



Training Key® #699

Human Trafficking Update

The crime of human trafficking can happen anywhere. Therefore, officers must be aware of the signs that indicate that trafficking may be occurring in their communities.

Introduction

Human trafficking is a global phenomenon that involves obtaining or maintaining the labor or services of another through the use of force, fraud, or coercion in violation of an individual's human rights. Generating billions of dollars in profit each year, human trafficking is one of the world's fastest growing criminal activities, operating on the same scale as the illegal trade of guns and drugs. Fueled by global economic conditions and increased international mobility, the market for and trade of human beings continues to expand rapidly.

Unlike the trade in drugs and weapons, those who traffic in humans can sell and resell their commodity forcing each victim to suffer repeatedly. As a result, sex trafficking in particular has become a very attractive crime because it is a quick source of cash with a renewable resource. Trafficking can also give the pimp immediate status in the criminal community. Girls can be used to trade for drugs and guns, as payment for a debt, and as a steady source of income in a new community while the pimp establishes his drug or other criminal trade. The International Labour Organization estimates that "victims of this crime generate a staggering \$150 billion in profits per year for the private global economy: \$99 billion in the sex industry and \$51 billion in other sectors." The average age of entry into prostitution is 12-14 years old,¹ with an average life expectancy of a child victim estimated at 7-10 years from the start of exploitation.²

Although actual figures are difficult to determine due to the underground nature of the trade, the U.S. Department of State's 2014 Trafficking in Persons Report estimates that up to 20 million people are trafficked internationally each year. Human trafficking can happen anywhere. Law enforcement officers should be prepared for the potential of human trafficking to reach their communities. Trafficking

networks are not limited to urban localities, as traffickers also seek the seclusion of rural and remote areas to operate undetected.

Defining Human Trafficking

In 2000, the Trafficking Victims Protection Act (TVPA) was passed to address the problem of trafficking in persons through protection and assistance for victims, prosecution of offenders, and prevention efforts internationally.³ The TVPA strengthened federal criminal laws that prohibit human trafficking, created immigration relief for victims, and authorized benefits for those who qualify.

The TVPA defines human trafficking, or severe forms of trafficking in persons as:

- 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 involuntary servitude, peonage, debt bondage, or slavery. This occurs in situations of forced labor such as domestic servitude, factory or agricultural work; or
- sex trafficking meaning the recruitment, harboring, transportation, provision, or obtaining 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 is under 18 years of age.

Trafficking versus Smuggling

There are key differences between the crimes of trafficking and smuggling. Smuggling occurs when someone is paid to assist another in the illegal crossing of borders. This relationship typically ends after the border has been crossed and the smuggler's fee is paid. If the smuggler sells or brokers the smuggled individual into a condition of

servitude, or if the smuggled individual cannot pay the smuggler and is then forced to work that debt off, the crime has now turned from smuggling into human trafficking.

The key distinction between trafficking and smuggling lies in the individual's freedom of choice. A person may choose and arrange to be smuggled into a country, but when a person is forced into a situation of exploitation where their freedom is taken away, they are a victim of human trafficking. Central to the distinction is the denial of the victim's liberty.

An individual's willingness to be smuggled does not minimize the victimization he or she may experience at the hands of a trafficker. In most instances, conditions of extreme poverty and political turmoil leave people who are seeking to improve their lives vulnerable to the false promises and manipulation of traffickers. Slavery and involuntary servitude are illegal practices in the United States regardless of original consent. Under U.S. law, a person's status as a trafficking victim supersedes all other smuggling or immigration questions and affords them legal protections and social services.

Trafficking:

- Is not voluntary; one cannot consent to being trafficked or enslaved
- Entails exploitation of a person for labor or services by force or threat of force to the victim or another
- Need not entail the physical movement of a person
- Can occur domestically, where citizens are held captive in their own country
- Is a crime against the right of each person to be free from involuntary servitude

Smuggling:

- Is voluntary; an individual typically contracts to be taken across a border
- Ends after the border crossing
- Fees are usually paid in advance or upon arrival
- Is always international in nature
- Is a crime against the nation's sovereignty

Strategies for Identifying Human Trafficking

Due to the covert nature of the crime, human trafficking will likely come to officers' attention indirectly. Due to the violence or threatened violence associated with human trafficking, it is very rare that a victim will self-report as the victim of a crime. Officers responding to domestic violence crimes, labor disputes, prostitution and pimping offenses, shoplifting, and cases of assault may uncover evidence of human trafficking.

It is critical to note that any individual can be trafficked; not just undocumented immigrants. Many victims are here legally, on work or student visas for instance. U.S. citizens who are recruited and enslaved within the United States are considered trafficking victims. They can also be taken from the United States and trafficked to another country, which may be a factor to be considered when investigating a missing person case.

In situations of possible human trafficking, victim identification can be one of the most challenging tasks for law enforcement. Officers may have to rely on their instincts to pick up on red flags indicating that someone might be a victim or perpetrator of trafficking.

Officers should look for possible indicators of human trafficking where they may not expect it. Questions to consider in various situations include the following:

- Could a business within a community serve as a front for trafficking?

- Is a building's security used to keep people out or to keep people in?
- Working conditions:
 - Do the workers have freedom of movement?
 - Do they live and work in the same place?
 - Do they have days off?
 - Do the employers have control over their workers' immigration documents?
- Appearance and mannerism of the workers:
 - Are there signs of trauma, fatigue, injuries, or other evidence of poor care?
 - Are the individuals withdrawn, afraid to talk, or is their communication censored?

While any one of these signs might not constitute a situation of trafficking, they can serve as indicators to alert officers to the possibility of this crime. When officers encounter circumstances that raise suspicion, they should remain vigilant for the possibility of human trafficking. They should ask detailed questions for greater assessment of the situation. Due to the fear that traffickers instill in their victims, it may be necessary to ask questions creatively, looking for signs that indicate a lack of freedom. Instead of immediately trying to determine whether someone is in this country legally, officers should ask how they arrived in the United States, whether they have control over their documents, and if their movements are restricted. If the officer feels any non-English speaking employee may be the victim of human trafficking an interpreter unrelated to the investigation should be used. Officers should not use the employer, other employees, or children to translate.

Forms of Human Trafficking

Traffickers exploit humans for labor or services in a wide variety of forms and locations. For example, sexual exploitation can be found as online escort services, brothels, massage parlors, labor camps, street prostitution, pornography, truck stops, and strip clubs. Labor exploitation may be a component in farm labor, cleaning services, factory/manufacture, nail salons, domestic servitude, construction, restaurant work, and spas.

According to the Polaris Project, the Internet has been identified as the number one platform that pimps, traffickers, and johns currently use for buying and selling women and children for sex in the United States. Victims trafficked through pimp-controlled sex trafficking, escort services, in-call and out-call services, chat rooms, pornography, and brothels disguised as massage businesses are commonly marketed on websites such as Backpage.com, Eros.com, and others. Individuals advertised online for commercial sex are often made to appear that they are working independently, when in fact they are victims of sex trafficking more often than is recognized or understood.

Dynamics of Human Trafficking

Methods of Control. Trafficking operations are organized on a variety of levels and scales. They can operate on a small, local scale with one trafficker and one victim where there is little or no connection with other traffickers to a large-scale international business with many different players involved in the trafficking. Larger operations may be a part of a loosely associated trafficking network, or they may be part of organized crime. The commonality among these trafficking operations is that they exploit and enslave human beings for profit through the use of physical and psychological methods of power and control.

Through the use of physical violence and psychological tactics, traffickers create an overwhelming sense of fear in their victims, not unlike the methods used by perpetrators of domestic violence. It is important to remember that an individual need not be beaten or restrained physically to be a victim; the use of force, fraud, or coercion fulfills the elements of a human trafficking crime.

In order to coerce and control victims, traffickers will often do the following:

- Confiscate papers and legal documents
- Misrepresent U.S. laws and consequences for entering the country illegally
- Threaten victims with arrest or deportation
- Threaten to harm or kill family members in the victim's homeland
- Use debt and other fines in order to create an insurmountable situation in which the victim must work off a debt or face punishment (Debts can include the smuggling fee; charges for food, housing, clothing, medical expenses; or fines for failing to meet daily quotas.)
- Move victims from location to location or trade them from one establishment to another resulting in a situation where victims may not know which town or state they are in and are less able to locate assistance
- Create a dependency using tactics of psychological and emotional abuse in much the same way batterers behave toward their intimate partners in the dynamic of domestic violence
- Isolate victims who do not speak English, as they rely on the trafficker as a translator and their only source of information

The Victim's Experience. There are a variety of reasons why victims of trafficking may not seek help and may even resist intervention from law enforcement. The methods of control used by the traffickers and daily realities for the victims may make it especially challenging for officers to establish trust and get honest answers. It may be hard to comprehend the actions, reactions, and decisions of those subjected to trafficking. In addition to the fear and dependency instilled by the traffickers, victims may be reluctant to try to escape because of the following reasons:

- Fear law enforcement because of their illegal status or because of the criminal acts they have been forced into
- Mistrust law enforcement because officers in their home country may be corrupt and even directly involved in the trafficking trade
- Choose to remain in the situation rather than reporting the crime to keep family safe from retribution
- May not perceive themselves as victims because they do not know their rights
- Feel shame about the type of work they are made to do
- Feel ashamed to admit victimization
- Believe that any debts are their obligation to repay (some may have even signed a contract)

Trauma and Trafficking

Many victims of trafficking have endured multiple violations, including sexual abuse, and are likely to be experiencing trauma. Trauma will be expressed differently by each person ranging from intense expressions of feelings such as anger or fear to a lack of emotion or flat affect.

Victims of trafficking may adopt self-protective reactions as part of their efforts to cope with the trauma and cre-

ate safety for themselves. Coping or survival mechanisms may result in the victim feeling loyalty, gratitude, or dependence upon an individual related to the trafficking operation or the establishment of an intimate relationship with someone involved in the trafficking network. At the same time, victims may feel a deep sense of shame and may be afraid their families and communities will reject or punish them if they find out.

In initial contacts with law enforcement, a victim of trafficking may repeat cover stories on which the trafficker has coached them. They may not tell the truth because they are unfamiliar with the legal system, they have been told that the police will not believe them, or they fear punishment for any illegal activity they may have been forced to engage in.

Due to the trauma victims may have experienced, officers should not expect victims to talk about their experience in an organized, chronological account; rather, their stories will likely be shared in pieces. Even when removed from the trafficking situation, victims may be extremely traumatized and will likely need counseling. While some individuals may find it helpful to talk about what happened to them, others may find it traumatic, as though they are re-living the experience. Officers should remember—disclosure is a process, not an event when a victim has been traumatized.

Therefore, victim interviews alone may not be determinative; successful trafficking investigations take the entire situation into consideration. Building trust by showing patience and a nonjudgmental attitude when interviewing potential victims will aid the investigation and enable the victims to feel comfortable revealing details about their experiences.

It is also important to understand that physical removal from the situation—or even a successful prosecution of the traffickers in custody—does not mean victims or their families are free from reprisals from the traffickers. Their fears and their safety should be of ongoing concern. For these reasons, it is critical to have positive working relationships with victim service agencies that can address these issues and help stabilize the victim.

Protocol for Successful Interviews

In order for officers to interview victims and witnesses of trafficking successfully they should

- be aware that traffickers might not be easy to distinguish from the victims and understand that victims may have had to collaborate in order to survive;
- when necessary, select a skilled interpreter who is in no way connected to the traffickers;
- avoid beginning an interview with documentation or legal status as this will frighten victims and interfere with building trust;
- avoid asking questions such as “Are you a slave?” or “Are you a trafficking victim?” as victims may not understand the legal terms for what they have suffered;
- educate themselves on trauma, including its impact and effects or collaborate with a trauma specialist to assist with interviews;
- adopt a compassionate and nonjudgmental manner;
- be prepared to hear accounts of behavior that is painful, shocking, and unlike other victim interviews;

- conduct interviews individually and in private, remembering that victims may need a counselor or attorney present for support;
- allow victims the opportunity to tell their story;
- allow victims to describe what happened to their counterparts before focusing on the victims' own suffering; it is often easier for them to talk initially about what happened to other people; and
- conduct interviews with victims or witnesses while in plain clothes, if possible.

An Effective Response to Human Trafficking

Building a Case. A collaborative relationship with federal authorities is needed to make investigation and prosecution decisions and build strong cases against traffickers. Federal law enforcement partners can assist with conducting interviews of trafficking victims; identifying appropriate interpreters; and determining best strategies for prosecution, whether at the state or federal level. Coordination with federal authorities is critical for determining the best strategy for prosecution. When addressing the problem of human trafficking, departments should look at proven practices such as multi-disciplinary task forces or a coordinated community response to share intelligence, resources, and personnel. This coordinate response will

- ensure a victim-centered response;
- hold offenders accountable;
- mobilize the entire community, including underserved populations; and
- achieve systemic changes to addressing human trafficking.

Successful response to human trafficking crimes requires community collaboration. Officers should build partnerships with a variety of victim service providers and local community partners to address the needs of any victim. Partnerships should include ethnic groups, LGBTQ and faith communities, medical and mental health providers, and legal advocates in order to address the host of needs that the victims have. Establishing these partnerships may give the officers information about other potential victims as well as provide support to known victims. Officers may be able to build upon previously established relationships, such as with drug or gang task forces or with domestic violence and sexual assault coordinating councils, to help investigate and provide services for victims of trafficking. Establishing positive, coordinated working relationships with federal law enforcement agencies, victim service providers, and prosecutors will enable departments to put mutually agreed upon procedures and partnerships in place in advance of a case. For example, specific protocols and preparatory measures to address minors who are victims of trafficking should be developed.

Proactive and Reactive Approaches. Identifying and investigating human trafficking crimes may be done both proactively and reactively. To be proactive, officers should look into situations or businesses in the community where it is suspected that human trafficking might be taking place. Should officers find indicators or evidence of a situation of human trafficking, they may begin to build a case against the traffickers in a covert manner to support the trafficking allegations. It is important to coordinate with federal authorities about new investigations in order to determine if any ongoing investigations already exist.

Many traffickers advertise online on sites like Backpage.com or local escort rating sites. Regular reviews of sites will help officers identify patterns of traffickers as

they travel through the area. Searches on user names and/or phone numbers through advanced online search tools can help track the movements around a particular jurisdiction and across county and state lines, strengthening an investigation.

In a reactive response, officers may uncover trafficking while addressing other crimes or calls for assistance. Depending upon exigent circumstances, officers should first handle the immediate component crime and respond to victim needs. Officers may arrest, if possible, for crimes such as fraud, kidnapping, and physical or sexual assault. However, it is important to remember that many of these individuals have been forced to engage in criminal activity and should be regarded as victims and potential witnesses who are central to building a case against the trafficker.

To fully address the crime of trafficking, it is important to remember that not only the traffickers, but also those who seek to purchase the services of trafficking victims must be held accountable. For example, arresting johns who solicit for prostitution sends a strong message to the community that these crimes will not be ignored and that all parties will be held responsible. They also might be a source of intelligence; cases have been successfully developed as a result of women having confided in brothel customers or strip club patrons.

Victim Safety. Victims will need to feel safe before being able to assist in the investigation and prosecution of offenders. Victims may be in danger as a result of a variety of factors, including the extent of the trafficking operation, the trafficker's perception of how damaging a victim's testimony may be, and the trafficker's propensity to use violence. Officers will need to work with victims to address and plan for their safety. In instances where the victims' safety or health is at risk, it may be best to remove them from the situation immediately. If arrests are made, it is important not to re-traumatize the victim. If no arrests are made, officers should work to build a relationship so the victim will trust them or other law enforcement officers in the future.

Assistance for Victims

Social Services and Assistance: Certification. To qualify for publicly-funded and refugee-type services such as housing, food stamps, and health care, a victim must be certified by Health and Human Services (HHS). Certification occurs when a victim has either (1) been granted continued presence and is willing to assist law enforcement or (2) filed for a T visa that has met qualifying specifications.

Social Services and Assistance: Continued Presence. The most effective way to obtain immigration relief for trafficking victims and stabilize them so they can help in an investigation is to work with federal partners, who can apply for continued presence, a form of temporary immigration relief that enables law enforcement to keep a victim lacking legal status in the United States to assist with prosecution. Continued presence also enables the victim opportunities for legal employment and refugee-type benefits through HHS if they are willing to assist law enforcement. Continued presence is usually granted for one year and may be renewed as long as there is an ongoing federal investigation or prosecution. Victims may apply for additional immigration relief, either the T or U visa, during the course of the investigation.

Officers should recognize the long-term effects to victims of trafficking. Persons who have been involved in human trafficking did not have the ability to make any deci-

sions; every movement was decided for them. The pimp or trafficker decided where to live, eat, what to wear, and where they would go. The pimp or trafficker managed all the money, paid the bills, and took care of everything. The victim has now been “rescued” and put out in the community with no skills on how to rent an apartment, open a bank account, write a resume, apply for or hold a job. A victim without continuing support is at risk to return to that lifestyle.

Long-Term Immigration Issues: T and U Visas. The T visa is available for victims who self-petition to stay in the United States. Victims may apply to stay for up to four years if they can show they

- have been a victim of a severe form of trafficking;
- have complied with reasonable requests to assist in the investigation or prosecution of their case (or are not yet 18 years of age);
- are physically present in the United States on account of trafficking; and
- would suffer severe hardship if repatriated.

Those whose T visa applications have met the specific qualifications can receive benefits through the HHS certification process even before their visa petition has been finalized. It should be noted, however, that processing for the T visa takes time, and there is no guarantee the victim will be approved.

Under the law, local, state, and federal law enforcement officers can assist a victim with his or her application for a T visa by completing the I-914B form as part of the victim’s application to the Department of Homeland Security. The form requests that the following are indicated:

- Whether the individual is a victim of a severe form of trafficking
- Whether the victim complied with a reasonable request to assist in the investigation or prosecution

Form I-914B can be sent at any point during the investigation. It does not create a sponsorship relationship, nor does it make an officer responsible for future acts of the individual. The form is reviewed by federal authorities, along with the victim’s application, in determining whether to issue or deny the visa.

The U visa is valid for up to four years. It is not specific to trafficking cases, but is available to victims of a number of crimes, including trafficking. It is available to immigrants who

- are victims of a violation of federal, state, or local criminal law against rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; attempted murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above crimes;
- have suffered severe physical or mental abuse as a result; and
- have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of the criminal activity.

While victims with a U visa can receive a work permit, they are not eligible for publicly funded programs for which T visa recipients are eligible. An officer may submit a letter on behalf of the victim that describes the criteria above, along with a copy of the police report, to assist the

victim in filing for this specific visa. Both T and U visa recipients may eventually adjust to lawful permanent resident status and citizenship if they qualify.

Technical Assistance Resources

For a full listing of state and federal partners, national hotlines, nonprofit organizations, and additional information please visit the IACP website at <http://www.iacp.org/research/VAWPoliceResponse.html#trafficking>. A free training guidebook along with a roll-call training video for law enforcement officers’ use can be accessed there as well.

Action Agenda Checklist

In order to assist departments in the preparation of handling human trafficking, the below checklist has been developed as a sample of items to address:

- Conduct department-wide training on human trafficking, including dispatch
- Educate the community about the crime of human trafficking
- Develop departmental foreign language resources
- Identify nonprofit agencies that provide victim assistance
- Assess locations that may serve as fronts for illegal activity
- Identify industrial or service-based businesses that employ low paid workers and learn how they are recruited and treated
- Assess the local sex industry in the community and the forms it takes (e.g., street prostitution, massage parlors, strip clubs)
- Identify escort agencies in the community that advertise foreign or exotic women
- Ensure officers responding to prostitution offenses address and document possible indicators of human trafficking
- Locate neighborhoods or communities where domestic servants are typically employed

Acknowledgment

Steve Bellshaw is Deputy Chief with the Salem, OR Police Department. Steve is an instructor for the Oregon Sexual Assault Training Institute and the IACP Violence Against Women Leadership Institute.

Endnotes

¹ Richard J. Estes and Neil A. Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico* (revised February 20, 2002).

² Bay Fang, “Young Lives for Sale: Why More Kids Are Getting into the Sex Trade and How the Feds Are Fighting Back,” *U.S. News & World Report*, October 16, 2005.

³ Trafficking Victims Protection Act, 18 U.S.C. §§1589–1594 (2000)

questions

The following questions are based on material in this *Training Key*®. Select the one best answer for each question.

1. The primary difference between trafficking and smuggling is that an individual still has freedom of choice in a smuggling situation.
 - (a) *True.*
 - (b) *False.*
2. Which is false regarding human trafficking?
 - (a) *It can occur domestically, where citizens are held captive in their own country.*
 - (b) *It can take the form of sexual exploitation, such as street prostitution, or labor exploitation, such as domestic servitude.*
 - (c) *It always entails the physical movement of a person.*
 - (d) *It may begin as smuggling, but becomes trafficking when the individual loses his/her ability to terminate the relationship.*
3. When investigating human trafficking, officers should be aware of which of the following?
 - (a) *The victims will very rarely self-report as a victim of a crime.*
 - (b) *The Internet has become the primary platform for buying and selling women and children for sex.*
 - (c) *There are programs in place to offer immigration relief to undocumented victims of trafficking.*
 - (d) *All of the above.*

answers

1. (a) True.
2. (c) Physical movement does not occur in every case of human trafficking.
3. (d) All of the above. Human trafficking is a complex crime that requires a tailored response. Officers should be aware of the dynamics of human trafficking, as well as the support that is available to trafficking victims.

