



TRAINING BULLETIN

Volume LII, Issue 15, December 2023

Michel R. Moore, Chief of Police

HUMAN TRAFFICKING

INTRODUCTION

Human trafficking is an international and domestic crime. Traffickers range from sophisticated international criminal cartels to local pimps and even family members. Each of these entities can exploit vulnerable foreign nationals and United States citizens, of all ages, in slave-like conditions including forced labor or sexual services. Victims are held against their will and entrapped in numerous exploitative situations including the commercial sex industry, factory sweatshops, construction, domestic servitude, and agricultural work. Human trafficking is a global issue that robs victims of their fundamental human rights. It is a form of modern-day slavery proliferated in the United States and in developing countries.

To ensure trafficking victims are properly identified, it is important to ensure law enforcement understands the various forms of human trafficking, which include sex trafficking and labor trafficking. Sex trafficking occurs when a person is recruited, transported, or obtained for a commercial sex act that is induced by force, fraud, or coercion. This may include a minor under the age of 18. An example of sex trafficking is forcing a person into prostitution. Labor trafficking occurs when a person is recruited, transported, or obtained through the use of force, fraud, or coercion to provide labor or other services. An example of labor trafficking is forcing a foreign national to work for free by threatening deportation.

Human trafficking occurs when an individual recruits victims through force, coercion, fraud, or deception. Human traffickers may often use deceptive means to lure their victims by promising legitimate jobs to help support their families. Wherever there is a need for cheap labor or an opportunity for exploitation, there is a market for human trafficking. Persons have been trafficked for:

Prostitution
Factory Work
Construction Work
Hotel Housekeeping

Servile Marriages
Domestic Work
Restaurant Work
Peddling Rings

Agricultural Work
Child Care
Sexual Exploitation
Sales Crews

The Department of State estimates that millions of people are trafficked worldwide, and thousands are trafficked annually into the United States. The majority end up in major metropolitan cities like Los Angeles.

Our City's large and diverse population makes it an ideal place for these operations to go undetected. These operations can be found in seemingly legitimate businesses such as garment shops, nail salons, massage parlors, restaurants, and landscaping businesses. Victims may also be encountered in single-family homes employed as nannies and housekeepers.

LAW

The Trafficking Victims Protection Act (TVPA) of 2000 made human trafficking a federal crime and created new laws to mount a comprehensive and coordinated campaign to eliminate modern forms of slavery. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 strengthened legal elements of TVPA and provided tools for the United States (U.S.) to combat trafficking in persons, both domestically and abroad.

In 2005, comprehensive legislation was signed into law and established the California Trafficking Victims Protection Action (AB22), which created felony California Penal Code (PC) Section 236.1, Evidence Code Section 1038 (establishing a Human Trafficking Victim Casework Privilege), and added Human Trafficking to PC Section 186.2, "California Control of Profits of Organized Crime Act."

In November 2012, Proposition 35 (Californians Against Sexual Exploitation Act) made critical enhancements to state laws to combat human trafficking and exploitation. The provisions of the new state law included higher prison terms for human traffickers, the requirement of convicted human traffickers to register as sex offenders, increased fines from convicted human traffickers, and it removed the need to prove force or coercion to prosecute sex trafficking cases involving minors.

California Penal Code Section 236.1 includes:

- § 236.1(a) (Felony) occurs when any person deprives or violates the personal liberty of another with the intent to obtain forced labor or services.
- § 236.1(b) (Felony) occurs when any person deprives or violates the personal liberty of another with the intent to effect or maintain violation of PC Sections 266(h) (Pimping), and 266(i) (Pandering.)
- § 236.1(c) (Felony) occurs when any person causes, induces, or persuades, or attempts to cause, induces, or persuade, a person who is a minor at the time of the commission of the offense to engage in a commercial sex act with the intent to effect or maintain violation of PC Sections 266(h) (Pimping), and 266(i) (Pandering).

Note: In determining whether a minor was caused, induced, or persuaded to engage in a commercial sex act, the totality of the circumstances, including the age of the victim, their relationship to the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be considered.

California Penal Code Section 236.1 further defined the following terms:

- § 236.1(h)(2) Commercial sex act: sexual conduct on account of which anything of value is given or received by a person.
- § 236.1(h)(3) Deprivation or violation of personal liberty of another: substantial and sustained restriction of another's liberty through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to victim or another reasonably believed likely to be carried out.
- § 236.1(h)(4) Duress:
 - A direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which they would otherwise not have submitted to or performed,
 - A direct or implied threat to destroy, conceal, remove, confiscate, or possess an actual or purported passport or immigration document of the victim, or
 - Knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or immigration document of the victim.
- § 236.1(h)(5) Forced labor or services: these are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

In July 2023, Governor Newsom signed Senate Bill (SB) 376 into law establishing victims' rights for human trafficking. Effective January 1, 2024, SB 376 adds California Penal Code Section 236.21.

Section 1 of California Penal Code Section 236.21 includes:

- § 236.21(a)(1) A victim of human trafficking or abuse, as defined in Section 236.1 of this code or Section 1038.2 of the Evidence Code, has the right to have a human trafficking advocate and a support person of the victim's choosing present at an interview by a law enforcement authority, prosecutor, or the suspect's defense attorney. The law enforcement officer or prosecutor may exclude the support person from the interview if the law enforcement officer or prosecutor believes that the support person's presence would be detrimental to the process.

- (2) Prior to being present at an interview conducted by a law enforcement authority, prosecutor, or the suspect's defense attorney, a human trafficking advocate shall advise the victim of applicable limitations on the confidentiality of communications between the victim and the human trafficking advocate.
- (3) For purposes of this section, the following definitions apply:
 - (A) "Human trafficking advocate" means a person employed by an organization specified in Section 1038.2 of the Evidence Code.
 - (B) "Support person" means a family member or friend of the survivor and does not include the human trafficking advocate.
- § 236.21(b)(1) Prior to the commencement of the initial interview by a law enforcement authority or a prosecutor pertaining to a criminal action arising out of a human trafficking incident, a victim of human trafficking or abuse, as defined in Section 236.1 of this code or Section 1038.2 of the Evidence Code, shall be notified orally or in writing by the attending law enforcement authority or prosecutor that the victim has the right to have a human trafficking advocate and a support person of the victim's choosing present at the interview.
 - (2) At the time the victim is advised of their rights under paragraph (1), the attending law enforcement authority or prosecutor shall also advise the victim of the right to have a human trafficking advocate and a support person present at an interview by the suspect's defense attorney or investigators or agents employed by the suspect's defense attorney.
 - (3) This subdivision applies to investigators and agents employed or retained by law enforcement or the prosecutor.
- § 236.21(c) An initial investigation by law enforcement to determine whether a crime has been committed and the identity of the suspects does not constitute a law enforcement interview for purposes of this section.

INVESTIGATION

Trafficking victims often live a life marked by abuse, denial of their basic human rights, and control under their trafficker. Most trafficking victims will not readily volunteer information about their status, fearing further abuse by their trafficker. In sexual exploitation cases, victims may not come forward due to feelings of shame and guilt. Others may be reluctant to come forward with information due to fear or distrust of law enforcement, or the belief that they have no

Indicators of Human Trafficking

- Restricted/controlled communication with family members or friends
- Injuries from physical assaults (physical scars)
- Signs of torture (i.e., cigarette burns)
- Signs of malnourishment
- Tattoos, brands, or scars (i.e., money bag symbols, dollar signs)

viable options to escape their situation. Victims need to feel safe before they speak with officers.

Officers need to show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport. Officers should keep this in mind when conducting their investigations.

It is very unlikely that officers will ever receive a "Meet the victim of human trafficking" radio call. However, patrol officers and vice officers at the scene of a reported sexual assault, battery, business dispute, or prostitution arrest may have come across the crime of human trafficking. Your role as a law enforcement officer is to take a closer look. Officers must learn to recognize the indicators associated with this crime. Certain indicators give officers reasonable suspicion to ask additional questions about what is happening.

Questions to Ask

Ask questions with great care and sensitivity. The person may be traumatized and unable to speak about their experience. When interviewing a possible victim of sex trafficking, these are the most important questions to ask:

Note: Our primary concern is the crime of human trafficking and any related crimes. Officers should avoid creating the perception that they are checking immigration status as many of the victims are in the country illegally and fear government officials and deportation.

- Are you in possession of your identification and travel documents? If not, who has control of your documents?
- Were you coached on what to say to law enforcement?
- Were you forced to perform sexual acts?
- Do you have the freedom to call your family or visit your friends?
- Have you or your family been threatened with harm if you attempt to escape?
- Have you been threatened with deportation or other arrest?
- Have you been harmed or deprived of food, water, sleep, medical care, or other necessities?
- How did you meet your trafficker?
- Are you in a romantic relationship with your trafficker?
- What sexual acts have you been told to perform?
- What happens if you refuse what you are told to do?
- Have you traveled to other places or cities as a commercial sex worker?
- What happens to the money you earn?
- How do you stay in contact with your trafficker when you are not physically with them?
- Do you have any social media accounts that you use for your work?

When interviewing a possible victim of labor trafficking, these are the most important questions to ask:

- Are you in possession of your identification and travel documents? If not, who has control of your documents?
- Were you coached on what to say to law enforcement or immigration officials?
- Were you recruited for one type of work but forced to perform some other type of work?
- Is your salary being garnished to pay off a smuggling debt?

Note: By itself, paying off a smuggling fee does not constitute human trafficking.

Procedures

Officers coming into contact with a possible human trafficking location should quickly contain the scene and treat it as any other major crime scene. This includes, but is not limited to:

- When lawful, question everyone at the scene of the incident. It is possible that the trafficking suspect is still on the scene and monitoring the victim and may be involved in the activities that led to the identification of the victim.
- Separating possible suspects from victims.
- Requesting an "RA" for those requiring medical treatment.
- Making appropriate notifications. Call the Department Operations Center and request the on-call human trafficking investigator from the Area Vice Unit or the Human Trafficking Task Force. The human trafficking investigators are ultimately responsible for conducting the investigation. Officers should also note any other crimes that have occurred, such as robbery, rape, battery, etc. The location should be secured pending the arrival of the human trafficking investigators.
- Officers shall notify the Los Angeles County Department of Children and Family Services upon the identification of a minor victim.

Note: Officers are reminded to activate their Body Worn Video camera as delineated in the Department Manual.

CONCLUSION

As first responders, patrol officers are in a unique position to observe and stop human trafficking should they come across it. By knowing the indicators, the questions to ask, and the actions to take, officers can help put a stop to this crime.

This Bulletin replaces Volume L, Issue 4, Human Trafficking, June 2021

Field Training Services Unit
Police Training and Education

DISTRIBUTION "A"

Attachment: Commercial Sexual Exploitation of Children First Responders' Protocol

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN FIRST RESPONDERS' PROTOCOL

1. Assess for signs of commercial sexual exploitation (i.e., spending time in areas associated with commercial sex work, provocative or sexualized clothing, sexually explicit images or texts posted on social media, tattoos or branding, romantic relationships with older adults, unexplained bruises or trauma.)
2. Conduct an initial investigation.
3. If there is an urgent medical need, transport the minor to the hospital and follow Department protocol for medical emergency and/or sexual assault medical examinations at a designated Sexual Assault Response Team medical center.
4. Take proper investigative steps for positive identification of minor victims, including the use of a Live Scan.
5. Call the Department Operations Center at (213) 484-6700 and request the on-call human trafficking investigator from the Area Vice Unit or Human Trafficking Task Force.

Note: The human trafficking investigator will notify Los Angeles County Department of Children and Family Services, Child Protection Hotline.

6. Determine the NCIC/CWS wanted status of the victim. Detain as needed.
7. Enter or remove the victim from NCIC, as needed.