources. The Chrysalis Anti-Human Trafficking Network (Chrysalis) is one such example. Chrysalis founder, Jacqui Linder, is an accomplished educator, clinical psychologist, traumatologist, and outreach worker among her many accomplishments. I specifically booked off work and took my vacation days to attend a training course where she was speaking. Her presentations each day were enthralling. In one talk, Jacqui identified the key problem facing HT investigators; we were uncoordinated and largely working in isolation without an effective, non-bureaucratic forum in which to communicate. So . . . she created the National Law Enforcement teleconference for HT investigators across Canada. Because Jacqui does not answer to any funders or police agencies, the program is completely free from undue political influence. It has been a wonderful success from the start, with the prospect for unlimited future potential. The conference call is attracting new investigators every month who share information relating to HT trends in their respective jurisdictions. Participants also share information on offenders, suspected victims, interprovincial transit pattern, best practices, and effective problem solving strategies.

The Royal Canadian Mounted Police (RCMP) have a reported 184 officers tasked with HT investigations under the "Passport and Immigration Section" (Royal Canadian Mounted Police n.d.). While this may sound like a large number, one must take into account the enormity of the HT problem. When one factors in the scope of the issue along with the inter-jurisdictional rivalry and politics, it becomes clear that HT investigations remain woefully undermanned. I believe this problem could be better addressed with official joint task forces in which municipal and provincial policing agencies combine efforts and resources. Not only would such an approach ease the financial and personnel burdens faced by individual agencies, but it would also prevent traffickers and their victims from slipping through holes in the investigative net. To reduce potential rivalry between agencies, task force investigators could report to a dedicated crown attorney outside the regular police chain of command. This would nullify jurisdictional or ego-based rivalries and involve crown attorneys in the investigative process from beginning to end. Such an approach would create both "buy in" from the crown as well as ensure that a prosecutable case is brought before the courts.

On the political level the term "human trafficking" is what can be termed as a sexy political word. Politicians love to throw it around because it is good press and makes them appear as if they are working on the issue. As with most things

political, however, this sound bite is nothing more than smoke and mirrors. Legislation adding Human Trafficking offenses to the criminal code came into effect in 2006. As far back as 2000, Canada committed to the United Nations “Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime” (United Nations 2000). Knowing that, one would expect a concerted response on the issue and yet, at the beginning of 2014, Canada still does not have an effective national strategy for dealing with HT. In late 2012, the federal government announced a new capital investment of \$25 million dedicated solely to anti-human trafficking investigations and initiatives (Government of Canada n.d.). To date, none of those funds have been made available to any of the individuals, departments, or organizations leading Canada’s anti-HT movement.

It is widely believed by anti-HT leaders and even some investigators that the \$25 million investment announced by the government is, in fact, a “ghost” number marketed as “new” money when it was actually existing money repurposed under the HT label. While such announcements generate considerable political mileage, new money is desperately needed by: 1) police agencies for investigations and training; 2) NGO’s so that they can keep helping victims; 3) the judicial system to fund specially trained prosecutors and trial expenses; and 4) social service groups providing housing, psychological counseling, re-training/education etc. This is not a time for political shell game financing. It is a time for direct and intensive action. I do not believe that we as a nation are meeting our obligations and commitments to the UN protocol. As a direct result of the slow political train, victims continue to be victimized, NGO’s are being financially starved, dedicated investigators are being re-assigned, and cases are not being investigated due to lack of funding.

### **Rapport Building**

HT investigation (particularly domestic sex trafficking) is a complex, frustrating, emotionally exhausting, liability-filled area to work in. It is also the most rewarding, uplifting police work I have ever done. Unfortunately it is so under-staffed, under-funded, and under-appreciated within the policing culture that it is often dismissed as an unimportant or overly risqué. The result ends up being pimps operating with impunity selling the sex, dignity and innocence of young girls and women. The profits are vast while the pimp’s actual labour is minimal at best.

Rapport building with both potential victims and “independent” sex workers is a crucial aspect of working in this field. Without strong rapport and trust with the victim, investigators will never move beyond initial contact and cannot be successful in their work. A genuine, non-judgmental approach towards these

women and girls is essential to building this bridge of trust. Investigators must constantly remain aware of the fact that victims want the same things any daughter, spouse, or female friend wants; to be treated as a human being who matters and deserves respect. It really is that simple.

In their initial approach, investigators need to be genuine, open and honest about who they are, what they are doing, and what they can offer. Take the time to talk with a potential victim, not at them. Lying, embellishment, and false promises will be picked up almost immediately; as will revulsion or attraction. These women have been through a lot and their ability to read body language and mannerisms is better than most mental health professionals.

### **Conclusion**

Human trafficking is slavery. This fact needs to be brought to the forefront of everyone's consciousness. It needs to have a dedicated, unwavering response from elected officials as well as the criminal justice system. In Canada, sound policies based on practical, proactive solutions need to be created and implemented immediately. These policies need to include input from victims, NGO's, crown attorneys and experienced field investigators. Inter-jurisdictional cooperation between policing agencies needs to be mandated. Finally, substantive funding must be dedicated not just to the criminal justice system but to the NGO's (without whom we would be lost) providing these victims with care. The culture of policing and its associated attitudes around HT need to change from their traditional viewpoint. Only through the combined effort of police, NGO's and crown (in that order) can victims of modern day slavery be rescued from captivity, healed from their physical/psychological trauma, and their traffickers brought to justice. It will take tremendous political will to accomplish these tasks. We as a nation need to live up to our commitment to the United Nations protocol and implement policies that will ensure success. Unless these challenges are met, victims will continue to suffer and slavery will continue to exist within our borders. We must always remember that these victims are human beings. They are not disposable, they are somebody's daughter; maybe my daughter, maybe your neighbor's daughter, maybe your daughter.

### **Works Cited**

Cherry, Tamara. "Toronto Sun - Sun Media." Just a slap on wrist. 01 29, 2009. <http://www.torontosun.com/news/canada/2009/01/29/8184276-sun.html> (accessed 02/08/2012).



Human Trafficking Investigations, Implications of Apathy and Inaction, Recommended Solutions. David Hartless.

Chrysalis anti-trafficking network. <http://www.chrysalisnetwork.org>. Jacqui Linder. (accessed 12/12/2013).

Collins English Dictionary. Slavery - definition. Harper Collins Publishers, 1991, 1994, 1998, 2000, 2003.

Freethem anti-human trafficking organization. (accessed 06/29/2014).

Government of Canada. Combatting Human Trafficking - End violence against women and girls. [swc-cfc.gc.ca](http://swc-cfc.gc.ca) (accessed 06/29/2014).

Criminal Code of Canada. Criminal Code (R.S.C., 1985, C.C.46). Canada, 2013.

"Foreign Affairs and International Trade Canada." Human Trafficking and Migrant Smuggling. 10 27, 2011. <http://www.international.gc.ca/crime/human-traf-personne.aspx?view=d> (accessed 02/05/2012).

"Information sheet for law enforcement." Trafficking in persons. Department of Justice Canada. 12 01, 2011. <http://www.justice.gc.ca/eng/fs-sv/tp/is-fr.html> (accessed 02/04/2012).

"Royal Canadian Mounted Police." Human Trafficking National Coordination Centre. 10 27, 2011. <http://www.rcmp-grc.gc.ca/ht-tp/index-eng.htm> (accessed 02/05/2012).

Interpol. "Interpol." Trafficking in human beings. 2012. <http://www.interpol.int/Crime-areas/Trafficking-in-human-beings/Trafficking-in-human-beings> (accessed 02/05/2012).

Jessome, Phonse. Somebody's Daughter. Nimbus Publishing, 1996.

Merriam-Webster Dictionary. Human Trafficking definition. <http://www.merriam-webster.com/dictionary/humantrafficking>. (accessed 06/29/2014).

Not For Sale. "Slavery." THERE ARE MORE THAN 30 MILLION SLAVES IN THE WORLD TODAY, MORE THAN AT ANY OTHER POINT IN HUMAN HISTORY. 2009-2012. <http://www.notforsalecampaign.org/about/slavery/> (accessed 02/05/2012).

Rosemary Sadler - President, Ontario Black History Society. Black History Canada. Black History Canada. <http://www.blackhistorycanada.ca/events.php?themeid=21&id=6> (accessed 03/22/2012).

Royal Canadian Mounted Police. Government of Canada - RCMP. <http://www.rcmp-grc.gc.ca/imm-passp/ipp-pip-eng.pdf> (accessed 03/22/2012).

Sims, Kris. "Toronto Sun." Girls lured into human trafficking in Canada, experts warn. 08 31, 2011. <http://www.torontosun.com/2011/08/31/girls-lured-into-human-trafficking-in-canada-experts-warn> (accessed 02/05/2012).

United Nations Assembly. "United Nation Office of Drugs and Crime." Human Trafficking. 2012. <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> (accessed 02/04/2012).

United Nations. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME. Protocol, United Nations Department of Drugs and Crime, Secretary-General of the United Nations, 2000, 11.

"UN.GIFT." Global Initiative to Fight Trafficking - HUMAN TRAFFICKING: THE FACTS. [http://www.unglobalcompact.org/docs/issues\\_doc/labour/Forced\\_labour/HUMAN\\_TRAFFICKING\\_-\\_THE\\_FACTS\\_-\\_final.pdf](http://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_THE_FACTS_-_final.pdf) (accessed 02/05/2012).

United States Government. "US Department of State." Presidential Determination 2011-18 With Respect to Foreign Governments' Efforts Regarding Trafficking in Persons. 09 30, 2011. <http://www.state.gov/j/tip/rls/other/2011/175577.htm> (accessed 02/05/2012).

World Vision. "World Vision Canada." Human Trafficking Statistics – Global and Canadian. 2012. <http://www.worldvision.ca/ContentArchives/content-stories/Pages/human-trafficking-statistics-global-and-canadian.aspx> (accessed 02/05/2012).