

# SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

## TRAINING BULLETIN

*"Education promotes professional and responsive law enforcement"*

### Human Trafficking

#### Purpose

Human trafficking is the illegal trade of humans mainly for the purposes of commercial sexual exploitation or forced labor. Many national and local organizations, ranging from non-profits to law enforcement agencies, are cooperatively working toward prevention, suppression and prosecution of those involved in the human trafficking trade. This bulletin shall highlight pertinent applicable laws, define what human trafficking is and establish procedures/guidelines which will assist officers in identifying and responding to situations of suspected human trafficking of both minors and adults.

#### Introduction

Department of Justice (DOJ) statistics indicate an estimated 600,000-800,000 individuals are trafficked globally, every year. The DOJ estimates that there are upwards of 17,500 people trafficked in the United States annually with about 300,000 children currently "at risk" of being victims of the sex trade. The Human Trafficking Task Force estimates that there are possibly over 1,000 victims of human trafficking in Orange County alone. Reported incidents of human trafficking, including sex trafficking, have occurred in Santa Ana. This is a local problem that we routinely address. It is of vital importance that officers are trained in identifying and responding appropriately to these incidents in order to effectively combat human trafficking. As concerns have risen regarding human trafficking, the California State Legislature has enacted legislation to not only punish those who engage in criminal acts, but also mandate certain steps that law enforcement agencies **shall** follow to assist victims of these crimes.

#### I. False Imprisonment

Human trafficking is prohibited through Federal law but specifically through the State of California as False Imprisonment within CPC 236.

#### CPC 236 / False Imprisonment

##### *Defined*

1. False Imprisonment is the unlawful violation of the personal liberty of another.

## II. Human Trafficking Defined

### A. Federal Definition

1. Traffickers:
  - a. Recruit
  - b. Abduct
  - c. Transport
  - d. Harbor, *or*
  - e. Provide
2. Persons, by means of:
  - a. Force
  - b. Fraud, *or*
  - c. Coercion (psychological & physical)
3. For the purposes of:
  - a. Commercial Sexual Exploitation
  - b. Forced Labor or Services

### B. California Definition (CPC 236.1)

1. Traffickers:
  - a. Deprive, *or*
  - b. Violate
2. The personal liberty of another person with the intent to obtain forced labor or services, by means of:
  - a. Fraud
  - b. Deceit
  - c. Coercion (psychological & physical)
  - d. Violence
  - e. Duress
  - f. Menace, *or*
  - g. Threat of unlawful injury to the victim or another person under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.
3. Or with the intent to effect or maintain a violation of:
  - a. CPC 266 - Entice or procure female under 18 years into location for purposes of prostitution
  - b. CPC 266h - Pimping

- c. CPC 266i - Pandering
  - d. CPC 266j-Providing or transporting a child under 16 for purpose of lewd or lascivious act.
  - e. CPC 267 - Abduction of minor for purposes of prostitution
  - f. CPC 311.1-Bringing into state matter depicting child in sexual conduct
  - g. CPC 311.2-Bringing obscene matter into or distributing within State
  - h. CPC 311.3-Developing, duplicating, printing or exchanging obscene matter depicting sexual conduct of person under 18
  - i. CPC 311.4 - Employ minor to distribute/produce pornography, *or*
  - j. CPC 311.5-Advertising obscene matter
  - k. CPC 311.6-Engaging in obscene live conduct
  - l. CPC 518 - Extortion
4. Or who causes, induces or persuades or attempts to cause, induce or persuade, a person who is a minor (under 18) at the time of the commission of the offense to engage in a commercial sex act with the intent to effect or maintain a violation of:
- a. CPC 266—Entice or procure female under 18 years into location for purposes of prostitution
  - b. CPC 266h—Pimping
  - c. CPC 266i—Pandering
  - d. CPC 266j-Providing or transporting a child under 16 for purpose of lewd or lascivious act.
  - e. CPC 267—Abduction of minor for purposes of prostitution
  - f. CPC 311.1-Bringing into state matter depicting child in sexual conduct
  - g. CPC 311.2-Bringing obscene matter into or distributing within State
  - h. CPC 311.3-Developing, duplicating, printing or exchanging obscene matter depicting sexual conduct of person under 18
  - i. CPC 311.4—Employ minor to distribute/produce pornography
  - j. CPC 311.5-Advertising obscene matter
  - k. CPC 311.6-Engaging in obscene live conduct
  - l. CPC 518 - Extortion

### III. Penal Code 236.2

#### Identifying Human Trafficking Victims

Law enforcement agencies **shall** use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. When a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a minor who has engaged in a commercial sex act, a person suspected of violating subdivision (a) or (b) of Section 647, or

a victim of a crime of domestic violence or sexual assault, the peace officer **shall** consider whether the following indicators of human trafficking are present:

1. Signs of trauma, fatigue, injury, or other evidence of poor care.
2. The person is withdrawn, afraid to talk, or his or her communication is censored by another person
3. The person does not have freedom of movement.
4. The person lives and works in one place.
5. The person owes a debt to his or her employer.
6. Security measures are used to control who has contact with the person.
7. The person does not have control over his or her own government-issued identification or over his or her worker immigration documents.

#### IV. Penal Code 236.5

Alerting the Federal Government of a trafficked victim is mandated in CPC 236.5. If the victim is not a U.S. Citizen federal and state law mandate the following;

1. Within 15 business days of the first encounter with a victim of human trafficking, as defined by Section 236.1, law enforcement agencies **shall** provide brief letters that satisfy the following Law Enforcement Agency (LEA) endorsement regulations as found in paragraph (1) of subdivision (f) of Section 214.11 of Title 8 of the Code of Federal Regulations.
2. The LEA information **must** be submitted on Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, on Form I-914 ([Attachment #3](#)). The LEA endorsement must be filled out completely in accordance with the instructions contained on the form and must attach the results of any name or database inquiry performed. In order to provide persuasive evidence, the LEA endorsement must contain a description of the victimization upon which the application is based, including the dates the trafficking in persons and victimization occurred, and be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services, or for the purposes of a commercial sex act.
3. Where state law enforcement agencies find the grant of an LEA endorsement to be inappropriate for a victim of trafficking in persons, the agency shall within 15 days provide the victim with a letter explaining the grounds of the denial of the LEA. The victim may submit additional evidence to the law enforcement agency, which must reconsider the denial of the LEA within one week of the receipt of additional evidence.

#### V. Identifying Human Trafficking

- A. Human trafficking may be discovered during a variety of calls for service such as:
1. Aggravated Assaults/Battery

2. Domestic Violence
3. Kidnapping/False Imprisonment
4. Missing Person(s) Reports (Lost/Found Children or Adult)
5. Traffic stops
6. Casual contacts
7. Prostitution complaints/observations
8. Community member/citizen complaints
9. Labor disputes
10. Thefts/Robberies
11. Suspected narcotics activity
12. Tips on smuggling/safe houses
13. Youth/family telephone calls to a hotline
14. Rape

B. Officers should recognize the following indicators of human trafficking:

1. Victim living/working conditions
2. Restricted/controlled communication
3. Frequent movement by traffickers/Exploited and moved to multiple locations of the sex industry
4. Large number of occupants per living space
5. Lack of personal items
6. Lack of private space
7. Lack of financial records
8. Lack of personal transportation
9. Lack of independent knowledge of the surrounding community
10. Personal/physical indicators
  - a. Injuries from beatings
  - b. Signs of torture
  - c. Brands or scarring indicating ownership
  - d. Signs of malnourishment
11. Existing debt issues
12. Someone else in possession of legal/travel documents
13. One attorney representing multiple illegal aliens at different locations
14. Third party who insists on interpreting
15. Labor camps/sweat shops
  - a. Security devices to keep victims in
  - b. Barbed wire
  - c. Bars on windows
  - d. Guards and/or guard dogs

## 16. Brothels

- a. Large amount of condoms
- b. Customer logbook or receipt book
- c. Spare rooms
- d. Men come and go frequently

## VI. Department Response

It is imperative that officers understand that although victims of human trafficking may be engaged in criminal activity (i.e. prostitution), they should be treated as victims. Victims of human trafficking often engage in illegal activity while under duress or threat of violence on the part of the traffickers. The trafficked victims are often arrested for related crimes while the traffickers often go unnoticed. Traffickers realize that the risk of being prosecuted is minimal, and it is for this reason that sex trafficking is a growing crime trend.

When officers identify a victim of human trafficking in the field, a field supervisor should be notified. Field supervisors will coordinate, through the Watch Commander and the following measures should be taken:

### A. If the victim's trafficker (i.e. pimp, madam, smuggler) is arrested

1. A bail enhancement form should be completed, see [Attachment #1](#)
  - a. Special attention should be made to clearly articulate:

- i. Why the trafficker is a threat to the victim/community and or other victims, etc.
- ii. Why it is believed the trafficker will use money gained from illegal activities and subsequently requesting a review of the bail source per PC 1275.1

### B. Conduct a thorough investigation and obtain statements from the victim

1. Victim statements are effective in establishing the elements of the crime and identifying the trafficker(s). See [Attachment #2](#) for a list of suggested questions.
2. Interviews should be recorded if possible

### C. Identify a secure shelter and provide resources to the victim:

1. Community Service Programs, Inc. [www.cspinc.org](http://www.cspinc.org)  
On-call advocate:(714) 745-3370
2. Orange County Human Trafficking Task Force [www.ochumantrafficking.org](http://www.ochumantrafficking.org)  
(949) 250-0488 ext. 246
3. National Human Trafficking Resource Center  
(888) 373-7888

### D. If the victim is not a U.S. Citizen, an I-914 Supplemental B form **shall** be completed in accordance with PC 236.5, see [Attachment #3](#)

### E. If the victim is a child, additional measures must be taken. Refer to training bulletin [2000-05](#) for more information.

## Summary

California Penal Code 236.2 states that law enforcement agencies **shall** use due diligence to identify all victims of human trafficking. This can be challenging, as victims of human trafficking are often contacted as suspects currently engaged in criminal activity. This training bulletin provides information on identifying the indicators of human trafficking and how officers **shall** respond once the crime has been identified. An appropriate response, coupled with compliance to both Federal and State laws pertaining to human trafficking, will assist officers in conducting thorough investigations in order to effectively combat human trafficking while ensuring victims receive the assistance and protections needed.

**Acknowledgment:** This training bulletin was researched and prepared by Officer Joseph Hamlin #3025.