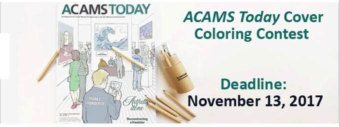

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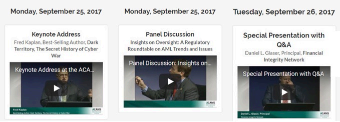
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INTERVIEWS, JUNE – AUGUST 2016

Peter Warrack and Constable Lepa Jankovic: Raising Awareness about Human Trafficking

MAY 27, 2016

ACAMS Today had the opportunity to speak with Peter J. Warrack, CAMS, CFE, from the Bank of Montreal (BMO) and with Constable Lepa Jankovic with the Hamilton-Niagara Financial Crime section about their fight against human trafficking (HT) and sexual slavery and what they are currently doing to bring awareness to these horrific crimes.

Warrack is currently director of risk intelligence for BMO anti-money laundering (AML). Warrack leads a highly trained, multicultural team of investigators drawn from banking and law enforcement where he is involved in major crime investigations and management, training and intelligence analysis. Prior to joining BMO Financial Group, Warrack headed up Royal Bank of Canada's Investigations Unit in the AML FIU. Until 2002, he served as a senior officer and detective with the Northern Ireland police during the height of the 'Troubles.' He previously served in the British Army in an intelligence capacity.

In Canada, Warrack has been a proponent of joint/law enforcement investigations and has been actively involved with law enforcement in the legal sharing of information and best practices, which has resulted in numerous arrests, the interdiction of crime and the prevention of fraud losses.

In addition, Warrack has a master's degree in organization and management and he has published and presented on the subjects of AML/fraud investigations and risk mitigation and he teaches these subjects at Seneca College. Known as 'a practical academic,' he strives for consistency of approach among the professions, common standards and shared best practices. Warrack's contribution to

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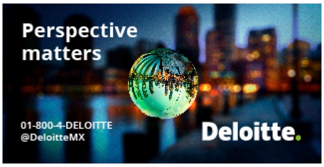
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LATEST POLL

What is your institution doing to ensure that the transaction monitoring program is properly the AML industry was recognized by his peers in 2011 when he received the *ACAMS Professional of the Year Award*.

Constable Jankovic began working for the Canadian Federal Government in 1996 as a customs officer in Niagara Falls. In 1999, she joined the Royal Canadian Mounted Police (RCMP) and was assigned to general duties on a small island in Nova Scotia. Due to her Eastern European background and ability with languages, she transferred to the Combined Forces Special Enforcement Unit in Toronto where she was in charge of the Criminal Visa Screening Unit for the Eastern European Organized Crime Unit. Constable Jankovic successfully led this small unit into a national unit based out of Ottawa.

Moreover, Constable Jankovic worked for the Immigration and Passport Section of the Hamilton-Niagara RCMP detachment where she was the lead investigator on Project OPAPA which is dubbed as Canada's largest HT investigation to go before Canadian courts. Currently, Constable Jankovic is an investigator with the Hamilton-Niagara Financial Crime Section and she is preparing for a transfer to the Sensitive and International Investigations Unit in Ottawa.

***ACAMS Today*: How did you become involved in fighting human trafficking (HT)?**

Peter Warrack: Hearing Timea Nagy, (a victim of HT and sexual slavery) speak at the December 2015 ACAMS Conference in Toronto broke my heart, opened my eyes and strengthened my resolve to do something about it. I realized that I had been blissfully ignorant of the criminal connotations to the barrage of adult classified ads we are exposed to on a daily basis in newspapers and online and that these ads are the public face of a sinister underground economy exploiting people like Timea. To me the 'C' in ACAMS stands also for 'Committed' AML professional and I knew in the room at that conference there were numerous like-minded people who could collectively make a real difference. I stepped up to the microphone and effectively said, "Leave it with us." No sooner had I sat down when Canada's FIU (FINTRAC) said they wanted to be part of it, John Byrne of ACAMS said, "Whatever you need" and peers in all the major banks signed up before we left the room.

AT: Could you please tell us about the unique public-private partnership that is in progress in Canada to address the crimes of HT and sexual slavery and how it came about?

PW: The major banks, FINTRAC and law enforcement (federally and municipally) have come together in partnership under a common banner and the official launch was on January 19, 2016. A lot of work was done prior to this by the partners. For instance, they worked together to quantify the problem, explore the use of technology to identify human traffickers and began to further educate AML staff in financial institutions. At the January meeting we agreed on a two-pronged strategy of education and awareness and the identification of suspected traffickers for the attention of law enforcement actions and continuous feedback between the partners regarding evolving indicators and red flags.

AT: It sounds like a lot has already been achieved, can you expand on what else has also happened?

PW: Several things. It quickly became apparent how siloed the efforts of both law enforcement and various charities and community groups are in this space—all united with common purpose and good hearts, but fragmented in their approaches and often unaware of each other's efforts. For example, at the federal level, HT is investigated regionally; in other words, a particular region may investigate a case but be unaware that the same suspects are being investigated in other parts of Canada. The irony is that as banks identify suspected traffickers through their transactional activity we see frequent movement of suspected traffickers between major cities in Canada and sometimes on a weekly basis. Thus, traffickers are not limited by jurisdictional boundaries. The good news is that by working with Lepa, in particular, we have managed to introduce law enforcement HT departments to each other and bring them in under the partnership. We have collectively shared significant educational materials between the partners and this has had tangible results in providing FINTRAC with information, which has been shared as intelligence to law enforcement. At

> *Traffickers are not limited by jurisdictional boundaries*

configured and aligned to the institution's ML/TF risk profile?

○ A) Establishing a well-defined risk assessment methodology

○ B) Updating the risk assessment on an annual basis and after a major event occurs

○ C) Mapping the areas with higher ML/TF inherent risks to scenarios and/or rules

○ D) Maintaining key performance indicators

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CAN I KEEP THE MEDALS?
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NO.
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OK, BUT THAT'S ALL.

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the Toronto ACAMS Chapter HT/Sexual Slavery Event in April 2016, FINTRAC advised that in the three months since this partnership was launched, disclosures to law enforcement in 2016 equal those for all of the previous year (an increase of 400 percent). We're very proud of that. I can't praise FINTRAC's contribution enough.

Finally, law enforcement and the Federal Crown have started to explore innovative ways to prosecute HT/sexual slavery cases using money laundering (ML) legislation as opposed to having to call victims to give evidence and be subjected to gruelling and intrusive cross examination and in effect, be victimized all over again. Argentina has taken the lead in this area and in my opinion this offers real hope. Lepa can talk more about that.

AT: Lepa, could you please expand on the innovative ways the Federal Crown (federal prosecutor) is exploring to prosecute HT?

Lepa Jankovic: In all the different genres and levels of international versus domestic cases, women victims versus male victims and how we push a case through the court, it is always the same problem: The victim is not able to make it to the court dates. So how do we get around this? How do we handle a large HT investigation without actually putting the victim on the stand? I've been asking this for years now. It comes down to money just like every crime, whether it is drugs, diamonds or human beings. So why don't we go after these traffickers and their money instead of revictimizing these victims over and over again?

We started to look at the ML legislation under the Criminal Code and reviewing how we can apply this to HT like any other crime. Why aren't we looking at laundering of proceeds from HT, which is a crime and also part of organized crime? We could also be looking at organized crime charges. In the past we have looked at organized crime charges and we actually succeeded in laying organized crime for the purposes of HT. In the case where we succeeded using organized crime charges, many people were shocked to hear that it wasn't even for the sex trade. It was for male labor. Men were taken to Canada for the purposes of trafficking them in the labor field in Canada. We prosecuted that case in Ontario and we had convictions on 13 traffickers all through the organized crime of HT. It was the first case ever in Canada, but it happened and we had a conviction for it.

Peter mentioned earlier about a case in Argentina. In Argentina they had the very first case of ML convictions for HT. An article said they were able to use the ML legislation in their court for the HT case and they were successful. I don't have the details on this as this is relatively new, but I would actually like to get the verdict from the judge to see what his statement was on this case. In the article, Prosecutor Carlos Gonella told *La Nación* that, "As in all organized crime, you have to attack the profits of the organization. Prison time for the guilty is important, but going after their money is critical to ending this type of crime."[1]

PW: HT is a crime like any other crime. You launder proceeds of that crime and that is money laundering and that's reportable to FINTRAC. So, HT is a predicate offense and can be reportable through FINTRAC. I would encourage other jurisdictions at the state and federal level to get together with law enforcement, FinCEN, banks and locally at the ACAMS chapter level to raise this as an issue. In addition, educate yourself and bring yourself up to speed on the latest indicators and trends. There is great opportunity within the ACAMS chapters for information sharing.

AT: How do you stop HT once you discover a case?

LJ: Police officers across the country who are involved in HT investigations know that it is extremely important to have your victim on board. If you don't have a statement from your victim stating that they were trafficked, you don't have a case. The first challenge you have is breaking down the victim's barrier and having the victim come forward and stating their exploitation to law enforcement. It is so difficult to get a young girl to tell us what happened to her. This has been a common theme throughout all investigations. Even if she does come forward and tells us what happened, how she was recruited, exploited, beaten and forced into prostitution and had everything taken from her, we still have to take her to court. It's like a drug case. In a drug case your evidence is a bag of cocaine. With the cocaine evidence you can come back to it in a few years, blow off the dust and bring it before a judge. But with HT, your evidence is a human being. You can't put her on a shelf. So, how does the victim continue through this process for two years and then bring herself before a judge? It is a very difficult task to do.

AT: How can we help victims through the trial process?

LJ: Through associations we have with non-governmental organizations (NGOs). For example, Free Them. Free Them is a great NGO we have here in Canada. Another one is Walk With Me and there are many more that we have across the country. The problem we have is trying to find housing for these young women and men. It is not always best to keep them in the area where they were trafficked because traffickers tend to find them again and lure them back. It sounds crazy to believe that these victims would even go back, but these traffickers have these chains on the minds of these victims and they manage to lure them back. So trying to find a location far enough away and finding someone who is going to take care of a girl who has been raped over and over again for months and would have had up to 15 clients a day is tough.

People can most definitely volunteer to help the victim through this difficult time with the help of NGOs. For instance, we have had cases where victims were foreign nationals and did not speak the language. So, if they don’t speak French or English we have to find someone who can translate. For example, trying to find a Hungarian translator for someone was not an easy task 10 years ago. Today it is much easier and there are people who have translated for us over the years.

Also, the survivors that succeed are those survivors who have had great support from NGOs, from police officers and law enforcement. Some law enforcement officers keep in contact with their victims after they find them. Trust is very important for these cases. You have the trust of law enforcement, the trust of the NGO, the trust of the system and of the prosecution as well. For the cases we have had, our prosecutor has actually met with the victims themselves and sat down with them to discuss the court proceedings. So having a strong prosecution team when you are dealing with victims of HT is essential to having a successful case in the court system.

AT: Peter spoke earlier about Timea and her tragic experience, how can we help survivors and how can we work alongside them to fight this horrific crime?

LJ: There is the prevention before the victim even becomes a victim. There are predators looking for victims. The key is to educate young women—and men for that matter—across our country about these predators. It is difficult to educate a 12 or 13 year old about this because they don’t really understand that this can happen to them. At that age if somebody treats you well and they say they love you—you fall for it. It is hard to tell a 13 year old that “He doesn’t love you” and that “He is actually a predator.” Awareness and prevention prior to anybody being trafficked is vital and our NGOs are doing this. NGOs are going to schools and speaking to young people. Awareness is out there and HT awareness is much more in the public today than it was 10 years ago. Twenty five years ago you would see a girl being prostituted on the street corner and that was where girls were being bought and sold. Today that street corner does not exist. The street corner is now on the internet. You no longer see it on the streets because they are hidden in hotel rooms. Given this, people do not even think HT exists. It is a crime that is very difficult to talk about when you don’t even see it.

PW: But they are also hidden in plain sight. And they aren’t just kept in sleazy outlying hotels. I could be sitting on the 28th floor of a brand name hotel and there could be people sitting in their rooms waiting for the next “client” to come in. There has been this huge upsurge in education and awareness on the one hand and that’s great. But on the other hand, every day you are exposed to these HT ads in the local paper. There’s a big gap between the two.

AT: What can FIs do to prevent HT?

PW: Keep the problem and the extent and seriousness of it alive through continuing education.

At the front line level, education and awareness is important. For example, if a girl is brought into a bank by someone else—woman or a man—who is translating for them to open an account, make sure you question what is going on there. Be alert to it. The second level is for AML investigators and transaction monitoring teams to be alert to what they are seeing in people’s transactions and their profiles. Since we have started increasing the training in this area, our filings have increased considerably. It is important to be alert and to get the message out. Any one of the major banks in Canada has the opportunity to educate 50,000 employees at a time and that translates to being alert and aware.

AT: What can law enforcement do?

> *You have to understand what HT is about, how it functions and how it works if you are going to investigate it*

LJ: You have to understand what HT is about, how it functions and how it works if you are going to investigate it. For example, what are you looking for as an AML investigator when you are looking for HT indicators? The HT that occurred 15 years ago has progressed. It is not just one avenue on the internet. There are a number of avenues (or platforms) on the internet that these traffickers are using to advertise the sex trade online. It is a matter of knowing how to identify what is trafficking, its indicators, what it is not and how that applies to the AML investigator.

PW: Continue to share best practices, latest indicators, trends and what to look for.

AT: Lepa, you were involved in OPAPA, Canada's largest HT investigation, can you tell us about your involvement and how you were able to catch the traffickers?

LJ: The case was called OPAPA because the victims came from a small town in Hungary called Papa and the O stands for Ontario. I was the lead investigator on that investigation along with my partner. The two of us worked on it for nearly two years. The victims in the case were men who were brought to Canada for labor. Many looked at this as a labor dispute investigation and not as an HT investigation. But these men were being trafficked. It was a very hard sell in the court to show that these men were actually victims because one would say, "How can a grown man be a victim? They can just walk out of the basement and go home."

But it is the chains that are held on the minds of these victims by these traffickers that prevent them from leaving. They don't know the language, they don't know anybody here, they don't have a key, they have no money, they don't have their documents and everything was taken from them and they are being threatened. The same indicators that you have for female victims are present. The difference is that there weren't any sex acts in the trafficking and it was strictly for their labor. The reason why this case was so successful was because of Timea. Without her this case would not have made it to the courts. She worked with all 23 victims on the case. She took them under her care found them a place to live, had them fed and made sure that they had their financial obligations taken care of. She did that for them for the entire two years. It was a lot of work for her. We had funding from NGOs such as Free Them and Niagara Regional Police had a fund that they donated to our safe house for our victims. That was very helpful in the prosecution to keep the victims on board. The prosecution team looked at this investigation as fraud. We needed to follow the paper trail to show that these men were telling the truth, to show that these men were being defrauded and that they were brought to Canada under false pretense. They were being promised one thing overseas, but when they came here they found something else. We had to show the court that they were being defrauded in order to show that it was HT. And it worked. It worked so well that it showed that the traffickers worked together and organized the trafficking of these men to Canada for a different purpose than what they were told. We proved this through the documentation, airline tickets that were purchased, the invitation letters that were written and the information that was given to immigration when they arrived here. It was a big project, but we managed to obtain convictions on every suspect. And this was for participating in an organized crime group for the purposes of trafficking in persons. So once again we moved away from the victim and looked at the money. We obtained banking information to show how money was moved. However, we mainly showed how the people were moved around on paper and the lies that were told from one document to the next.

AT: What is the biggest misconception society has about HT?

PW: In Canada, the vast majority of victims are not trafficked from abroad, but are recruited domestically. They are vulnerable people from fractured homes, befriended at shopping malls and the like.

LJ: Ten years ago most people were just surprised to hear that we had HT in Canada. But today, the biggest misconception is people think that the victims of HT in Canada are foreign nationals being brought to our country. However, it is actually domestic girls. Domestic girls are the number one victims that we find across the country that are being trafficked. Something that is even more surprising is that people are astonished to hear that the average age of entry into the sex trade is 13 years old.

AT: What type of clients seek out trafficked victims?

LJ: There is a book called *The Johns: Sex for Sale and the Men Who Buy It*, written by Victor Malarek. The book tells us that the Johns—or clients—are a variety pack of people that actually seek out the sex trade to find sex workers. Johns can be married men, younger men, older men and any ethnic background. There's no special "poster child" of the John.

AT: What other types of crimes have you discovered that are linked to HT?

PW: Some additional crimes are drug trafficking, credit fraud, (using the victims' identities), etc.

LJ: Those are the common ones you would expect, but there are others such as kidnapping and sexual assault. The charges we forget about is organized crime and conspiracy. They are very important, especially if the trafficker/suspect is a foreign national in Canada. I am not sure how this plays out in America, but in Canada if the trafficker is a foreign national and they are convicted of trafficking people in our country and we add an organized crime charge on top of that, Canada Border Services Agency (CBSA) under the Immigration and Refugee Protection Act, may be able to deport these people because they are involved in organized crime. For example, for Project OPAPA, CBSA deported suspects charged for organized crime for the purposes of HT. They deported each one of those people except for one because he was a Canadian citizen. But the remainder of them were foreign nationals in our country. Whether they were a landed immigrant, on a refugee claim, or a successful refugee claimant, they were deported from the country because of that organized crime charge.

AT: Where can we go to report HT or where can we obtain more information?

LJ: I like to think of things internationally and look at what is going on across the world with HT. I like to go to the U.S. tip report out of the U.S. State Department and I read it every year. I look for the key countries I want to read about. It shows what the pulse is of HT in countries around the world and how people are moved from country to country. What is interesting in Canada is that we are told we have foreign nationals in our country that are being trafficked. We have one conviction in Canada for HT relating to the Immigration and Refugee Protection Act. We need to have a better pulse on the foreign nationals in our country that are being trafficked. The U.S. tip report provides much information regarding that theme itself. Another place—and I love this NGO—is Free Them. They have a wealth of information on what's going on every single day on HT. I get their tweets on what's happening across the country and the world. They are up-to-date on everything that is going on and are linked in with their members of parliament, and with movie producers. They provide a lot of information on a regular basis.

Interviewed by: Karla Monterrosa-Yancey, CAMS, editor-in-chief, ACAMS, Miami, FL, USA, ***kmonterrosa@acams.org***

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1. Sam Tabory, "Argentina Follows the Money in Human trafficking Investigations," *InSight Crime*, February 8, 2016, http://www.insightcrime.org/news-briefs/argentina-follows-money-in-human-trafficking-investigations

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