

Human Trafficking

Fairfax County Police Department

Major Thea Pirnat, Commander
Organized Crime & Intelligence Bureau

March 28, 2023

What is Human Trafficking?

Sex Trafficking:

The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person

for the purpose of a commercial sex act, in which a commercial sex act is induced by **force, fraud, or coercion**,

or in which the person induced to perform such act has not attained 18 years of age.

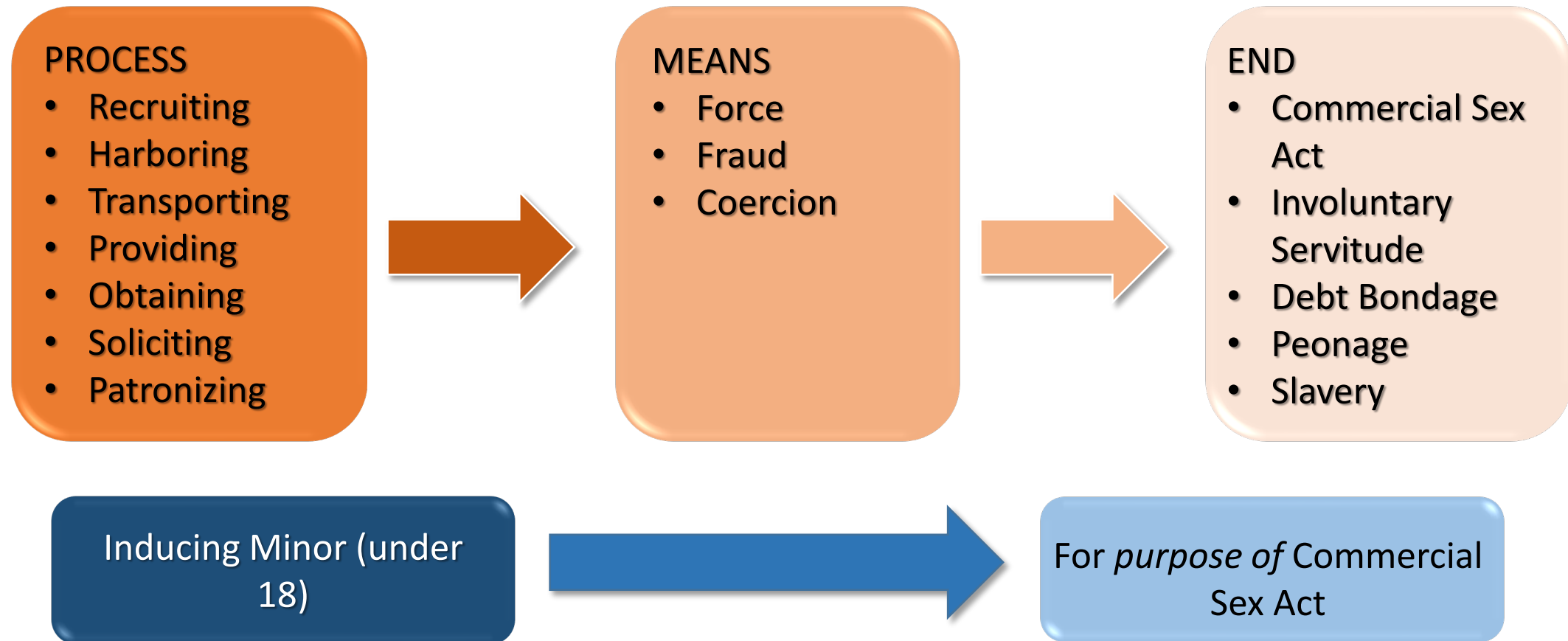
Labor Trafficking:

The recruitment, harboring, transportation, provision, or obtaining of a person

for labor or services, through the use of **force, fraud, or coercion**

for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3 Elements of Trafficking



A Means to an End

Force

- Kidnapping
- Physical violence
- Sexual assault
- Drugging

Fraud

- Tricking victim into believing the trafficker loves her/him
- Telling the victim she/he is going to be a model
- Offering to provide basic needs without explaining true intention

Coercion

- Blackmailing
- Debt bondage
- Threats against victim or victim's family

Virginia Sex Trafficking Statute

§ 18.2-355. Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking.

Any person who:

- (1) For purposes of prostitution or unlawful sexual intercourse, **takes any person into, or persuades, encourages or causes** any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or
- (2) Takes or detains a person against his or her will with the intent to compel such person, by **force, threats, persuasions, menace or duress**, to marry him or her or to marry any other person, or to be defiled; or
- (3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, **consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse**; or
- (4) For purposes of prostitution, **takes any minor into, or persuades, encourages, or causes any minor** to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering.

Sex Work vs Sex Trafficking

Prostitution

- Choice
- Free to leave
- Makes decisions regarding when, how, and where they engage in commercial sex
- Has control over their own money
- Is not dependent on another person to further their commercial sex activities

Sex Trafficking

- Did not chose the lifestyle
- Not free to leave
- Decisions regarding the commercial sex activities are made by another person
- Does not have control over or access to a majority of their earnings
- Is dependent on another person to further their commercial sex activities

Virginia Labor Trafficking Statute

§ 18.2-47. Abduction and kidnapping defined; punishment.

A. Any person who, by **force, intimidation or deception**, and without legal justification or excuse, **seizes, takes, transports, detains or secretes another person** with the **intent to deprive such other person of his personal liberty or to withhold or conceal him** from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

B. Any person who, by **force, intimidation or deception**, and without legal justification or **excuse, seizes, takes, transports, detains or secretes another person** with the **intent to subject him to forced labor or services** shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.

C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony.

Relevant Virginia Human Trafficking Laws

Sex & Labor Trafficking

§ 63.2-100. Abused or Neglected Child Definition

§ 18.2-48. Abduction with Intent to Extort Money or for Immoral Purpose

§ 63.2-1506.1. Human trafficking assessments by local departments

- Requires the local department to conduct a human trafficking assessment, unless at any time during the human trafficking assessment the local department determines that an investigation or family assessment is required
- § 63.2-1508. Valid Report or Complaint
- Other Chapter 15 Child Abuse & Neglect code sections

Labor Trafficking

§ 18.2-47. Abduction and kidnapping defined; punishment (labor trafficking)

- § 18.2-356. Receiving money for procuring person

Other Virginia Sex Trafficking Laws

- § 18.2-357.1. Commercial sex trafficking; penalties
- § 19.2-327.15. Definitions (sex trafficking)
- § 18.2-349. Using Vehicles to Promote Prostitution or Unlawful Sexual Intercourse
- § 18.2-347. Keeping, Residing in, or Frequenting a Bawdy Place; “Bawdy Place” defined
- § 18.2-348. Aiding Prostitution or Illicit Sexual Intercourse, etc.
- § 18.2-357. Receiving Money from Earnings of Prostitute; Penalties
- § 19.2-327.16. Issuance of writ of vacatur for victims of commercial sex trafficking.
 - § 19.2-327.17. Contents and form of the petition for vacatur.
 - § 19.2-327.18. Hearing on petition for vacatur.
 - § 19.2-327.19. Relief under writ of vacatur.
 - § 19.2-327.20. Claims of relief.

Other Virginia Laws Related to Human Trafficking

§ 18.2-515. Criminal Penalties, Forfeiture

§ 18.2-59. Extortion of Money, Property or Pecuniary Benefit

§ 40.1-28.8. Virginia Minimum Wage Act

§ 40.1-11.3. Human Trafficking Hotline, Posted Notice Required, Civil Penalty

§ 63.2-214.3. Information on Human Trafficking

§ 22.1-16.5. Training Materials on Human Trafficking

§ 19.2-11.01, § 19.2-11.02, § 19.2-11.03, & § 19.2-11.04.

Crime Victim and Witness Rights Act

• Source: Virginia: Efforts to Combat Human Trafficking, U.S. Dep't of Health and Human Services,
https://www.acf.hhs.gov/sites/default/files/otip/virginia_profile_efforts_to_combat_human_trafficking.pdf

Fairfax County Police Response

Specially trained Detective and Crime Analyst (Major Crimes Bureau)



Specially trained Victim Advocates



Partnerships with federal and state authorities



Collaborating with other county agencies and private partners to ensure victim support

Collaboration

Child Protective
Services

Fairfax County
Social Services

Domestic and
Sexual Violence
services (DSVS)

Fire and Rescue

Federal Bureau
of Investigation

Fairfax County
Public Schools

INOVA FACT

JDR Probation

Safespot

Northern Virginia
Family Services

Second Story

Tahirih Legal
Services of
Northern Virginia

Ayuda

Shelter House

Virginia State
Police