

05-003 Human Trafficking

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



HUMAN TRAFFICKING

PURPOSE

The purpose of this Field Operations Directive is to provide policy and procedures for handling incidents of human trafficking encountered by, or reported to, Departmental personnel.

BACKGROUND

In 2003, Congress passed the Trafficking Victims Protection Reauthorization Act of 2003. This Act renewed the federal government's efforts, under the original Trafficking Victims Protection Act of 2000, to identify and assist victims exploited through labor and sex trafficking in the United States. In 2005, the California legislature passed Penal Code Section 236.1, making human trafficking illegal at a state level.

Federal agencies estimate that 18,000 - 20,000 victims of human trafficking enter the United States each year. Although actual data is sparse, these agencies believe that the greater Los Angeles area is one of the nation's primary trafficking areas.

Human trafficking is usually an "underground" crime. It can be difficult for law enforcement personnel, the public, or service providers to readily identify circumstances of human trafficking. There have been cases of victims escaping and reporting the situation to the police. However, many are physically unable to leave their work sites without an escort and are not free to contact family, friends, or members of the public.

Department personnel should recognize that these people are primarily victims of crimes and should be afforded appropriate victim services. Oftentimes trafficking victims are afraid to contact police or make truthful statements to police because traffickers convince them that they or their family members back home will be victimized by police. Frequently, it is only after contact with victim services providers that trafficking victims are willing to tell the truth to investigators.

Human trafficking is a violation of federal and state law. Penal Code statutes related to false imprisonment, kidnapping, assaults, and sex crimes may also apply.

The federal human trafficking statutes found in the United States Code, 18 USC 1581 - 1595, deal with trafficking involving peonage, involuntary servitude, and forced labor and sex trafficking of adults and children. 18 USC 2421-2427 deals with interstate or foreign transportation for illegal sexual activity and related crimes. In short, persons knowingly involved in any commercial aspect of such ventures violate federal statutes.

It is important to differentiate between human trafficking and immigrant smuggling. While there is often some overlap, they differ primarily as follows:

- **Immigrant smuggling** involves the entry into the United States of a person unauthorized to enter. The immigrant willingly seeks illegal entry and usually agrees to pay a smuggler for assistance entering the country. When such illegal immigrants are held against their will and extorted for additional payments, they are generally held in a so-called “safe house” rather than forced to work to pay their debt.
- **Human trafficking** generally involves the fraudulent enticement of an immigrant to come to the United States, often with the promise of high-paying or prestigious employment opportunities. The immigrants may or may not have legal documents for entry into this country. Often, traffickers collect and “hold” the immigrant’s legal documents pending payment of their alleged debts. Upon arrival in the United States, the immigrants learn that they will be forced to work for the traffickers to pay off alleged debts. Often such labor involves prostitution and illegal sexual activity, but it may also involve physical labor in sweat shops, farm labor, or household service.

POLICY AND PROCEDURES

Duties and Responsibilities

Department personnel who receive information only about human trafficking in circumstances wherein a field response is not warranted shall refer the information directly to Major Crimes Bureau, Metro Detail.

Responding Deputy’s Responsibilities:

Assure appropriate emergency medical services are provided as needed. Secure the crime scene and detain potential suspects.

Safely secure and provide appropriate care for potential victims pending the arrival of investigators. Deputies should note that there is no authority to involuntarily detain victims who are not suspected of a criminal offense.

The following list of questions is a guideline to help deputies determine if human trafficking elements are present in the situation. This is only a guideline. Deputies should consider the totality of the situation to determine if human trafficking has occurred.

- Is the person free to leave the work site?
- Is the person physically, sexually, or psychologically abused?
- Does the person have a passport or valid ID card, and is he/she in possession of such documents?
- What are the pay and conditions of employment?
- Does the person live at home or at/near the work site?
- How did the individual arrive to this destination if the suspected victim is a foreign national?
- Has the person or a family member of this person been threatened?
- Does the person fear retribution to him or her or to a family member if he/she leaves the job?

Immediately notify Major Crimes Bureau, Metro Detail, and follow their directions. If after business hours, the on-call Metro Detail lieutenant can be reached through Sheriff’s Headquarters Bureau. If a deputy has

any doubt whether the incident is or is not a human trafficking incident, the deputy should contact Major Crimes Bureau, Metro Detail.

The deputy shall create a first incident report (SH-R-49) using the statistical code of 339 (All Other Felonies).

Watch Sergeant's Responsibility:

Ensure that Major Crimes Bureau, Metro Detail, has been notified.

Major Crimes Bureau's (MCB) Responsibilities:

Assess the information to ensure that the incident is a potential human trafficking incident. If the incident is determined to be human trafficking, an appropriate number of investigators and a supervisor shall immediately respond to the scene to conduct the investigation and coordinate and communicate with federal agencies and victim services providers.

If there is any question as to whether the incident is human trafficking, it shall be resolved by immediately responding to the scene.

MCB investigators shall immediately notify the appropriate federal agency(s) and the appropriate victim assistance personnel and governmental or community-based organizations.

Ensure that the Law Enforcement Agency endorsement (LEA) Form I-914, Supplement B, "Declaration of Law Enforcement Officer for Victim of Trafficking in Persons" is provided to the victim within 15 business days of the first encounter with the victim. If personnel believe providing the LEA form to the victim is inappropriate, they shall provide the victim with a letter explaining the grounds of the denial of the LEA endorsement within 15 days.

Coordinate with federal investigators regarding media inquiries on any case jointly investigated by our Department and federal investigators.

The MCB commander shall ensure there is an ongoing relationship and communication between the Department, federal agencies, and community-based victim services providers.

AFFECTED DIRECTIVES/PUBLICATIONS

MPP §4-11/020.00 Human Trafficking (submitted to Manuals & Orders)

CITES/REFERENCES

Penal Code §236.1 Human Trafficking

Penal Code §236.2 Law Enforcement Agency Endorsement 18 USC 1581 - 1595

18 USC 2421 - 2427

Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386-October 28, 2000, 106th Congress)

Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193- December 19, 2003, 108th Congress)

The U. S. State Department's Office to Monitor and Combat Trafficking in Persons - Tips for Recognizing Victims of Trafficking in Persons - Fact Sheet - July 28, 2004
