



Civil Justice for Sex Trafficking & Sexual Assault Survivors in the United States

Your Host: Catherine Johnson

Your Presenters: Katie Llamas, Kristina Aiad-Toss and Pilar Borneo

allianceforhope.org

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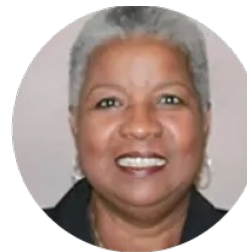
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Thank You!



Civil Justice for Sex Trafficking & Sexual Assault Survivors in the United States



Our Mission:
Eradicate sexual abuse and
human trafficking through
relentless legal advocacy

OUR TEAM



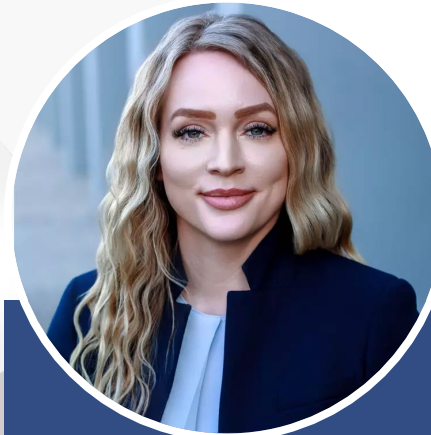
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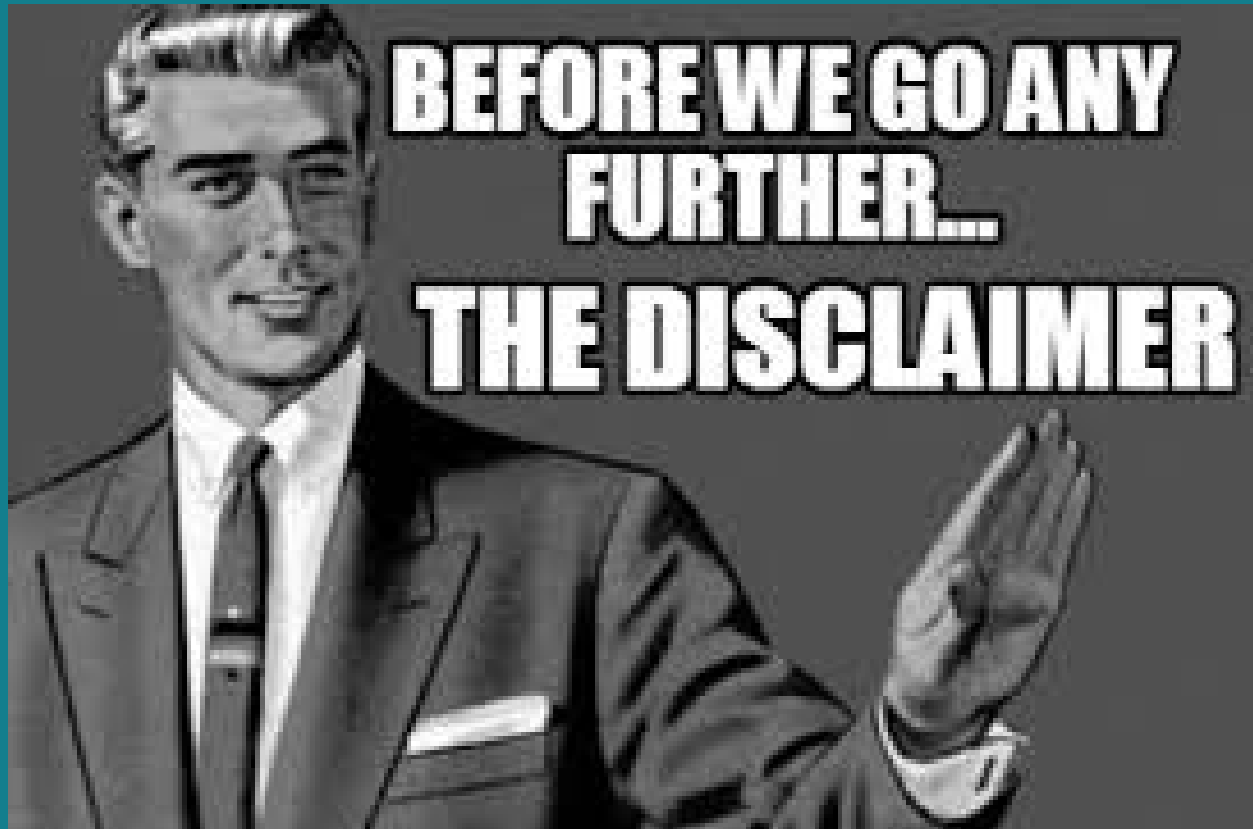
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**For informational purposes only, not intended as legal advice.
Anything discussed is not subject to attorney-client privilege and is
not confidential.**

Topics include sexual assault and human trafficking.

What we hope you will learn

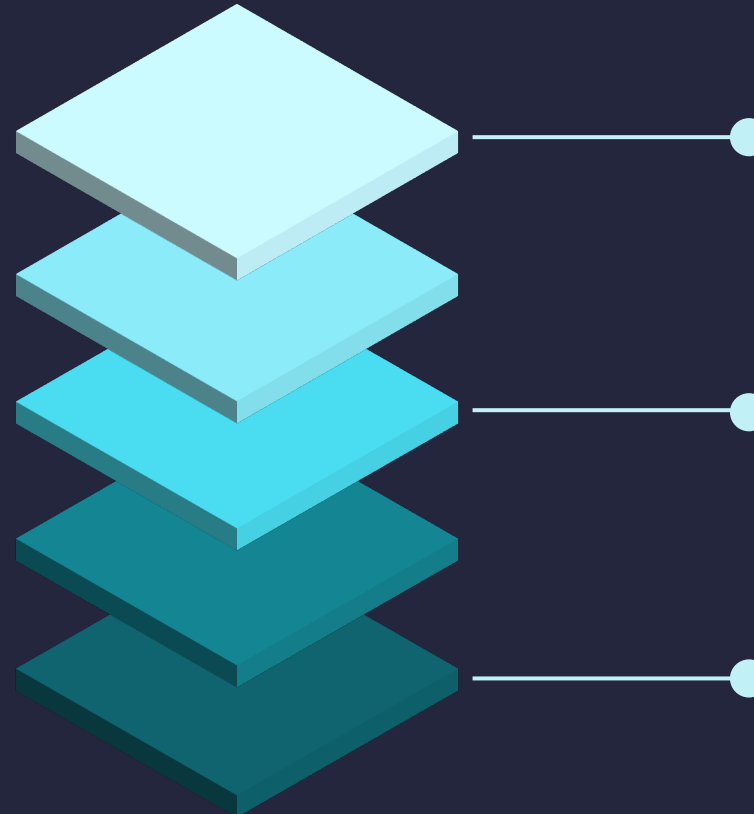
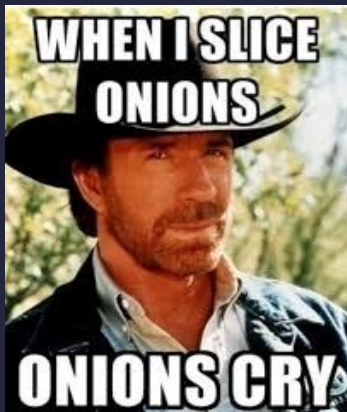
- Corporations and institutions play a role in allowing sexual abuse and trafficking to occur.
- Survivors have the option to hold abusers and third parties accountable by seeking damages in the civil justice system.
- Recent cases against the hospitality industry are a model of how the civil lawsuits are a tool to hold third party corporations and institutions accountable for their role in human trafficking and sexual abuse.
- While the civil justice system has benefits for survivors, there are also challenges.

Sexual Abuse and Human Trafficking are Multilayered Problems



Supply and Demand
Demand for commercial sex and
cheap labor.

Systemic Drivers
Lack of economic opportunity,
discrimination, inequality, legal
system, capitalism



Abusers & Traffickers

The criminal justice system targets
abusers and traffickers.

Vulnerabilities

Homelessness, unemployment, mental
health, age, drug use, immigration
status

Advocacy & Training

Raising awareness in the general
public, and training those who may be
able to reach survivors.

enabler noun

[en-ey-bler]

one that enables another to achieve an end

especially: one who enables another to persist in destructive behavior by providing excuses or by making it possible to avoid the consequences of such behavior

Sexual Abuse

Who? Corporations and Institutions

Why? Abusers hide inside institutions where they can take advantage of vulnerable populations.

How? Negligence, Lack of Policies and Procedures, Failure to vet employees/agents, Protecting "their own"



Sex Trafficking

Who? Corporations and Institutions

Why? Traffickers and Johns take advantage of businesses that turn a blind eye. Enablers and traffickers are in a mutually beneficial relationship.

How? Negligence, Lack of Policies and Procedures, Advocacy versus Action





Labor Trafficking

Who? Corporations and Institutions

Why? Traffickers can be businesses themselves. Some enablers benefit directly from cheaper and/or free labor and decreased prices.

How? Negligence, Lack of Policies and Procedures, Advocacy v. Action



What's Being Done? (well, sometimes)

Advocacy
Training
Prevention

But, what's missing?

ACCOUNTABILITY

In the bottom right corner, there is an abstract graphic consisting of several overlapping, curved, teardrop-like shapes in various shades of blue and light blue.

Why hold institutions and organizations accountable?

- 1. Traffickers and abusers are only the first layer. Civil justice goes after all the bad actors**
- 2. Criminal Justice system is necessary but ultimately fails to support survivors' needs.**
- 3. Make trafficking harder and less profitable**

GLOBAL SLAVERY INDEX / COUNTRY STUDY

MODERN SLAVERY IN UNITED STATES

Estimated number living in modern slavery:

1,091,000 (3.3 per thousand)

Vulnerability:

25/100

Government response rating:

67/100

Population:

331,003,000

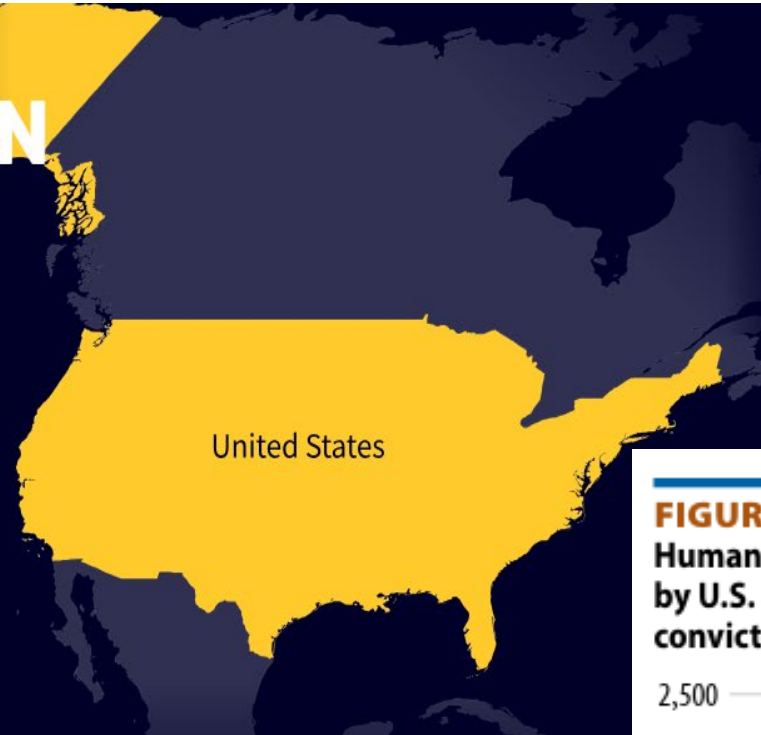
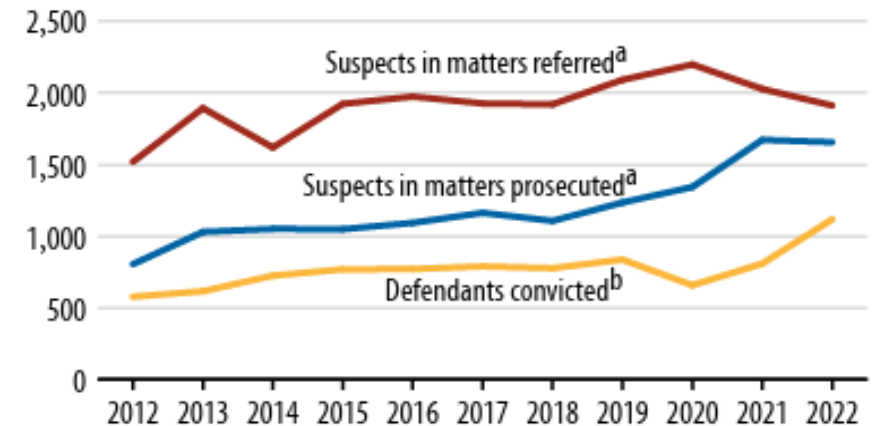


FIGURE 1

Human trafficking suspects referred to and prosecuted by U.S. attorneys and human trafficking defendants convicted, fiscal years 2012–2022



Punishments for Buyers

STATE	STATUTE	SENTENCE
California	Cal. Penal Code § 647(b) Disorderly Conduct	Misdemeanor < 6 months jail \$1,000 fine
Hawaii	Haw. Rev. Stat. § 712-1200.5 Commercial Sexual Exploitation	Petty Misdemeanor < 30 days jail \$500-\$1,000 fine
New Mexico	NMSA § 30-9-3. Patronizing Prostitutes	Petty Misdemeanor < 6 months jail \$500 fine
Ohio	Ohio Rev. Code § 2907.24 Soliciting; soliciting after positive HIV test	Misdemeanor of the Third Degree < 60 days jail \$500 fine
Texas	Tex. Penal Code Ann. § 43.021 Prostitution	State Jail Felony 180 days – 2 years \$10,000 fine
Florida	Fl. Stat. § 796.07. Prohibiting Prostitution and Related Acts	Misdemeanor of the First Degree < 1 year \$1,000 fine

Case in Point

June 2008: Jeffrey Epstein pleads guilty to one count **Solicitation of Prostitution** and one count **Solicitation of Minors to Engage in Prostitution** in Florida. This agreement states that the Federal Government will not prosecute Epstein on federal charges in exchange for his guilty plea.

Jeffrey Epstein only served 13 months of the 18-month jail sentence.

And he got to serve it on "prison release"

IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN

NON-PROSECUTION AGREEMENT

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to the Indictment as currently pending against him in the 15th Judicial Circuit in and for Palm Beach County (Case No. 2006-cf-009495AXXXMB) charging one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07. In addition, Epstein shall plead guilty to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein shall make a binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
 - (b) Epstein shall be sentenced to a term of twelve (12) months of community control consecutive to his two terms in county jail as described in Term 2(a), *supra*.

VICTIM REPARATIONS IN THE CRIMINAL JUSTICE SYSTEM

California	Hawaii	New Mexico	Ohio	Texas
\$10,000 per year for maximum of 2 years	No listed limit BUT Commission is “Payor of Last resort.” Survivors can qualify for an “Acknowledgm ent award” of maximum \$400	Maximum of \$20,000, or a maximum of \$50,000.00 in cases of permanent physical disability	Max \$50,000	Max \$50,000

Civil Recoveries

2023: North American Motors Inns
and Ramara Inc., paid
\$37.5 MILLION

2021: Imperial Pacific International
paid
\$5.4 MILLION

2022: OM Hospitality paid
\$24.5 MILLION

In 2015, a jury awarded **\$14 million** to five Indian immigrants who were defrauded and exploited in a labor trafficking scheme engineered by a Gulf Coast marine services company, an immigration lawyer, and an Indian labor recruiter. Later that year, a **\$20 million** settlement was reached for other victims.

In 2016, a federal judge ordered Global Horizons, a California-based labor contractor, to pay **\$7.7 million** to Thai immigrant agricultural workers.

In 2018, three immigrants in Colorado received **\$330,000** after being coerced to work for the Defendants for hundreds and hundreds of hours doing hard, unpaid, manual labor for a family.

CIVIL AVENUES IN THE FIGHT AGAINST HUMAN TRAFFICKING



General Tort Liability

Negligence
Vicarious Liability
Premise Liability



Nuisance Ordinances

Allows Local
governments to shut
down problematic
properties



Title IX

Federal Civil Rights
act that prohibits
discrimination based
on gender, including
sexual harassment.



TVPRA

Trafficking Victims
Protection
Reauthorization Act

THE LAW

18 U.S.C.A. § 1595. Civil Remedy

(a) An individual who is a victim. . . may bring a civil action against ***the perpetrator*** or ***whoever knowingly benefits*** . . . financially or by receiving anything of value from participation in a venture which that person knew or should have known has engage in an act in violation.

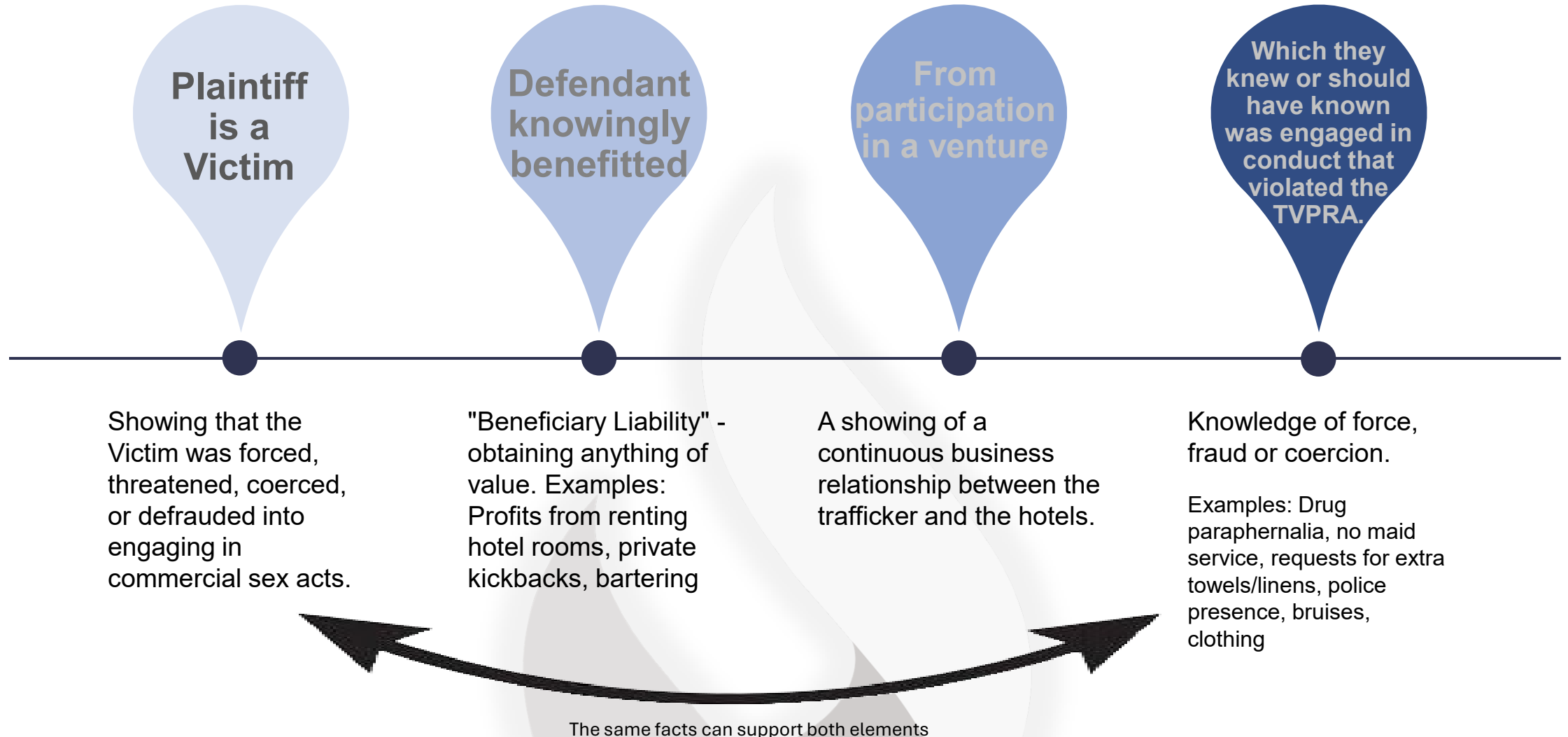
. . .

(c) Action must be commenced no later than

- 1) 10 years after the cause of action arose, or
- 2) 10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the alleged offense.

Trafficking Victims Protection Reauthorization Act

Elements to Prove Beneficiary Liability



The Hospitality Industry's Role in Human Trafficking

Symbiotic Relationship

TRAFFICKERS' NEEDS

1. Traffickers need venues that allow them to reach the most buyers possible
2. Traffickers need venues that have easy access for incalls and outcalls
3. Traffickers need venues that allow for privacy
4. Traffickers need venues that allow them to remain anonymous
5. Traffickers need venues that allow them to operate their business with minimal risk of law enforcement detection
6. Traffickers need venues that allow them to operate their business with minimal risk from other traffickers or competitors

HOTELS FULFILLING THOSE NEEDS

1. Conveniently located off highways and in every city big or small.
2. Hotels offer easy access.
3. Hotels offer privacy.
4. Anonymity and non-traceability
5. Minimal risk of law enforcement detection because hotel employees often either turn a blind eye, don't report it, and often directly participate.
6. They can move around for their own safety
7. Accommodations

Pop Culture Recognizes the Relationship

“ Bitch hit that track, catch a date, and come and pay the kid . . . have that ass up in a Ramada. ”

– Chingy



“ Nothing chillin at the Holidae Inn (Who you wit?). . . Yeah bitch, trying to run from this pimpin’. You can't out run the pimpin' bitch, I done told you. ”

– 50 Cent

“ This pimpin if you not watching the game. . . big ass big whoa, let's hit the Motel 6. ”

– Swankie

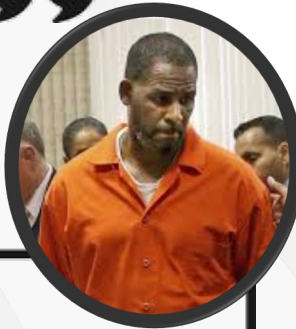


“ Acting all grown and sexy. . . I was 14, lots of grit, ended up living at the Motel 6 ”

– Six Dior

“ The world is filled, with pimps and hoes. . . Had a few prostitutes and if you knew the truth They're like pimps, you can't let em do it to you She ain't no sucker, I know that bitch man She wanna be a Pretty Woman loving a rich man ”

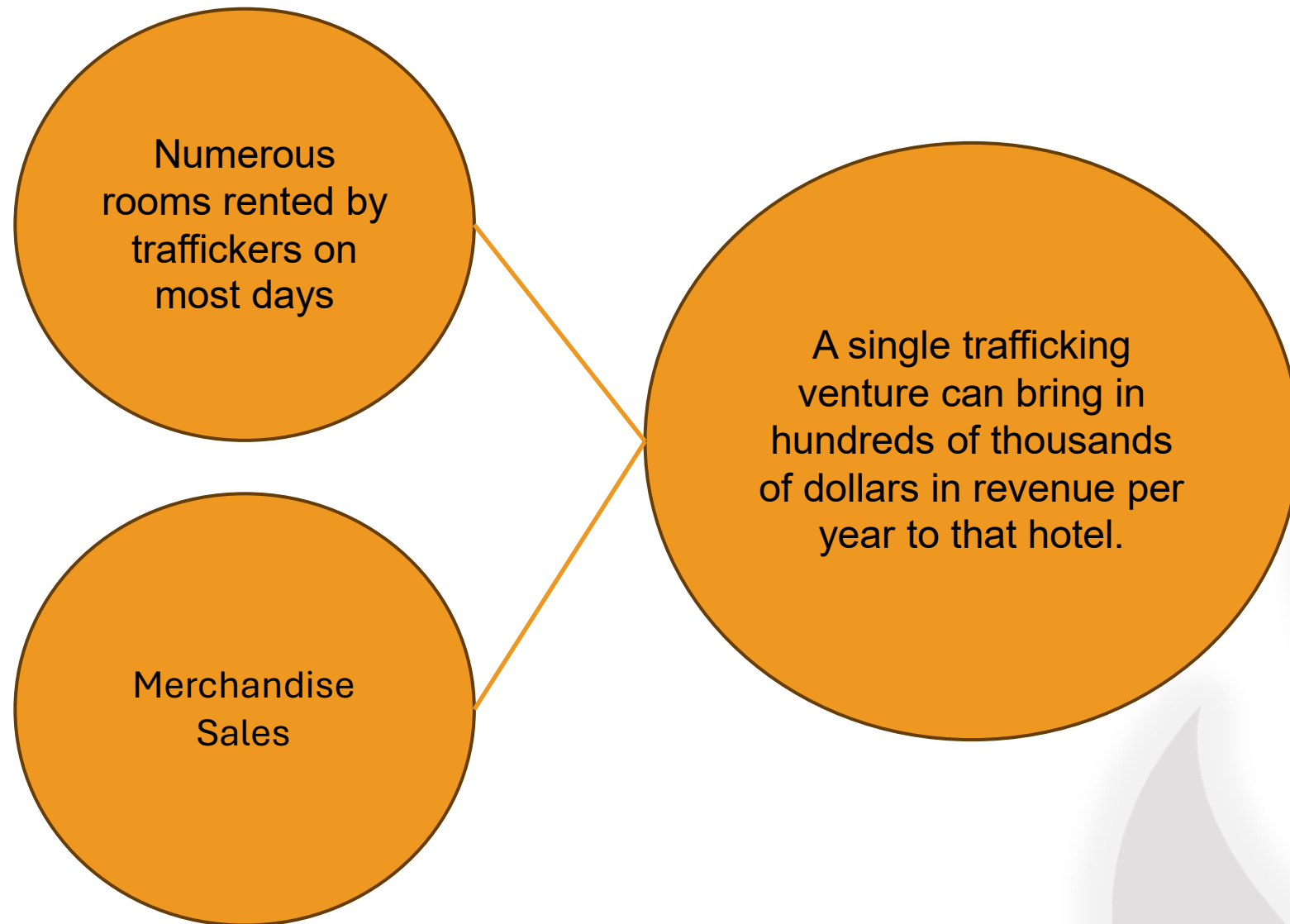
– P. Diddy and Notorious B.I.G.



“ I be staying in the hotel, not the motel or the Holiday Inn If that girl don't participate, well then I'ma take her friend ”

– Cassidy feat. R. Kelly

Hotels Directly Profit



Hotels are Primary Places for Trafficking

- According to National Human Trafficking Hotline statistics, hotels are the top-rated venue, even over commercial front brothels.
- In 2014, 92% of calls received by the National Human Trafficking Hotline involved reports of sex trafficking taking place at hotels. Hotels have been found to account for over 90% of commercial exploitation of children.
- The 2016 Trafficking in Persons Report issued by the United States Department of State also confirmed that human trafficking occurs in the hospitality industry in the United States.

Hotels Know

Anti-Trafficking Organizations pushed hotel chains to sign **The Code** in the early 2000s and they did, promising to adopt policies to combat trafficking.

Federal, state and local law enforcement have put hotels on direct notice for decades.

City's have shut some (not many) hotels and motels down for crime, including trafficking.

Several organizations have published and offered trainings since at least the 90s related to identifying the red flags of sex trafficking. They have known about the red flags for several years.

Signs of Trafficking

- I. Individuals show signs of fear, anxiety, tension, submission, and/or nervousness;
- II. Individuals show signs of physical abuse, restraint, and/or confinement;
- III. Individuals exhibit evidence of verbal threats, emotional abuse, and/or being treated in a demeaning way;
- IV. Individuals show signs of malnourishment, poor hygiene, fatigue, sleep deprivation, untreated illness, injuries, and/or unusual behavior;
- V. Individuals lack freedom of movement or are constantly monitored;
- VI. Individuals avoid eye contact and interaction with others;
- VII. Individuals have no control over or possession of money or ID;
- VIII. Individuals dress inappropriately for their age or have lower quality clothing compared to others in their party;
- IX. Individuals have few or no personal items—such as no luggage or other bags;
- X. A group of girls appears to be traveling with an older female or male;
- XI. A group of males or females with identical tattoos in similar locations. This may indicate “branding” by a trafficker;
- XII. Drug abuse or frequent use of “party drugs” such as GHB, Rohypnol, Ketamine, MDMA (Ecstasy), Methamphetamines, Cocaine, and Marijuana;
- XIII. Possession and presence of bulk sexual paraphernalia such as condoms or lubricant;
- XIV. Possession or use of multiple cell phones;
- XV. Possession or use of large amounts of cash or pre-paid cards;
- XVI. Inability to come and go freely from the hotel;
- XVII. People watching others from vehicles or by loitering around the premises;
- XVIII. Solicitation in and around the hotel;

Signs of Trafficking cont.

- XIX. Money exchanged in common areas, including hallways, lobbies, and parking lots;
- XX. Women dressed provocatively and accompanied by men;
- XXI. Men or women with weapons;
- XXII. Multiple non-guest men coming in and out of a particular hotel room;
- XXIII. Signs of injury on men or women whom seem to be controlled or watched by others;
- XXIV. Sexual supplies including lubricants and devices in rooms visible to cleaning staff;
- XXV. Towels with blood;
- XXVI. Excess towels and sheet requested per night;
- XXVII. Excessive condoms in trash taken by cleaning staff;
- XXVIII. Signs of verbal and physical abuse, including yelling, screaming, and signs of physical injury;
- XXIX. Women appearing to be under the influence of drugs or alcohol while being transported in and out of the hotel or taken from room to room;
- XXX. Asking for rooms away from other guests;
- XXXI. Asking for rooms with separate entrances/exits that can be propped open for non-guests;
- XXXII. Paying cash on a nightly basis or in increments for extended periods of time;
- XXXIII. Paying with stolen credit cards; and
- XXXIV. Paying with credit cards online that are not in hand or do not have a matching ID.

Why is Trafficking Still Occurring at Hotels Across the Country?

Many hotels put up a façade

- i. Employees attend trainings on human trafficking prevention
- ii. Hotel websites boast of their "fight" against human trafficking
- iii. Hotels will monetarily support anti-trafficking organizations.
- iv. Advocacy vs. Action

Yet...

The Hospitality Industry chooses to be:

- i. Complacent
- ii. Complicit
- iii. Negligent
- iv. Reckless
- v. An active participant

Traffickers capitalize on the industry's refusal to adequately train their staff; not just on the signs of trafficking, but also how to respond. Traffickers take advantage that the hospitality industry fails to enforce their own policies/procedures on trafficking.

MOTEL 6 CASE STUDY





Motel 6 began in 1962 in Santa Barbara, California, charging \$6 a night.

By 1990, it had expanded to 42 states with over 50 motels. Now, Motel 6 has over 10,000 properties country-wide.

Through the 1990s into the 2000s, Motel 6 leadership were active members of national hospitality associations.

These national hospitality associations have consistently identified sex and human trafficking as an issue within the hospitality industry and have drafted guides on how to spot and prevent it.

Motel 6 conducts site inspections and maintains shared databases with all properties and franchisees.

In the early 2010s, Motel 6 distributed safety manuals on how to inspect and identify crime, including trafficking.

MOTEL 6



Motel 6 Litigation

Eight survivors have come forward alleging they were trafficked at three Motel 6 locations from 2002-2024.

The three locations were on the city's Top 10 Crime List. Hundreds of 911 calls were made each year referencing these locations, with warrants regularly being executed at these properties.

Management was aware of online reviews indicating criminal activity was occurring at these three properties, in most cases, Motel 6 even responded to these reviews.

Law enforcement presence, news articles, city/county notices, internal reports and brand-wide reports, data collected and employees directly witnessing what was occurring put Motel 6 on notice that human trafficking was happening.

They did nothing.

Overcoming Challenges in the Civil Justice System



What are the Hurdles?

- The average lawsuit takes 2-3 years to resolve and with the trafficking cases, often longer, it is a long, hard, and drawn-out process.
- Defense tactics are to delay these cases—We fight hard to push them forward with little delay
- Protecting our Clients with Protective Orders
- Collaborating and consulting with other firms

- Many survivors are still dealing with a lot and are just trying to meet their basic needs such as food, housing, safety, child custody
- Many survivors have other issues such as substance abuse issues, chronic medical issues, criminal records, mental health issues, child custody.
- Many survivors are still healing from the trauma of being trafficked.

- We have a social worker as well as a resource coordinator to assist with resources
- Trauma informed/trained team.
- We attempt to create a safe space to establish trust and connection with each survivor
- Meeting the client where they're at and realizing when a client isn't ready
- Networking with anti-trafficking organizations

Goals of Each Case We Take

- ☐ Justice for survivors and an opportunity for them to tell their story
- ☐ Compensation for survivors- these are high value cases with the potential to change a survivor's life
- ☐ Force entities, institutions and businesses to make real change
- ☐ Spread the word about this remedy
- ☐ Support policy change



Referrals

Many states allow for referral fees to non-profit organizations!

THANK YOU

Contact Us



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