

Long-Standing Epidemic of Sex Trafficking in San Diego Tribal Communities

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Abstract: Human trafficking is a nationwide epidemic operating at the community-based level. The separation of reservations from neighboring areas in rising numbers of crimes such as human trafficking is significant. By evaluating the foundational struggles of Indigenous communities within San Diego we can see how traffickers seek to exploit these vulnerabilities to better their pursuits. Originally stemming from gender inequalities between White males and Indigenous females, the historical trauma that is rooted in these communities continues to allow Indigenous women to be victimized at disproportionately higher rates. While the movement to place attention on the matter is growing, issues within tribal sovereignty continue to threaten the women living on reservations in San Diego and around the country.

Content Warning: This article contains sensitive content, including analysis of human trafficking and discrimination. Readers are advised to take these into account before proceeding.

The fight for Native American lives is a daily battle fought on reservations around the country. In a culture preserved through oral histories, it isn't uncommon to hear stories detailing century long struggles with crime and violence. When speaking to elder members from San Diego in examining present day issues on Native communities, it is apparent that these struggles have only intensified generationally (Dial, 2021). Located in some of the most remote and secluded areas of the county, San Diego reservations experience increased poverty rates and looser community infrastructure compared to their urban counterparts. (Carter, n.d.). These marginalization's serve to create hubs for illegal practices such as human trafficking. In utilizing historical Indigenous trauma and the unique composition of San Diego, traffickers continue to threaten the safety and wellbeing of Natives living on reservations.

The four Indigenous tribes native to San Diego County include the Cahuilla, Cupeño, Luiseño, and the Kumeyaay, which make up eighteen tribal reservations covering nearly 116,000 acres throughout the county (CIE, n.d.). Containing more Indian reservations than any other county in the United States, San Diego presents with a "checker-board" pattern of reservations trickling all the way down from the northern county to the U.S. Mexico border (CIE, n.d.). While not directly connected, the relative proximity of reservations to one another creates a "hotspot" perfect for the transporting of goods or persons throughout the state. The FBI reports San Diego as the thirteenth worst region for human trafficking across the United States, with as many as 3,000-8,000 yearly trafficked victims (Philips, 2021). Due to current limitations on information tied to human trafficking accords in San Diego, the exact number of victims tied directly to specific reservations is unknown (SANDAG, n.d.). With small differences in heritage due to a shared ancestry and proximity to one another, the ability to focus on these reservations as a collective group best highlights the overall impact human trafficking has on Native Americans in San Diego County.

While Native Americans make up less than 1% of the county population, they continue to be victimized by sex trafficking at rates significantly higher than other racial groups (Bonnette, n.d.). Across the United States, more than 1 in 3 Native women will be raped in their lifetime and more than 6 in 10 will suffer from physical assault (Bonnette, n.d.). Often largely overlooked as victims because of their relatively small population size, Native women make up 40% of the country's human trafficking victims overall (HTS, 2018). However, 88% of the individuals committing these violent crimes against Native women are found to be non-Native (HTS, 2018). Described today by tribal leaders and advocates across the nation as "epidemic" levels, sex trafficking is a systemic issue that continues to impact the daily lives of hundreds of thousands of Native individuals (HTS, 2018).

The vulnerability of Native Americans as a population continues to be one of the main driving factors in perpetuating human trafficking on reservations. Systemic socio-economic issues continue to be at play on reservations. These include, but are not limited to, issues such as poverty, lower education rates, increased homelessness, and substance abuse. For instance, 32% of Native children live in families with income below the federal poverty level in San Diego, compared to the 15% county average (Cook, n.d.). Inextricably linked to trafficking, all these

factors significantly limit a person's ability to provide a sustainable livelihood. These “higher risk” populations are more easily exploitable, as traffickers can use false promises of employment and educational opportunities as leveraging tools (Wright, 2015). Frequent generational exposure to this manipulative cycle has normalized acts of sex trafficking in many Native communities (Wright, 2015). Studies have shown that up to 18% of Native victims are exploited directly through family members due to this community normalization (Greer, pp. 453-483). Serving as a continuous pool of targets to choose from, traffickers on reservations have a selection of individuals at their disposal.

This cycle of sexual exploitation is due in part to the disruption of cultural and communal identities of Indigenous people. European colonization and the expansion of the Spanish missionary system throughout California significantly exploited San Diego Indigenous people at the hands of White settlers (Robinson, 2021). Prior to Western influence, concepts of property and ownership were not socially perceived by Natives (Robinson, 2021). Indigenous women were highly regarded figures in tribal standing as child bearers and leaders in their communities (Robinson, 2021). The infiltration of White males into these tribal groups brought rape, enslavement, maim, and murdering to Indigenous women (Robinson, 2021). What is now defined as modern day sex trafficking occurred to women and children during this time, as they were explicitly forced to serve as disposable bartering tools (Robinson, 2021). From the beginning of colonization, Indigenous women were viewed as prostitutes and physical objects to be sexually used by men. Often sought for their “exotic” looks, their indigenous features served the “fetishes” of many males (Navajo-Hopi, 2019). The trauma associated with these types of historical events have generationally been passed down, leading to the susceptibility of current populations to increased depression, anxiety, and lack of self-respect (Logan, 2016). Using these psychological vulnerabilities to their advantage, traffickers directly exploit victims through the means of historical trauma. While practices of sexual exploitation are no longer legal, the victimization that occurred on Indigenous soil continues to persist long after colonization.

This abuse of power by the Europeans continues to create mistrust on reservations today between law enforcement and Indigenous people. To many Natives, police are associated with the abusive powers that the U.S. government used to authorize control over Indigenous lands and people. Often unwilling to cooperate with law enforcement in general, it can be difficult for those living on reservations to report potential acts of human trafficking (Greer, 2013). Additionally, the complexity of criminal jurisdiction on these reservations further complicates matters. Incorporating a mixture of state and federal authority, each individual case of human trafficking on tribal land is evaluated differently depending on location, people involved, and tribal relations (Greer, 2013). As determined by *Oliphant v. Suquamish Indian Tribe*, tribal authorities do not have criminal jurisdiction over non-Natives on reservations (Tribal Court Clearinghouse, n.d.). With the majority of perpetrators harming Native women on reservations being non-Native males, the management of these trafficking cases on reservations are turned over to federal and state authorities (Tribal Court Clearinghouse, n.d.). Although geographically

closer, tribal law authorities are significantly limited in their ability to intervene in an arrangement of illegal issues, such as trafficking.

Due in part to the significantly smaller presence of tribal law enforcement and various laws constituting the power of tribal authority, many criminals and individuals partaking in illegal activities see reservations as a “safe haven” (Greer, 2013). For cases requiring federal officer intervention, the overall distance to reservations and other countywide demands significantly limit the availability of these officers. Because of these factors, many non-Native individuals remain on reservations without any confrontations with federal law enforcement (Greer, 2013). Operating in the shadows of reservations, therefore, trafficking rings, drug rings, and other illegal activities continue to occur without incident or reprimand (Greer, 2013). Easily drawing the attention of young children, these illicit groups seamlessly expand into community wide groups. The expansion of these groups not only perpetuates trafficking, but also serves to bring more non-Natives onto tribal property (Greer, 2013). As rings of criminal activities build, the constant inflow of people coming and leaving allows for victims of human trafficking to blend into groups seamlessly and gives traffickers more people to sell to. These silent types of operations move along neighboring reservations in San Diego with minimal disturbance.

Casinos also serve as additional hubs for illegal activities on the reservation, bringing in large numbers of non-Natives to reservations for gambling and resort visits. With nine individual operating casinos within San Diego, the county is arguably known as the “Indian Casino Capital” of the world (CIE, n.d.). Serving as hot spots for meeting places, traffickers utilize the attention-grabbing characteristics of casinos as a distraction to their illegal practices. Known as locations of high cash flow, large floor crowds, and 24-hour entertainment, casinos create the perfect cover for traffickers. By continuously watching games and supplying girls to walk the floor, traffickers can spot big money winners and drunk individuals who they can solicit (Huff, n.d.). Concerts and other entertainment shows provide huge crowds that allow trafficking operations to deploy a number of victims throughout the casino venue without drawing specific attention. Traffickers who elicit the sale of children often frequent “family-friendly” casinos that include kids clubs and lazy rivers where they are easily able to blend-in much better than the 21+ casinos (Huff, n.d.). Additionally, the use of charter buses to carry in casino guests from an assortment of locations are prime transportation methods that easily allow traffickers to continuously cycle in new victims. Hidden in plain sight, traffickers use the array of casinos owned by San Diego tribes to further increase accessibility to their customers and control of their victims.

In this constant revolving movement of individuals in human trafficking rings, the proximity of San Diego to the Mexican border plays a significant role in the transporting of victims. According to the 2021 Trafficking in Persons Report, Indigenous persons are identified as a high-risk group for trafficking in Mexico, second only to unaccompanied children (U.S. Department of State, 2021). With the Campo Indian reservation lying adjacent to the border, the average travel time from any one of the reservations to Mexico is 24 minutes total (U.S. Department of State, 2021). Once inside, Tijuana’s red-light district is a popular destination for human traffickers. Known for its legalization of prostitution, traffickers are easily able to place

their victims into clubs and shops (Clawson, Layne, Small, 2006). This relative geographic proximity allows traffickers an increased ability to lure individuals in Mexico to the U.S. with promises of better lifestyles and opportunities (Clawson, Layne, Small, 2006). Trickle down from north San Diego County or starting in Mexico, human trafficking rings have established pathways up and down the inner county reservations to transport victims without detection.

The variety of factors working to perpetuate human trafficking on San Diego reservations is nothing new in the eyes of tribal members. Systemic issues such as poverty, underdevelopment of resources, and lack of trust to authority run deep through the history of tribal communities. The ability to fight human trafficking and other criminal activities throughout reservations comes from the influence of tribal leaders. Recognized as independent sovereign nations, each individual tribe maintains its own governance of laws, structures, courts, and police departments. While this system aims to protect Indigenous cultures and identities, creation of jurisdictions and allocations of proper enforcement resources used to combat criminal activity is the primary responsibility of individual tribes themselves. Under California Public Law 280, the legality of tribes pursuing human trafficking cases under their own jurisdiction only applies in cases of Native perpetrators convicted of trafficking Native victims. Because this is not the case for a large majority of trafficking cases, most legally fall under California state jurisdiction (National Congress of American Indians, n.d.). This mixing and matching of case jurisdiction which falls along various state and reservation boundaries within a single county is what allows traffickers the time they need to move individuals in and out of reservations.

While these tribal constitutions can vary in legislature depending on their location and cultural norms, many draw parallels to national policies on issues that could be harmful to any community. Within San Diego County specifically, peace and security ordinances define human trafficking through the means of the Palermo Protocol. The Pala Band of Mission Indians goes as far to distinguish between labor trafficking, labor trafficking of a minor, sex trafficking, and sex trafficking of a minor. Including definitions for terms such as debt bondage, forced labor, prostitution, and slavery, this specific terminology establishes the identification of human trafficking on the reservation (PBMI, 2016). In Native versus Native cases, tribal members who are found to be in violation of human trafficking receive penalties that include imprisonment, fines, and probation. Depending on the significance of the crime, tribal courts can evaluate the status of tribal members and enact a voting sequence to potentially limit or revoke membership to their specific tribe (PBMI, 2016). While tribal officers are granted jurisdiction in these cases specifically, their authority and presence within Native communities remains yet another difficulty. On San Diego reservations, tribal police departments vary drastically in their size and resources distribution in meeting the various demands of their area.

One of the methods seen in combating the systemic issues on reservations has been the receipt of assistance in initiatives seeking to improve community living standards. In San Diego specifically, multi-service non-profits such as the Southern California Tribal Chairman's Association (SCTCA) advocate for reservation needs. Coordinating and administering grant programs for all reservations with San Diego's County, SCTCA directly serves to increase the

health, welfare, safety, education, and cultural needs across tribal areas. Aiding members in food commodities, career development centers, and resources prevention programs, organizations such as SCTCA indirectly combat human trafficking efforts by strengthening the internal structures that ultimately leave these communities vulnerable (SCTCA, 2021).

Over the past years, the increased public attention specifically on human trafficking in native communities has significantly increased national funding initiatives. In October of 2020, the Department of Justice awarded \$5.8 million in grants alone to tribes in San Diego specifically for crime victim resources. Described by the U.S. Attorney Robert Brewer as, “more important than ever,” there is heavy recognition that these resources are long overdue (Hoang, 2021). In joining intertribal court systems, reservations, and Indian Health Council services, these grants support the expansion of tribal capacities to provide protection and services aimed at bettering victims' lives. In even more recent events, President Biden signed an executive order on November 15th, 2021, aimed at improving the safety and justice for Native Americans. Including these efforts in his American Rescue Plan, Biden awarded more than \$13 billion as direct investments into Indian country infrastructure and tens of billions into grant funding opportunities for Natives. Like U.S. Attorney Brewer, Biden states that these types of investments were “long overdue” in chronically underfunded tribal lands (Cherner, 2021). Pouring directly into tribal police force training, resource supplies, and victim awareness programs, the U.S. government aims to help tribal communities gain momentum in the fight to protect their people.

In recognizing the “epidemics” hitting Indian country, nonprofit organizations such as Missing and Murdered Indigenous Women (MMIW) have been fighting to bring these types of issues to light for quite some time. One of the primary objectives in their fight includes using a database that logs cases of missing and murdered Indigenous women girls from 1900 to the present. Used as an educational tool intended to assist in bringing home victims of domestic violence, sexual assault, sex trafficking, or sex work, this database serves as an alert system throughout the U.S. and Canada (Sovereign Bodies Institute, 2021). Through their work in eradicating the silence of media and law enforcement and advocating for victims without a voice, MMIW has formed the foundation for other anti-trafficking efforts. By using education and advocacy, MMIW has brought attention to the alarming rates of Native women victimization. With a variety of network locations around the country, MMIP offers region specific support. As MMIW continues to grow in their mission, a task force on Missing and Murdered American Indians was added in 2019 to the U.S. Department of the Interior. Commonly known as Operation Lady Justice, this task force joins the mission of MMIW with top federal officials to create a multi-agency effort aimed to foster tribal government collaboration in strategy development to address this crisis of exploited persons (U.S. Department of Interior, 2021).

The future of human trafficking in San Diego Native communities is at a critical point. With increasing educational programs and awareness campaigns, the needs of these victims and Native communities are starting to be seen. However, this inpour of funding and educational awareness means nothing if tribes are not given the right to exercise jurisdiction over all human

trafficking cases occurring on their land. Building up law enforcement agencies on reservations serves no purpose in fighting trafficking if the tribal law officers intended to protect reservations are not legally allowed to intervene in the large proportion of cases. As of now, tribes lack the ability to fully protect their land and people from the harm of criminal activities that plague reservations without the right to completely self-govern separate from the federal and state government. Giving back tribal rights and addressing sovereignty on reservations is one of the first steps needed to fight the increasing numbers of trafficked victims.

The fragility of Native members stemming from cultural trauma, weaker socio-economic infrastructure, and generational negligence will not be easily forgotten with these funds. Fixing the infrastructure will improve living conditions and significantly decrease susceptibility to crimes, yet these issues have been ongoing since the 15th century. Mental health facilities are at the forefront of this battle, as this fight to combat human trafficking on reservations is going to be an everyday operation for generations far beyond our time. Native presence in San Diego and in areas beyond show the resiliency of these communities to survive harsh odds. Day in and day out, Indigenous people use this strength to overcome difficult times and continue fighting battles like human trafficking for future generations.

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