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Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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## MEMO

**To:** Mr. Patrick O'Donnell, Clerk of the Legislature; Senator John Wrightman, Chair, Executive Board of the Legislative Council - For submission to the Nebraska Legislature by December 1, 2012

**Date:** November 30, 2012

**From:** Michael E. Behm, Executive Director, Nebraska Crime Commission

**Re: Submission of recommendation to the Legislature on recommended training by December 1, 2012, per §81-1431 – Training Regarding Issues in Human Trafficking**

On behalf of the Task Force on Human Trafficking, I am submitting herewith two documents unanimously approved:

The first is a **Lesson Plan** on Human Trafficking for use in training law enforcement officers, prosecutors, public defenders, judges, juvenile detention center staff and others involved in the juvenile justice and criminal justice systems.

The Task Force identified 16 learning objectives with supporting information to properly cover the legislative requirements for such training.

The second is a supporting document, what we have called a **Practitioner Manual** that supports the lesson plan. This supplemental document is to be used in conjunction with the lesson plan.

**Legislative Bill 1145 (Now §81-1431)** indicates that it is the intent of the Legislature that law enforcement agencies, prosecutors, public defenders, judges, juvenile detention staff and others involved in the criminal justice system be required to receive mandatory training concerning Human Trafficking. The Training Curriculum Committee recommends that this training be provided to all new law enforcement officers and be required for all others as indicated above. The training should be required by rules and regulations in each of the above mentioned disciplines. Furthermore, the Training Curriculum Committee recommends that the curriculum as developed serve as an introductory guide for all the disciplines and each discipline should be encouraged to expand on that curriculum as needed relative to the needs and functions of the respective disciplines.

**81-1431. Training regarding issues in human trafficking; task force; duties.**

(1) It is the intent of the Legislature that law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff, and others involved in the juvenile justice system and the criminal justice system and other relevant officials be provided mandatory training regarding issues in human trafficking. The task force established in section 81-1430 shall work with such agencies, persons, and staff to develop a proper curriculum for the training and to determine how the training should be provided. The determination and accompanying legislative recommendations shall be made by December 1, 2012. Such training shall focus on:

(a) State and federal law regarding human trafficking;

(b) Methods used in identifying victims of human trafficking who are United States citizens and foreign nationals, including preliminary interview techniques and appropriate questioning methods;

(c) Methods for prosecuting human traffickers;

(d) Methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case;

(e) Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and the special needs of women and minor victims;

(f) The necessity of treating victims of human trafficking as crime victims rather than as criminals; and

(g) Methods for promoting the safety and well-being of all victims of human trafficking.

(2) The task force shall also seek the input and participation of appropriate nongovernmental organizations and other relevant organizations regarding the provision, preparation, and presentation of the training called for in this section.

**Source:**Laws 2012, LB1145, § 3.

**Effective Date: July 19, 2012**

## **Nebraska Lesson Plan on Human Trafficking.**

### **Learning Objectives:**

**By the time the students finish the course, they should be able to . . .**

1. Explain the definition of human trafficking and describe the laws associated with human trafficking
2. Describe the scope of the problem of human trafficking
3. Understand differences between smuggling and human trafficking
4. Describe the dynamics of human trafficking
5. Become familiar with the manifestations of human trafficking
6. List the indicators of human trafficking
7. Explain the responsibilities of the initial responding officer
8. Be familiar with identifying, assessing, and communicating with victims of human trafficking
9. Understand victim dynamics and effectively respond to victims from varying life circumstances
10. Be familiar with appropriate interviewing techniques
11. Describe the available community resources and referrals, including the availability of civil and immigration remedies
12. Know the information regarding victim notifications
13. Explain the different types of evidence associated with human trafficking and proper evidence collection techniques
14. Be familiar with all aspects of human trafficking case development
15. Explain when arrests are appropriate
16. Understand the importance of collaborating with federal law enforcement and other agencies to share resources

### **I. Scope of Human Trafficking (OBJECTIVES 1, 2, 3)**

#### **A. Federal definition of Human Trafficking**

1. Traffickers:
  - a. Recruit
  - b. Abduct
  - c. Transport
  - d. Harboring, *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

\*Cases involving persons under 18 yrs old who is commercially, sexually, exploited are not required to show force, fraud or coercion.

\*Anybody under 18 yrs old, who is involved in prostitution, is a victim of trafficking under federal law.

## B. Nebraska definition of Human Trafficking (NRS 28-830)

1. Actor

a. a person who solicits,

b. procures,

c. or supervises the services or labor of another person;

2. Commercial sexual activity

a. any sex act on account of which anything of value is given, promised to, or received by any person

3. Financial harm means theft by extortion

4. Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:

a. Inflicting or threatening to inflict serious personal injury

b. Physically restraining or threatening to physically restrain another person

c. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of another person

d. Causing or threatening to cause financial harm to another person

5. Labor means work of economic or financial value

6. Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement by the victim to perform such type of service

7. Minor means a person younger than eighteen years of age;

8. Obtain means, in relation to labor or services, to secure performance thereof

9. Services means

a. an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor.

b. Commercial sexual activity and sexually-explicit performances are forms of services

10. Sexually-explicit performance means

a. a live or public play, dance, show,

b. other exhibition intended to arouse or gratify sexual desire or to appeal to prurient interests

\*\*Traffickers:

a. Deprive, *or*

b. Violate

The personal liberty of another person, by means of:

- a. Fraud
- b. deceit
- c. Coercion (psychological & physical)
- d. violence
- e. duress
- f. menace, *or*
- g. threat of unlawful injury

C. Types of trafficking

1. International—accomplished using foreign nationals.
2. Domestic—occurring with the United States.
3. Adult (18 years or older), minor (between 14 & 17 years old), child (under 14 years old)
4. Labor exploitation—e.g., peonage, slavery, domestic servitude, agricultural, etc.
5. Sexual exploitation—prostitution, sex slave, pornography, sexual tourism
6. Servile Marriage

D. Who are the traffickers?

1. Neighbors
2. Friends and family members
3. Organized criminal groups
4. Smugglers
5. Pimps/Madams: includes enforcers, bottoms, catchers, etc.
6. Adult entertainment industry providers
7. Massage parlor operators
8. Labor subcontractors
9. Employment Agencies
10. “Johns”
11. Owners of small businesses
12. Gangs
13. Subcontractors
14. Pedophiles

E. Scope of Global Problem

\*The following statistics are general estimations—the exact scope of trafficking remains unknown

1. Approximately 600,000- 800,000 individuals are trafficked worldwide
2. After drug dealing, human trafficking is tied with illegal arms industry.
3. It is estimated that millions of people are held in slavery worldwide.

## F. Scope of United States problem

\*The following statistics are general estimations—the exact scope of trafficking remains unknown

1. U.S. Department of Justice estimates 14,500-17,500 people trafficked in the U.S. annually.
2. 300,000-400,000 Children are at risk victims of the sex trade.
3. 1600 + Certified victims through 2010

## G. Why Does Human Trafficking Exist?

1. Estimated billions in profits annually
2. Trafficking profitable because people are resalable and reusable
3. Becoming a preferred business for criminal enterprises worldwide
4. Increased international trade and economic competition have created a demand for cheap labor and goods.
5. Demand for purchasing sexual acts and pornography
6. Criminal penalties in many countries are less severe for human trafficking than for arms or drug trafficking
7. Unlike drugs and arms traffickers, human traffickers can continue to exploit their victims after the initial point of sale.

## H. Smuggling vs. Trafficking

### 1. Smuggling

- a. Relationship ends at the point of destination
- b. Transaction is made for the smuggling service
- c. Person is free to leave upon payment of fee
- d. It is a crime against a national border
- e. It requires movement across an international border
- f. Consent to be smuggled isn't consent to be trafficked

### 2. Trafficking

- a. Relationship does NOT end at destination.
- b. It involves compelled labor or services through the use of force, fraud or coercion (physical & psychological).
- c. No transaction is made-debts are incurred
- d. The person is not free to leave.
- e. It is a crime against persons.
- f. It does not require movement across a state or international border.

## I. Terms associated with Human Trafficking

1. Peonage- is the holding of a person in servitude for the discharge of debt
2. Involuntary Servitude- any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint.

3. "Sex Tourism": commercially organized, across international borders, for persons seeking to engage in sex with citizens of other countries, including children.
4. Debt Bondage – Holding someone for involuntary servitude for a discharge of a debt.
5. Slavery
6. Servile Marriage - forced marriage

J. How Perpetrators Operate

1. Small scale
2. Organization of family and friends.
3. Victims used to recruit other victims
4. Criminal street gangs
5. Organized crime syndicates

K. Legal businesses

1. Buy workers from smugglers
2. Entice those desperate for work
3. Hire through subcontractors.
4. Employment agencies

L. International networks/international criminal networks - several examples:

1. Russian Mafia
2. Chinese Triads
3. Japanese Yakuza
4. Mexican Mafia
5. Drug Trafficking Organizations
6. Outlaw motorcycle gangs (Hell's Angels, etc.)

**II. Child and Minor Human Trafficking (OBJECTIVES 4,5,6,7,8,9,10)**

\*General rule: Child: Under 14 yrs old and under. Minor: Under 18 yrs old and under.

\*This can be jurisdiction specific

\*Minor and Child Trafficking includes sexual and labor exploitation

A. Commercial Sexual Exploitation of Children (CSEC) includes:

1. Prostitution
2. Pornography
3. Sexual Tourism
4. Sex Trafficking
5. Internet

B. Labor Exploitation of Children Includes:

1. Child Labor/abuse
2. Forced labor
3. Illegal Transporters of Drugs

### C. Nature and Scope of the Problem

\*The following statistics are general estimations—the exact scope of trafficking remains unknown

1. Annually there estimated to be one million teens involved in prostitution
2. According to one US Department of Health and Human Services report, more than 100,000 children may live on the streets in the United States. Many are only 11 or 12 years old, and some are as young as 9.
3. The average age at which they enter prostitution is reported as 14.8 and the median age of involved youth is 15.5 years. These children come from inner cities, suburbs, and small towns, and there appears to be an increase in recruitment of middleclass youth from schools and shopping malls in the suburbs.
4. Prostitution of children is closely tied to life on the streets. Many youth run away from abusive and or neglected situations at home

### D. Precipitating Factors:

1. Running Away from Home
2. Child Abuse and Neglect
3. Sexual Abuse/Incest
4. Psychological and Emotional Trauma
5. Drug and Alcohol in the home
6. Truancy
7. Seeking Economic Independence
8. Media influence
9. Peer Influence
10. “Throwaway” Child
11. Physical/learning disabled
12. Homelessness
13. Transitional Youth/Emancipated Youth (aged out of foster care system)

### E. Continuum of Sexual Abuse

1. Child Abuse
  - a. linking of “love,” sex, and abuse
  - b. violation of boundaries
  - c. guilt and shame
  - d. view self as sexual object
  - e. low self esteem
2. Sexually Exploitation
  - a. runaway/throwaway/homeless
  - b. poverty & need
  - c. unequal power dynamics of adult/child relationship
  - d. media influences
3. Commercial Sexual Exploitation



- a. Demand: billion dollar sex industry
- b. Approached by recruiters, pimps, human traffickers
- c. Pedophiles, rapists

F. Methods of Recruitment:

- 1. Direct Recruitment
- 2. Peer Recruitment
- 3. Modeling Agencies
- 4. Romancing
- 5. Seduction
- 6. Gang Related Recruitment
- 7. Juvenile Facilities (insiders)/Group Homes
- 8. Befriending
- 9. Internet Recruitment
- 10. Advertisements
- 11. Violence, kidnapping and rape
- 12. Promise of employment/financial stability
- 13. Newspaper ads
- 14. Fake employment agencies
- 15. Front businesses
- 16. Word of mouth
- 17. Abduction
- 18. Acquaintances
- 19. Family

G. Domestic minor sex\labor trafficking elements of power and control (DMST Wheel)

- 1. Using coercion and threats
- 2. Emotional violence
- 3. Isolation
- 4. Physical violence
- 5. Economic dependence
- 6. Purposeful manipulation
- 7. Sexual violence

H. Terms Associated with pimp/prostitution aspect of commercial sexual exploitation

- 1. The Game or The Life – the subculture of pimping and prostitution
- 2. Breaking/Broke/Turning Out - indoctrination
- 3. Blade/Track/Stroll – area where prostitution occurs
- 4. Out of Pocket – talking to other pimps
- 5. Trick/John/Hobbyist - customer
- 6. Daddy/Boyfriend – pimp
- 7. Family/Stable – group of girls and pimp
- 8. Outlaw/Renegade – girl without pimp

9. Half & Half – Blow Job and sex
10. Wifey – FTO for prostitutes
11. Lot Lizard – works with truckers
12. Carpet Ho – works at hotels
13. Chulo/Taco Stand – Mexican pimp
14. Doughboy – part time pimp, part time drug dealer
15. Hocializing – prostitutes socializing
16. TennyShoePimp – young, inexperienced pimp
17. Guerilla Pimp – uses violence to gain cooperation
18. Finesse Pimp – uses charm and personality to gain cooperation.
19. Dragons –cross dressers
20. Bottom Bitch – main prostitute

## I. Victim Issues

1. Law Enforcement Challenges
  - a. Initial story from victims of human trafficking may not be the truth. LE may receive a trained or canned response from the victim or no response at all or seem uncooperative.
  - b. LE should be cognizant of the fact the victim may have endured physical and/or psychological imprisonment and/or threats.
  - c. Minors may lie about their age because they have been “coached” or protecting someone; because it is easier for minors to get released from adult facilities.
  - d. Victims are not always "likeable"
2. Distrust of law enforcement
  - a. Fear of prior criminal activities that victim was forced to engage in
  - b. Fear of deportation and/or jail
  - c. Unaware of their rights and may not consider themselves victims.
  - d. Believe that life may be better now than it was previously despite the trafficking experience
  - e. They are afraid and intimidated by the traffickers.
  - f. They fear the unknown and unfamiliar and confused, overwhelmed
  - g. They are not in possession of their immigration/identification documents whether falsified or legal
  - h. They fear the threats made against their families.
  - i. They fear being ostracized by their families and/or community.
  - j. They are financially indebted to the traffickers and feel extreme sense of obligation to repay debt (debt bondage)
  - k. They are physically and psychologically isolated and dependent on their trafficker for basic needs

### **\*Discussion Point**

- a. Changing the officer's mindset: Recognizing the differences between a potential Victim and a criminal. Challenge is for officer to balance the requirements of the criminal investigation, in officer safety, with the needs of the victim for support services.
  - b. Recognize difficulty victims have with identifying time, date, number of tricks.
3. Cultural and language considerations
- a. Assure translators used are impartial third parties. Do not use on site translators because they may be tied to the traffickers
  - b. Cultural awareness and competency of the translator/officer
  - c. Religious/cultural values of the victim
  - d. Each country can have unique cultural components even if they share the same language/religion.
  - e. Women may not talk to male investigators
  - f. Some countries find it unacceptable to look someone in the eye.
  - g. Fear of law enforcement
4. Conditions in their country
- a. Economic Conditions/Poverty
  - b. Political conditions/unrest
  - c. Lack of value and treatment of women and children
  - d. Misogyny-hatred of women
5. Victim Vulnerabilities
- a. PTSD
  - b. Dissociative disorders
  - c. Accommodation
  - d. Depression/ major depression
  - e. Suicidal tendencies
  - f. Physical and developmental disabilities

### **J. Possible Victim Responses to LE**

1. Human trafficking is a traumatic experience. Victims of human trafficking may respond to law enforcement in varying ways. The spectrum of victim behaviors may include:
- a. Evasiveness
  - b. Fear
  - c. May attempt flight
  - d. Silence
  - e. Refusal to cooperate
  - f. Embracing their traffickers and/or the traffickers' legal representatives
  - g. Cooperative
  - h. Ambivalent
  - i. Relieved

- j. Unemotional, no affect
- 2. Sympathetic toward the suspects, i.e. traumatic bonding
- 3. They may have a false sense of loyalty or commitment to the trafficker due to “brainwashing.”

K. Understanding victim dynamics and responding effectively.

- 1. Victims often need to feel safe before they will speak with officers/investigators.
- 2. Establish a non-judgmental approach toward victim
- 3. Show understanding, patience, and respect for the victim’s dignity and attempt to establish trust and rapport.
- 4. A supported victim may result in a more effective witness.
- 5. Express sympathy to the victim and an interest in the victim’s wellbeing.
- 6. Be familiar with the concept of “a victim-centered” approach. The victim is at the center, and often times the cornerstone of the investigation.
- 7. When applicable, explain confidentiality rights.
- 8. An effective way to make a victim feel supported is to involve an NGO/government service provider at the earliest stages of your investigation
- 9. Don’t make promises you can’t keep
- 10. Follow-up on medical/forensic results
- 11. Follow-up on appropriate requests/needs
  - a. i.e. possible protections available to victims and their families in response to perceived or real threats

L. Indicators of victim psychological issues

- 1. Behavioral Indicators of trafficking victims
  - a. Who are they afraid of?
  - b. Why are they afraid of them?
  - c. How do they feel about the police?
- 2. Environmental Indicators
  - a. Living and working in the same place
  - b. Where do the perpetrators live
  - c. Living conditions between both
- 3. Psychological coercion
  - a. Stockholm Syndrome
  - b. Distrust of outsiders
  - c. Fears of deportation
  - d. Separation of family
  - e. Victim background/social/ethnic
  - f. Lack of knowledge re: victim rights
  - g. Non-identification as a victim
  - h. Fear of personal and family safety
  - i. Lack of empowerment to heal
  - j. Looking for love/family/belonging

M. Familiarity with available community resources and referrals, including civil and immigration remedies (Utilize local resources to include DV, sexual assault, child abuse resources). Portray HT as DV was several years ago.

1. Trafficking victims often initially may not cooperate. To gain the trust and cooperation of victims, involve government victim assistance organizations (GVAO), such as county victim assistance centers and non-governmental organization (NGO) at the earliest stage of investigation. These agencies work collaboratively to provide support and ensure the short and long term needs of the victims.
2. Social service agencies (often referred to as "NGOs" or nongovernmental agencies) and government victim assistance organizations (GVAO) are resources for law enforcement. They provide emergency, short and long term services to stabilize and support victims so they can participate in the investigation, as well as their rights as a victim.
3. These agencies can provide interpreter assistance, emergency/short and long term housing, access to medical/dental services, counseling and coordination with other services such as Public Health, the local Sexual Assault Response Team (SART), Child Advocacy Centers and Family Justice Centers.
4. One call to victim services and/or NGO can access all of the services a victim will need both short and long term.
5. These agencies inform victims of their legal rights, federal/state criminal and civil remedies, possible federal/state restitution and potential immigration relief.
6. These agencies have access to emergency funds and compensation programs.
7. These services are particularly important in cases involving large numbers of victims or victims with special needs, such as children, elderly, or disabled individuals.
8. Child Protective Services and the Office of Refugee Services (United States Department of Health and Human Services) may become involved and take custody and care of foreign victims under 18.
9. Adult Protective Services should be contacted for elder and disabled trafficking victims.
10. Contacting a task force for victim services or technical assistance will help prevent further victimization, and gives law enforcement immediate help in safely placing a victim. Even if a task force is not in the area, access can be made to victim services through other task forces.

N. Rapport Building with victim

1. Body Language
  - a. Open Posture
  - b. Gestures
  - c. Eye Contact
  - d. Proxemics
2. Techniques
  - a. Introduction/clear communications

- b. Express Concern
  - c. Show Interest
  - d. Address needs, concerns and fears
  - e. No physical contact
  - f. Examine/document injury
  - g. Accept statements as truth
3. Empathetic Listening
- a. Non-Judgmental
  - b. Courtesy/respect
  - c. Listen without filtering
  - d. Listen without thinking about a response
  - e. Look for emotions
  - f. Maintain openness

### **III. Collaborations with Victim Resource Providers (OBJECTIVES 11, 12)**

#### **A. Roles in combating Human Trafficking**

- 1. Trafficking victims are going to need a variety of support
- 2. This will include different agencies with different resources to assist
- 3. Work with victim service provider from point of first contact (if possible) to ensure stabilization and successful prosecution.

#### **B. State and Local Strengths**

- 1. Most often the first responders
- 2. Familiarity with area and community
- 3. On-going relationship
- 4. Knowledge of non-profit organizations
- 5. Access to local intelligence
- 6. Ability to mount undercover operations quickly
- 7. Logistics

#### **C. Victim Resource Providers**

- 1. Victim Assistance (governmental or private)
  - a. Support victim at every stage of the criminal justice system
  - b. Facilitate communication between LE and the victim
  - c. Connect with immigration, legal and other services
- 2. Child Protective Services
  - a. Shelter
  - b. Forensic interviews
- 3. Rape Crisis Center
  - a. Forensic medical exams
  - b. Crisis counseling
- 4. Domestic Violence Assistance
  - a. Shelter

- b. Counseling services for adults and children
  - c. Long-term and transitional care
- 5. Child Advocacy and Family Justice
- 6. Crime-related medical bills
- 7. Mental health counseling for crime-related issue
- 8. FBI
- 9. ICE
- 10. US Attorney's Office
- 11. Other Government Funded Trafficking Victim Services
- 12. OVC-funded: The Salvation Army, etc.
- 13. Non-Governmental Organizations (NGO) and Community Based Organizations (CBO)
  - a. Faith-based
  - b. Ethnic / Language focused
  - c. Professional women
  - d. University students
  - e. Activist groups
  - f. Refugee assistance.

D. What NGOs can do to supplement government services

- 1. Food
- 2. Shelter
- 3. Clothing
- 4. Medical care
- 5. Mental health counseling
- 6. Transportation
- 7. Language translation
- 8. Life skills mentorship
- 9. Educational tutoring
- 10. Employment assistance
- 11. Culturally relevant community
- 12. Labor laws / human rights education
  - b. Legal Services
    - 1. Non-criminal matters
      - a. Family law
      - b. Labor law
      - c. Immigration relief
        - 1. Keep victim in the US to testify - T Visa
        - 2. Protect victim from risk of being re-victimized if deported
        - 3. Legal status so victim is employable while waiting for criminal case to be adjudicated
        - 4. Dependent on victim's reasonable cooperation with investigation/prosecution

d. Civil remedies

1. Sue traffickers for back-wages
2. Pain and suffering

E. National Human Trafficking Resource Center

1. Run by the Polaris Project out of Washington, DC

**Hotline Number: 888 - 3737 – 888**

2. Funded by the US Department of Health and Human Services

- a. 24 hours a day / 7 days a week
- b. Live operator, trained to screen HT cases
- c. Can accommodate many languages
- d. Open to law enforcement, first responder professionals, community members, and victims
- e. Callers can remain anonymous
- f. Will connect callers to local HT law enforcement or victim resources

F. Collaborating with Victim Services Providers

1. Distinguished Roles

- a. Human Trafficking Case Worker Privilege
- b. Attorney Privilege

2. Building Trust

- a. Takes time
- b. Meet regularly
- c. Join or learn from a Human Trafficking Task Force in your area
- d. Plan ahead for future cases
  1. What are your agency's policies and procedures for handling human trafficking crimes?
  2. Where are your mostly likely areas for possible trafficking?
  3. What agencies will you call when you have a possible victim?

3. Sharing Information

- a. Anticipating victim needs before a special operation (brothel raid, etc.) such as shelter, language interpretation, etc.
- b. Referring cases with enough information so assistance can be rendered
- c. Empowering victims to self-report and/or gain confidence to trust law enforcement

**IV. Identification of Child Trafficking Victims & Legal Issues (OBJECTIVES 13, 14)**

A. Federal Laws

**1. Primary U.S Code Provision**

- a. 18 U.S.C. § 241 Conspiracy against rights
- b. 18 U.S.C. § 371 Conspiracy to commit federal offenses
- c. 18 U.S.C. § 1581 Peonage



- d. 18 U.S.C. § 1584 Involuntary Servitude
- e. 18 U.S.C. § 1589 Forced Labor
- f. 18 U.S.C. § 1590 Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
- g. 18 U.S.C. § 1591 Sex trafficking of a minor by fraud, force, or coercion
- h. 18 U.S.C. § 1592 Holding a confiscation of passport or immigration documents
- i. 18 U.S.C. § 1593 Mandatory restitution
- j. 18 U.S.C. § 1594(a) Attempt to commit peonage, slavery, involuntary servitude, trafficking, or sex trafficking
- k. 18 U.S.C. § 1594(b) Asset forfeiture
- l. 18 U.S.C. § 2421-2424 Mann Act. (Transportation for illegal sexual activity and related crimes)
- m. 8 U.S.C. § 1324 Bringing in and harboring certain aliens
- n. 8 U.S.C. § 1328 Importation of an alien for immoral purposes

## **2. Other U.S Code Provision**

- a. 18 U.S.C. § 1546 Arranging a false visa for the victim
- b. 18 U.S.C. § 1622 Witness tampering
- c. 18 U.S.C. § 875 Interstate transmission of threats
- d. 18 U.S.C. § 2001 False statements in any matter within the jurisdiction of the executive, legislative, or judicial branch, of the U.S. government
- e. 18 U.S.C § 982 Asset forfeiture
- f. 18 U.S.C. § 2 Aiding and abetting a federal offense (e.g., employment of unauthorized aliens)
- g. 31 U.S.C. § 5332 Bulk cash smuggling
- h. 18 U.S.C § 1956 Money laundering

### **B. Trafficking Victims Protection Act (TVPA) of 2000 was created for:**

1. Grants to state coalitions
2. Programs to increase public awareness
3. Provides victim benefits /assistance
4. Increases penalties, 20-30 years for slavery; Life in prison with death, kidnapping, or sexual abuse to victim

### **C. What Does the TVPA of 2000 Provide for Victims?**

1. Access to Health & Human Service benefits
2. Possible Immigration relief
3. Legal assistance
4. Victim-Witness protection

### **D. Protection Act renewals of 2003 & 2005 & 2008**

1. Illegal to solicit sex with a minor abroad
2. Illegal to engage in illicit sex abroad

3. Illegal to travel with the intent
4. Coercion can be mental or physical
5. Entitlement to seek civil remedies
6. Seeks to curb demand
7. Increased victim services options
8. Created greater penalties for some violations

E. Nebraska State Statutes covering human trafficking, many of which also address juvenile and minor trafficking

1. NRS 28-830– Human Trafficking
2. NRS 28-802– Pandering
3. NRS 28-314 – False imprisonment
4. NRS 28-311.01 – Terrorist Threats
5. NRS 28-313 – Kidnapping
6. NRS 28-805 – Debauching a minor
7. NRS 28-319.7 / 320.1 – Sexual Assault of a child / Unlawful sexual intercourse
8. NRS 28-319 – Sexual Assault
9. NRS 28-308-310 – Assault
10. NRS 28-507 – Burglary (Intent to entering residential dwelling (baby mama house, motel room not defendant, crash pads) with intent to commit felony therein. Not traditional larceny, but sex crime with victim (breaking in process).

F. Examples of areas where victims of trafficking are found:

1. Prostitution
2. Exotic Dancing
3. Servile Marriages
4. Agricultural Work
5. Landscape Work
6. Domestic Servitude
7. Factory Work
8. Personal Sexual Exploitation
9. Begging/Street Peddling
10. Restaurant Work
11. Construction Work
12. Carnival Work
13. Hotel Housekeeping
14. Criminal Activities
15. Day Labor
16. Flower, candy, and magazine sales
17. Students on visas
18. Pornography,
19. Bogus modeling/talent agencies
20. Pedicab drivers

## G. Types of Calls

Human trafficking may be discovered during a variety of calls for service such as:

1. Any type of call
2. Aggravated Assaults/Battery
3. Domestic Violence
4. Kidnapping/False Imprisonment
5. Lost/found reports/missing children (child or adult)
6. Traffic stops
7. Casual contact
8. Prostitution complaint/observation
9. Community member/citizen complaint
10. Labor dispute
11. Thefts/robbery
12. Suspected narcotic activity that turns out to be human trafficking
13. Tips of smuggling houses
14. Youth/family telephone calls to a hotline
15. Rapes

## H. Interview Techniques (suggest student role play)

1. Be respectful, interview not an interrogation
2. Traditional styles of interviewing
3. Meet basic needs (food, shelter, water, medical)
4. Develop rapport; don't rush the interview (can take hours or days for the true story to come out)
5. Don't be judgmental (child not to blame)
6. Treat as victim, NOT suspect
7. Sit down with the victim
8. Move to safe location, if possible
9. Providing a comfortable, youth friendly environment
10. Audio or video of interview
11. Don't make promises you can't keep

## I. Initial Intelligence Gathering

1. Photo lineup identifications
2. Get address locations for other girls, pimps, etc.
3. Location of places where they have been (hotels, internet sites)
4. Background checks
5. Telephone numbers for associates
6. Consider information for future search warrants
7. Pretext phone calls
8. Document/Collect Prostitution paraphernalia (clothing, cell phones, lube, condoms)
9. Have medical release signed when appropriate

## 10. Medical/Forensic Exams (SART)

### K. General Investigations

#### 1. Conducting Investigations

##### a. Responsibilities First Responder

1. Safety Issues (officer, victim, public safety)
2. Assessment of situation, finding the most appropriate action. Victims may look older than they are, may come across as adults but are actually children. Appearances do not reflect emotional maturity.
3. Suspects may be victims/Separate victims and suspects (if possible)
4. Document physical evidence
5. Secure Location. Take away cell phone or any form of communication to preserve evidence (laptops, computers). Cellebrite device (data extractor).
6. Notify Special Unit, task forces, or other law enforcement resources.

#### 2. Understand the victim centered approach

##### a. How it differs from evidence based investigation

#### 3. Recognize human trafficking indicators

- a. Victim living working conditions
- b. Restricted/controlled communication
- c. Frequent movement by traffickers. Exploited and moved to multiple locations of the sex industry.
- d. Large number of occupants per living space
- e. Lack of personal items
- f. Lack of private space
- g. Lack of financial records
- h. Lack of personal transportation
- i. Lack of independent knowledge of the surrounding community
- j. Personal/physical indicators
  1. Injuries from beatings
  2. Signs of torture
  3. Brands or scarring indicating ownership
  4. Signs of malnourishment
- l. Existing debt issues
- m. Someone else in possession of legal/travel documents
- n. One attorney representing multiple illegal aliens at different locations
- o. Third party who insist on interpreting
- p. Labor camps sweat shops
  1. Security devices to keep victims in
  2. Barbed wire
  3. Bars on windows
  4. Guards and or guard dogs
- q. Brothels

1. Large amount of case/condoms
2. Customer logbook or receipt book
3. Sparse rooms
4. Men come and go frequently
4. Identifying human trafficking victim and offenders
  - a. Links back to victims' country of origin
  - b. Phone logs or numbers
  - c. Maps
  - d. Wire transfers
    1. Debt records
    2. Personal address books
    3. Travel stubs
    4. Luggage tags
  - e. One person in possession of/or controlling everyone ID
  - f. Identifying trafficking offenders
    1. Lack of employee records
    2. Lack of social security deductions
    3. Incomplete payroll records,
    4. Record of wages
    5. Hours of operation
    6. Written policies or lack of them
    7. Employee's children and school
5. Investigative Techniques
  - a. Surveillance
  - b. Undercover officers/agents
  - c. Trash covers(dumpster diving)
    1. Travel documents
    2. Telephone bills
    3. Bank and credit information
  - d. Subpoenas for telephone toll records
  - e. Wiretaps
  - f. Search warrants
    1. Seize all paperwork found during search
    2. Smoking gun evidence

#### L. On-Line Investigations

1. Social Web Sites such as (they are both dynamic and jurisdictional):
  - a. Facebook.com
  - b. Livejournal.com
  - c. Bookofmatches.com
  - d. MySpace.com
  - e. Twitter
  - f. Adultfriendfinder.com

2. Understanding Sexual Exploitative Sites
  - a. WorldSexguide.com
    1. Top 100 sites for prostitution
    2. Discussion Forums
  - b. Craigslist.com
    1. Erotic Listing
    2. Personals
3. Advertisements to lure victims
  - a. Online profiles
  - b. Internet café
  - c. Fake Modeling web sites
  - d. Nanny jobs
  - e. Job placement
4. Internet Services like:
  - a. AOL.com
  - b. EarthLink
  - c. Google
  - d. MSN
    1. Chat Rooms
    2. Personal Ads
5. Investigative Considerations
  - a. IP Tracing
  - b. Search Warrants
  - c. Seizure of Digital Evidence
  - d. Outcall or reverse sting

#### M. Investigation Support

1. FBI Support (Innocence Lost task force) Domestic/International
  - a. Surveillance teams
  - b. Computer evidence recovery teams
  - c. Money laundering/assets forfeiture RICO charges
  - d. Grand Jury
  - e. Document Analysis
  - f. Translation Analysis
  - g. Overseas Investigation
  - h. Victim safety and assistance including family members
  - i. Continued presence application
  - j. Victim and Witness assistance
2. ICE Support (Domestic/International/Federal)
  - a. Surveillance teams
  - b. Continued Presence
  - c. Overseas Investigations
  - d. Immigration status review

- e. Border interdiction
- f. Victim and Witness assistance
- g. Temporary immigration issues
- h. ICE Investigations vs. Detention release
- i. Refer to as Department of Homeland Security (DHS) less intimidating
- 3. Other support
  - a. U.S Department of Labor/ NE Department of Labor
    - 1. Wages and hour issues
    - 2. Other labor law investigations
  - b. U.S. State Department
    - 1. Assists with diplomatic Security
- 4. Prosecution
  - a. Local State Level Prosecution
    - 1. Assistance with Victim interviews
    - 2. Advice on investigations
  - b. U.S. Attorney's Office
    - 1. Victim interviews
    - 2. Trial preparation
    - 3. Federal prosecution
- 5. Victim Resource Providers
  - a. Non-governmental Organizations
    - 1. Food and shelter
    - 2. Medical assistance
    - 3. Life Skills
    - 4. Social and emotional health
    - 5. Employment
    - 6. Education
    - 7. Language
    - 8. Legal and Immigration issues
    - 9. Human Rights/labor rights
- 6. Collaborate with other agencies.
  - a. Plan now for the first case
    - 1. What are your agencies policies and procedures for handling Human Trafficking crimes
    - 2. Where are your most likely areas for possible trafficking?
    - 3. Meet with local organizations now & join Human trafficking task force in your area or meet with them.

## **V. LE Responsibilities (OBJECTIVES 13, 14, 15)**

### **A. Evidence Collection & Victim Statement Corroboration**

\*The responding officer should document the crime scene, including photographing, sketching, and diagramming the scene prior to it being disturbed or processed.

1. Physical Evidence
  - a. Document the demeanor of the victim.
  - b. Burns, scars
  - c. Tattoos
  - d. Injuries
  - e. Condoms
  - f. Lubricants
  - g. Sex industry devices
  - h. Drugs (even if not illegal, but used to sedate)
  - i. Motel keys
  - j. Physical aspects of crime scene/arrest (barbed wire, etc.)
2. Documentary Evidence
  - a. Contractual
  - b. Property ownership/lease agreement
  - c. Business/Financial
  - d. Directories, client lists, ledger
  - e. Utility bills/phone records
  - f. Tax returns
  - g. Bank records
  - h. Receipts
  - i. Business licenses
  - j. Employment records
  - k. Vehicle registration
  - l. Vehicle violations/tickets
  - m. Temporary Restraining Order (TRO applications)
  - n. Marriage/divorce records
  - o. Arrest/crime record
3. Identification Documents (real and forged)
  - a. Passports
  - b. Visas
  - c. Other immigration docs (green cards, work permits)
  - d. Birth certificates
  - e. Identification cards
  - f. Licenses
  - g. Evidence of forgery
  - h. Stolen ID
4. Personal
  - a. Mail order advertisements
  - b. Letters, journals written by victim
5. Travel
  - a. Bus, airline, train tickets
  - b. GPS tracking
  - c. Border crossing records



6. Photographic/electronic/print media
  - a. CD-ROMs
  - b. Websites, Internet accounts, email
  - c. Web bulletin boards, chat rooms, personal ads, matchmaking services
  - d. Security system videos
  - e. Cell phone/PDA messages, memory (inc. pix)
  - f. Flash drives, including those on key chains
7. Statements
  - a. Victims
  - b. Witnesses
  - c. Suspects
  - d. Officers
  - e. Informants
  - f. 911 calls, recordings
  - g. Jail calls, recordings
  - h. Pretext phone calls
8. Initial Victim Assessment
  - a. If someone insists on being the spokesperson for the victim, be very leery and separate that person from the others. It may be necessary to remove the victim(s) from the scene.
  - b. Allow the victim to describe the experience in his or her own words without interrupting. Use open-ended questions to clarify the details.
    1. "I am here to help you."
    2. "Tell me about your current situation."
    3. "Is someone holding your documents?"
    4. "Did someone threaten to report you to the authorities?"
    5. "Is this the job you were promised or expected?"
    6. "Can you come and go as you please?"
    7. "Has anyone hurt or threatened to hurt you or your family?"
    8. "Who is your employer?"
    9. "Does your employer provide housing, food, clothes, or uniforms?"
    10. "Did you enter into an employment contract? What does it say?"
    11. "Do you owe money to your employer?"
    12. "Did your employer/boss tell you what to say to police?"
    13. "Were you forced to have sex as part of the job?"
    14. "Can you freely leave your employment situation and work somewhere else?"
    15. "Does your employer hold your wages?"
    16. "Are there guards at work or video cameras to monitor and make sure no one leaves?"
    17. "What would happen if you left the job?"
    18. "Have you been physically harmed deprived of food, water, sleep, medical care, or other life necessities?"

19. "Were you kidnapped or sold?"
20. "Are you allowed to buy clothes and food on your own?"
21. "Can you freely contact (phone, write) friends and family?"
22. "Are you isolated from the community?"
23. "Are minors allowed to attend school?"

c. Recording statements can be an excellent investigative tool. Refer to department policy on recording.

9. Advantages of recording statements include:

- a. Provides more detail than handwritten notes.
- b. Enables investigators to be more attentive during the interview, assists investigators in synopsising details.
- c. Protects the interviewer should a complaint or misunderstanding arise.
- d. Conveys the victim's immediate response to prosecutors and jurors.
- e. Provides training material for use in improving the quality of interviews.
- f. Disadvantages of recording statements include:
  - g. May be intimidating to the victim and cause reluctance to disclose.
  - h. If recording, ensure the equipment is functioning properly.
  - i. An in-depth follow-up interview should be conducted after the victim has been medically examined, treated, and personal needs have been met. The interview may take place at a later time or date.

## B. Effective Interviewing

1. Interviewing victims of trafficking

- a. Type of employment
- b. Pay
- c. Ability to move freely
- d. Coercion
- e. Living conditions
- f. Dominion and control/keys to the business and or residence
- g. Individuals document (I.E. personal identification)

2. Trafficking Victimology

- a. Reassurance of safety
  1. No one will hurt them or their family
  2. Personal safety assurance
  3. Non criminal status
  4. Trust in law enforcement/ government
  5. Victim rights
  6. Victim assistance groups (NGO's)

3. Interview of Suspects

- a. Questioning the suspect
  1. Victim living conditions
  2. Victim working conditions
  3. Restrictions of movement

- 4. Frequently changing locations
- 5. Possession of illegal document and identification of victims
- 6. Legal status of the victims
- 7. Behavioral indicators of dependency/possessiveness
- 4. Techniques of the traffickers
  - a. Methods of slavery
    - 1. Debt Bondage –financial obligation
    - 2. Isolation from the public-limited contact with outsiders
    - 3. Isolation from family members
    - 4. Confiscation of passports/visa personal documents
    - 5. Use of threat of violence against victims and or families
    - 6. Deportation or immigration of victims
    - 7. Control of the victims money
- 5. Cultural differences/Languages
  - a. Use of interpreters
    - 1. Careful who you use
    - 2. Bystanders may not be just bystanders
- 6. Cultural differences
  - a. What are the cultures in the U.S.?
    - 1. Different in other countries
    - 2. Women may not talk to male investigators
    - 3. Some countries find it unacceptable to look someone in the eye.
- 7. Rapport Building
  - a. Body Language
    - 1. Open Posture
    - 2. Gestures
    - 3. Eye Contact
    - 4. Respect of personal space
  - b. Techniques
    - 1. Introduction
    - 2. Express Concern
    - 3. Show Interest
    - 4. Address needs, concerns and fears
    - 5. Physical contact
    - 6. Examine/document injury
    - 7. Accept statements as truth
  - c. Empathetic Listening
    - 1. Non-Judgmental
    - 2. Courtesy, trust, and respect
    - 3. Listen without filtering
    - 4. Listen without thinking about a response
    - 5. Look for emotions
    - 6. Maintain openness

C. Questions for investigation of human trafficking:

1. Testimonial Evidence: Fraud/Financial Coercion

- a. How was the person recruited?
- b. Who recruited the person?
- c. Did the person come to this country/city for a specific job that he or she was promised?
- d. Who promised them this job?
- e. Was he or she forced to do different work?
- f. Who forced them into doing different work than what was promised?
- g. Was there some sort of work contract signed?
- h. Who organized the travel?
- i. How was the payment of this travel handled?
- j. Does the person owe the employer money?
- k. Are there records or receipts of what is owed to the employer/recruiter?
- l. Are there records/receipts of what was earned/paid to the person?
- m. How were financial transactions handled?
- n. Is the person in possession of his or her own legal (I.D.) documents? If not, why?

2. Testimonial Evidence: Physical Coercion and Physical Abuse

- a. Was the person ever threatened with harm if he or she tried to leave?
- b. Did the person ever witness any threats against other persons if they tried to leave?
- c. Does the person know about any other person's family ever being threatened?
- d. Was there any physical abuse towards that person, or was it ever witnessed against another person?
- e. What type of physical abuse was witnessed?
- f. Were there any objects or weapons used in the physical abuse?
- g. Where are these objects or weapons located?
- h. Was knowledge of this abuse ever communicated to a person outside of this situation? If yes, who and when?
- i. Did anyone ever witness the abuse personally?
- j. How were medical problems handled, and who attended to them?

3. Testimonial Evidence: Physical Coercion

- a. In what ways is freedom of movement restricted?
- b. Does the person live and work in the same place?
- c. Were there instances of physical restriction through locks, chains, etc..?
- d. Where are the locks used and who had the keys to them?
- e. How was movement in public places handled?
- f. Who supervised victim movement in public places?
- g. How was the purchase of private goods and services handled?
- h. What forms of media or telecommunication did the person have access to?

4. Testimonial Evidence: Psychological Coercion

- a. Behavioral indicators:
  - 1. Who is the person afraid of?
  - 2. Why is the person afraid of them?
  - 3. What is the person's perception of law enforcement and how did they get that impression?
- b. Environmental indicators
  - 1. Where did the person live/eat/sleep?
  - 2. Are the living conditions between the two excessively disparate?
- c. Role/relationship between figures of authority/command and dependents:
  - 1. Is there evidence or possible "Stockholm" or "Patty Hearst" Syndrome where the victim, because of his or her dependency, actually begins to identify with the trafficker?
- 5. Physical Evidence: Fraud/Financial Coercion
  - a. Receipts, financial record documents and/or computer records
  - b. Phone records as possible method to document personal relationship between involved persons.
  - c. Possession by the suspected traffickers of immigration or identification documents belonging to the victims
- 6. Physical contact evidence
  - a. Latent fingerprints on documents
  - b. Handwriting
  - c. Possible DNA evidence (e.g., to document rape, sexual exploitation, etc.)
- 7. Physical Evidence: Physical Coercion
  - a. Documentation of physical marks of abuse on the victim:
  - b. Forensic photography
  - c. Medical Exam (Sexual Assault Evidence Kit)
  - d. Collection of any weapons or objects used in physical abuse
  - e. Documentation of location of these implements and/or tools
  - f. Contact evidence – latent fingerprints, DNA on these implements and/or tools that might prove who has been in contact with them.
- 8. Physical Evidence: Psychological Coercion
  - a. Behavioral indicators
  - b. Videotaped witness statements that might help provide proof of the traumatized behavior of a victim.
  - c. Interviews conducted by experts (e.g., Child Protection Teams, Victim Advocates, etc.)
  - d. Environmental Indicators
  - e. Photographic/video documentation of living conditions.
  - f. Photographic/video documentation of spatial restrictions

#### D. Case Development / Prosecution Needs

- 1. Corroborate the criminal and non-criminal statements

2. Commitment by law enforcement: In first contact/bonding w/the victim and eventually building that trust
3. Collaborative model between the organizations, implemented differently depending on the city/county, etc.
4. Run the case by a sex crime/gang/child abuse investigator to look for additional charges before submitting it to the prosecutor.

**E. CASE EXAMPLES NEEDED- ESPECIALLY NEBRASKA SPECIFIC**

**VI. Resources (OBJECTIVE 16)**

**Human Trafficking Resources for LE**

National Criminal Justice Reference Service (For general information, legislation, programs, training, grants and funding, and resources on trafficking in persons)

<http://www.ncjrs.gov/spotlight/trafficking/Summary.html>

U.S. Department of Justice (For general information on human trafficking and links to reports on human trafficking) Trafficking Information and Referral Hotline: (888) 373-3888. Trafficking in Persons and Worker Exploitation Task Force: (888) 428-7581,

website:[www.usdoj.gov/whatwedo/whatwedo\\_ctip.html](http://www.usdoj.gov/whatwedo/whatwedo_ctip.html)

U.S. Department of Health and Human Services (The Campaign to Rescue and Restore Victims of Human Trafficking) website: [www.acf.hhs.gov/trafficking/](http://www.acf.hhs.gov/trafficking/) (Certification for Victims of Trafficking) website:

[http://www.acf.hhs.gov/trafficking/about/cert\\_victims.html](http://www.acf.hhs.gov/trafficking/about/cert_victims.html)

U.S. Immigration & Customs Enforcement (For general information and updates on ICE investigations into human trafficking) website:

[www.ice.gov/pi/investigations/publicsafety/humantrafficking.htm#trafficking](http://www.ice.gov/pi/investigations/publicsafety/humantrafficking.htm#trafficking)

U.S. Department of State (For general information and links to the U.S. Trafficking in Persons Report released each year) website: [www.state.gov/g/tip/](http://www.state.gov/g/tip/)

U.S. Department of Justice Child Exploitation and Obscenity Section.

[www.justice.gov/criminal/ceos/prostitution.html](http://www.justice.gov/criminal/ceos/prostitution.html)

[Sharedhope.org](http://Sharedhope.org)

National Center for Missing and Exploited Children.[www.missingkids.com](http://www.missingkids.com), 1-800-TheLost

National Human Trafficking Resource Center- 888-3737-888

Community Service Programs, Inc. Website: [www.cspinc.org](http://www.cspinc.org).

The Salvation Army: Website: [www.salvationarmy.org](http://www.salvationarmy.org)

Catholic Legal Immigration Network, Inc. Address: 564 Market Street, Suite 416, San Francisco, CA 94104. phone: (408) 554-5368

National Runaway Switchboard 1-800 Runaway (786-2929) [www.1800runaway.org](http://www.1800runaway.org)



NEBRASKA COMMISSION ON LAW  
ENFORCEMENT AND CRIMINAL JUSTICE



# HUMAN TRAFFICKING RESPONSE...

A MANUAL FOR CRIMINAL JUSTICE  
PRACTITIONERS

2013

## FOREWARD

Human trafficking is a form of modern-day slavery where people profit from the control and exploitation of others. Victims of human trafficking include children involved in the sex trade, adults who are coerced or deceived into commercial sex acts, and anyone forced into different forms of labor or services, such as domestic workers held in a home, or farm-workers forced to labor against their will. Every year, human traffickers generate billions of dollars in profits by victimizing millions of people around the world, and here in the United States. Human trafficking is considered to be one of the fastest growing criminal industries in the world.

Legislature Bill 1145 was passed by the 102<sup>nd</sup> Legislature, signed by the Governor, and became law on July 19, 2012. The law establishes a Human Trafficking Commission, whose duties include studying and investigating key aspects of human trafficking including the availability of victim services and the scope of human trafficking in the state. Additionally, the task force was directed to develop a human trafficking training curriculum for law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff and others involved in the juvenile justice and criminal justice systems. These objectives are presented in a format that will allow the reader to gain an understanding of the issues involved in human trafficking as well as follow a systematic process when conducting human trafficking investigation. The Nebraska Commission on Law Enforcement and Criminal Justice encourages the sharing of this information with all law enforcement personnel who may serve as liaisons between human trafficking victims and the criminal justice system.

The Commission appreciates the contributions of the Human Trafficking subject matter experts, in particular the California Commission on Peace Officer Standards & Training, for their assistance in providing this information.

## NEBRASKA TASK FORCE ON HUMAN TRAFFICKING MEMBERS

Jon Bruning	Attorney General
Mike Behm	Executive Director, Nebraska Crime Commission
David Sankey	Colonel, Nebraska State Patrol
Robert Houston	Director, Department of Correctional Services
Roger Breed	Education Commissioner
Lazaro Spindola	Latino-American Commission
Jim Peschong	Lincoln Chief of Police
Bob Lausten	La Vista Chief of Police
Tim Dunning	Douglas County Sheriff
Pat Condon	Lancaster County Attorney
Lee Klein	Madison County Commissioner
Stan Clouse	Mayor, City of Kearney
Lynn Ayers	Child Advocacy Center
Linda Burkle	Salvation Army
Al Riskowski	University of Nebraska
Carol Russell	
Chris Webster	Lincoln Public Schools
Anna Williams-Shavers	University of Nebraska



## **TABLE OF CONTENTS**

**Forward / Nebraska Human Trafficking Task Force Members** | page 2

### **Human Trafficking Learning Objectives**

**Objective 1** – Laws | page 4

**Objective 2** – Scope of the Problem | page 7

**Objective 3** – Smuggling | page 7

**Objective 4** – Victim Recruitment | page 8

**Objective 5** – Manifestations | page 9

**Objective 6** – Indicators | page 11

**Objective 7** – Responsibilities (of the initial responding officer) | page 12

**Objective 8** – Identifying, Assessing, and Communicating (with victims) | page 13

**Objective 9** – Victim Dynamics | page 14

**Objective 10** – Appropriate interviewing techniques | page 15

**Objective 11** – Community Resources and Referrals | page 16

**Objective 12** –Victim Assistance | page 17

**Objective 13** – Types of Evidence | page 18

**Objective 14** – Case Development | page 20

**Objective 15** – Arrests | page 21

**Objective 16** – Agencies | page 22

### **Appendix**

Appendix : Statutes and Cases | page 23

**Note:** “Personnel” as referenced in the Learning Objectives is inclusive of law enforcement officers, prosecutors, public defenders, judges, juvenile detention center staff and others involved in the juvenile justice and criminal justice systems.

## OBJECTIVE NUMBER 1

*Personnel should*

Explain the **definition of human trafficking and describe the laws** associated with human trafficking

### WHAT IS HUMAN TRAFFICKING?

Human trafficking, commonly referred to as “modern day slavery” 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. Unlike the trade in narcotics and weapons, those who traffic in humans can sell and resell their “commodity” forcing each victim to suffer repeatedly.

### NEBRASKA STATE STATUTES

#### **28-830. Human trafficking; forced labor or services; terms, defined.**

For purposes of sections 28-830 to 28-832, the following definitions apply:

- (1) Actor means a person who solicits, procures, or supervises the services or labor of another person;
- (2) Commercial sexual activity means any sex act on account of which anything of value is given, promised to, or received by any person;
- (3) Financial harm means theft by extortion as described by section 28-513;
- (4) Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:
  - (a) Inflicting or threatening to inflict serious personal injury as defined by section 28-318;
  - (b) Physically restraining or threatening to physically restrain another person;
  - (c) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of another person; or
  - (d) Causing or threatening to cause financial harm to another person;
- (5) Labor means work of economic or financial value;
- (6) Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement by the victim to perform such type of service;
- (7) Minor means a person younger than eighteen years of age;
- (8) Obtain means, in relation to labor or services, to secure performance thereof;
- (9) Services means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of services under this section. Nothing in this subdivision shall be construed to legalize prostitution;
- (10) Sexually-explicit performance means a live or public play, dance, show, or other exhibition intended to arouse or gratify sexual desire or to appeal to prurient interests; and
- (11) Trafficking victim means a person subjected to any act or acts prohibited by section 28-831. **Source:**Laws 2006, LB 1086, § 10.

**28-831. Human trafficking; forced labor or services; prohibited acts; penalties.**

- (1) No person shall knowingly subject or attempt to subject another person to forced labor or services. If an actor knowingly subjects another person to forced labor or services by:
  - (a) Inflicting or threatening to inflict serious personal injury as defined by section 28-318, the actor is guilty of a Class III felony;
  - (b) Physically restraining or threatening to physically restrain another person, the actor is guilty of a Class III felony;
  - (c) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of such other person, the actor is guilty of a Class IV felony; or
  - (d) Causing or threatening to cause financial harm to another person, the actor is guilty of a Class I misdemeanor.
- (2) No person shall knowingly recruit, entice, harbor, transport, provide, or obtain by any means or attempt to recruit, entice, harbor, provide, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually-explicit performance, or the production of pornography, or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually-explicit performance, or the production of pornography. A person who violates this subsection shall be punished as follows:
  - (a) In cases in which the actor uses overt force or the threat of force, the actor is guilty of a Class II felony;
  - (b) In cases in which the victim has not attained the age of fifteen years and the actor does not use overt force or the threat of force, the actor is guilty of a Class II felony; or
  - (c) In cases involving a victim between the ages of fifteen and eighteen years, and the actor does not use overt force or threat of force, the actor is guilty of a Class III felony.
- (3) Any person who knowingly (a) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, a person eighteen years of age or older, intending or knowing that the person will be subjected to forced labor or services or (b) benefits, financially or by receiving anything of value, from participation in a venture which has, as part of the venture, an act that is in violation of subsection (1) of this section, is guilty of a Class IV felony.

**Source:**Laws 2006, LB 1086, § 11.

**UNITED STATES CODE**

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000 (Reauthorized in 2003, 2005 and 2008) 22 U.S.C. §7102

The term "severe forms of trafficking in persons" means –

- a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- b) 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 subjection to involuntary servitude, peonage, debt bondage, or slavery. The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

### **Federal Human Trafficking Statutes**

Peonage, 18 U.S.C. § 1581. Section 1581 of Title 18 makes it unlawful to hold a person in "debt servitude," or peonage, which is closely related to involuntary servitude. Section 1581 prohibits using force, the threat of force, or the threat of legal coercion to compel a person to work against his/her will. In addition, the victim's involuntary servitude must be tied to the payment of a debt.

Involuntary Servitude, 18 U.S.C. § 1584. Section 1584 of Title 18 makes it unlawful to hold a person in a condition of slavery, that is, a condition of compulsory service or labor against his/her will. A Section 1584 conviction requires that the victim be held against his/her will by actual force, threats of force, or threats of legal coercion. Section 1584 also prohibits compelling a person to work against his/her will by creating a "climate of fear" through the use of force, the threat of force, or the threat of legal coercion [i.e., If you don't work, I'll call the immigration officials.] which is sufficient to compel service against a person's will.

Forced Labor, 18 U.S.C. § 1589. Section 1589 of Title 18, which was passed as part of the TVPA, makes it unlawful to provide or obtain the labor or services of a person through one of three prohibited means. Congress enacted § 1589 in response to the Supreme Court's decision in *United States v. Kozminski*, 487 U.S. 931 (1988), which interpreted § 1584 to require the use or threatened use of physical or legal coercion. Section 1589 broadens the definition of the kinds of coercion that might result in forced labor.

Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor, 18 U.S.C. § 1590. Section 1590 makes it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions which violate any of the offenses contained in Chapter 77 of Title 18.

Sex Trafficking of Children or by Force, Fraud, or Coercion, 18 U.S.C. § 1591. Section 1591 criminalizes sex trafficking, which is defined as causing a person to engage in a commercial sex act under certain statutorily enumerated conditions. A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. The specific conditions are the use of force, fraud, or coercion, or conduct involving persons under the age of 18. The punishment for conduct that either involves a victim who is under the age of 14 or involves force, fraud, or coercion is any term of years or life. The punishment for conduct that involves a victim between the ages of 14 and 18 is 40 years.

Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor, 18 U.S.C. § 1592. Section 1592 makes it illegal to seize documents in order to force others to work. By expanding its coverage to false documents as well as official documents, § 1592 recognizes that victims are often immobilized by the withholding of whatever documents they possess, even if the documents are forged.

## OBJECTIVE NUMBER 2

*Personnel should*

Describe the **scope of the problem** of human trafficking

### **Statistics: International**

- The United States Department of State estimates that 600,000 to 800,000 individuals are trafficked annually.
- The United States Department of Health and Human Services states that after drug dealing, human trafficking is tied with the illegal arms industry as the second largest criminal industry in the world today, and it is the fastest growing.
- The profits associated with human trafficking exceed billions of dollars per year.

### **Statistics: Domestic**

- The United States Department of Justice estimates that 14,500-17,500 people (primarily women and children) are trafficked into the United States annually.

## OBJECTIVE NUMBER 3

*Personnel should*

Understand differences between **smuggling and human trafficking**

### **Smuggling**

- The relationship between the parties ends at the destination when fees are paid.
- The transaction is made for the smuggling service.
- The person is free to leave upon payment of the fee.
- It is a crime against the national border
- It requires movement across a state or international border.
- It can become trafficking once a person is compelled to provide labor or services.

### **Trafficking**

The relationship does not end at the destination. It involves compelled labor or service through the use of force, fraud, or coercion.

- Debts are incurred.
- The person is not free to leave and becomes enslaved.
- It is a crime against persons and does not require movement across a state or international border.

## OBJECTIVE NUMBER 4

*Personnel should*

Describe the **dynamics** of human trafficking

### **Victim Recruitment**

Victims of human trafficking can be recruited in a variety of different ways, such as:

- Direct recruitment
- Employment agencies
- Modeling agencies
- Career fairs
- Educational opportunities
- Illegal foreign adoptions
- Internet
- Public advertisements
- Friends or family
- Other Victims
- Befriending
- Romancing
- Seduction

### **Vulnerability**

The key element associated with human trafficking is vulnerability. Many victims are individuals who:

- Are escaping oppression, domestic violence, child abuse, and/or other conflict.
- Are economically disadvantaged.
- Have limited education.
- Are homeless and/or runaway children.
- Are women and children.
- Are adults and children seeking employment.

### **Perpetrators**

Perpetrators of human trafficking can take on many shapes and forms, including but not limited to, the following:

- Friends and family members
- Organized criminal groups/local gangs
- Smugglers
- Pimps/madams
- Adult entertainment industry providers
- Massage parlor operators
- Labor subcontractors

### **How Perpetrators Operate**

#### **Small scale:**

- Organization of family and friends
- Local street gangs employed by organized crime syndicates

#### **Legal businesses:**

- Buy workers from smugglers, entice those desperate for work, or hire through subcontractors.

#### **International networks:**

- Russian mafia
- Chinese triads
- Japanese Yakusa

## **OBJECTIVE NUMBER 5**

*Personnel should*

Become familiar with the **manifestations** of human trafficking

### **Manifestations**

Victims of human trafficking may be found in numerous settings and involved in various activities such as:

- Agricultural labor

- Begging/panhandling
- Construction labor
- Debt bondage
- Hotel/motel cleaning services
- Illegal transporters (humans and narcotics)
- Organized theft rings
- Pornography (including child)
- Prostitution/sex industry
- Restaurant business/waitress/cleaning service
- Servile marriage (mail-order brides)
- Sweatshops/factory workers

### **Types of Calls**

Human trafficking may be discovered during a variety of calls for service such as:

- Sexual assault
- Aggravated assaults/battery
- Domestic violence
- Kidnapping/false Imprisonment
- Lost/found reports (child/adult)
- Traffic stops
- Casual contact
- Prostitution complaint/observation
- Community member/citizen complaint
- Labor dispute
- Thefts/robbery
- Suspected narcotic activity that turns out to be human trafficking
- Any other type of call



## OBJECTIVE NUMBER 6

*Personnel should*

List the **indicators** of human trafficking

### **General Indicators**

- Victims live on or near their work premises.
- They have restricted or controlled communication/transportation.
- They are not free to leave.
- They are frequently moved by the traffickers.
- There are a large number of occupants for the living space.
- They have a lack of private space, personal possessions, and/or financial records.
- They have limited knowledge about how to function or navigate in a community.
- They have no access to telephones.
- They have access to only one spokesperson, or third party who insists on interpreting.
- There is excessive taxi traffic at their residence or workplace.
- The neighbors observe heavy male foot traffic but rarely see the occupants.

### **Physical Indicators**

- Victims may have visible injuries from beatings with or without weapons used.
- They exhibit signs of being exposed to torture (e.g., cigarette burns).
- They have brands, scars, or tattoos indicating someone else's ownership.
- They exhibit signs of malnutrition.

### **Financial / Legal Indicators**

- Someone else has possession of the victim's legal and/or travel documents.
- They have existing debt issues.
- One attorney claims to represent multiple victims detained at different locations.
- The victim was forced to sign a contract.

### **Labor Camps / Sweatshops**

Human traffickers often implement security measures intended to keep victims confined as evidenced by the following:

- Barbed wire surrounding the facility

- Bars on the windows
- Self-contained camps
- Bouncers, guards, and/or guard dogs
- Shopping allowed only at a “company store”

### **Sex Industry / Brothels**

The following are indicators of traffickers involved in the sex industry:

- There are large amounts of cash and condoms at the location.
- There is a customer logbook or receipt book (also known as a “trick book”).
- The rooms are sparse.
- Men come and go frequently.
- There are mattresses in the rooms instead of massage tables
- Service menus are available.
- There are hidden passages/areas and trap doors.
- Covert video security systems are in place.

### **OBJECTIVE NUMBER 7**

*Personnel should*

Explain the **responsibilities** of the initial responding officer

- Contact the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.
- Preserve the crime scene. The scene will vary by type of activity being investigated.
- Notify the first-level supervisor, such as a sergeant or detective, who will decide whether to notify:
  - a. the United States Immigration Customs Enforcement (ICE) or
  - b. the FBI

## OBJECTIVE NUMBER 8

### *Personnel should*

Be familiar with **identifying, assessing, and communicating** with victims of human trafficking

#### **Victim Veracity**

- The initial story from victims of human trafficking may not be the truth. Instead, the officer may receive a trained or canned response from the victim.
- The officer should be cognizant of the fact the victim may have endured physical and/or psychological imprisonment.

#### **Law Enforcement Challenges**

- The following are some of the challenges law enforcement will encounter in obtaining accurate statements from trafficking victims:
- They may have language barriers. *(Note: Assure translators used are impartial third parties. Do not use on-site translators because they may be tied to the traffickers.)*
- They may be experiencing the Stockholm syndrome or feeling sympathetic toward the suspects.
- They may have a false sense of loyalty or commitment to the trafficker due to “brainwashing.”
- They may distrust outsiders particularly law enforcement.
- They fear deportation.
- They are unaware of their rights and may not consider themselves victims.
- Life may be better now than it was previously.
- They are afraid and intimidated by the traffickers.
- They fear the unknown.
- They are not in possession of their legal documents
- Threats to families:
  - a. They fear what might happen to their families back in their countries
  - b. They have received threats of reprisals against loved ones
- They fear being ostracized back in their countries.
- They are financially indebted to the traffickers.
- They are isolated and may have been repeatedly moved to different locations.

## **Possible Victim Responses**

Victims of human trafficking may respond to law enforcement in varying ways. The spectrum of victim behaviors may include:

- Evasiveness
- Fear
- Flight (possibly by force)
- Silence
- Refusal to cooperate
- Embracing their “liberators”
- Gratefulness

### **OBJECTIVE NUMBER 9**

*Personnel should*

Understand **victim dynamics** and effectively respond to victims from varying life circumstances

- Victims often need to feel safe before they will speak with officers/investigators.
- Show understanding, patience, and respect for the victim’s dignity and attempt to establish trust and rapport. A supported victim may result in a more effective witness.
- Express sympathy to the victim and an interest in the victim’s well-being.
- Be familiar with the concept of a “victim-centered” approach. The victim is at the center, and often times the cornerstone of the investigation.
- When applicable, explain confidentiality rights.

## OBJECTIVE NUMBER 10

*Personnel should*

Be familiar with **appropriate interviewing techniques**

### **Initial Victim Assessment**

If someone insists on being the spokesperson for the victim, be very leery and separate that person from the others. It may be necessary to remove the victim(s) from the scene.

Allow the victim to describe the experience in his or her own words without interrupting. Use open-ended questions to clarify the details.

- “I am here to help you.”
- “Tell me about your current situation.”
- “Is someone holding your documents?”
- “Did someone threaten to report you to the authorities?”
- “Is this the job you were promised or expected?”
- “Can you come and go as you please?”
- “Has anyone hurt or threatened to hurt you or your family?”
- “Who is your employer?”
- “Does your employer provide housing, food, clothes, or uniforms?”
- “Did you enter into an employment contract? What does it say?”
- “Do you owe money to your employer?”
- “Did your employer/boss tell you what to say to police?”
- “Were you forced to have sex as part of the job?”
- “Can you freely leave your employment situation and work somewhere else?”
- “Does your employer hold your wages?”
- “Are there guards at work or video cameras to monitor and make sure no one leaves?”
- “What would happen if you left the job?”
- “Have you been physically harmed? Have you been deprived of food, water, sleep, medical care, or other life necessities?”
- “Were you kidnapped or sold?”
- “Are you allowed to buy clothes and food on your own?”

- “Can you freely contact (phone, write) friends and family?”
- “Are minors allowed to attend school?”

### **Recording Statements**

Procedures regarding recording all interviews with the victim, witnesses, and suspect depend upon individual departmental policies. Recording statements can be an excellent investigative tool.

- Advantages of recording statements include:
  - a. Provides more detail than handwritten notes.
  - b. Enables investigators to be more attentive during the interview, assists investigators in synthesizing details.
  - c. Protects the interviewer should a complaint or misunderstanding arise.
  - d. Conveys the victim’s immediate response to prosecutors and jurors.
  - e. Provides training material for use in improving the quality of interviews.
- Disadvantages of recording statements include:
  - a. May be intimidating to the victim and cause reluctance to disclose.
- If recording, ensure the equipment is functioning properly.
- An in-depth follow-up interview should be conducted after the victim has been medically examined, treated, and personal needs have been met. The interview may take place at a later time or date.

### **OBJECTIVE NUMBER 11**

*Personnel should*

**Describe the available community resources and referrals, including the availability of civil and immigration remedies**

- Trafficking victims are often uncooperative initially.
- To gain the trust and cooperation of victims, involve victim assistance programs and nonprofit social and legal services as soon as feasible in the investigation.
- Social service agencies (often referred to as “NGOs” or non-governmental agencies) and victim service organizations are resources for law enforcement. They provide services to stabilize and support victims so they can participate in the investigation as effective witnesses.
- These agencies can provide interpreter assistance, housing, access to medical/dental services, counseling, and coordination with other services such as Public Health, and the local Sexual Assault Response Team (SART). One call can access all of the services a victim will need both short and long term.

- Victims may be more successful at building victim trust.
- Victims keep victims informed of their legal rights including potential immigration relief.
- Victims can assist law enforcement in preventing conflict of interest situations.
- Victims have access to emergency funds and compensation programs.
- These services are particularly important in cases involving large numbers of victims or victims with special needs, such as children, elderly, or disabled individuals.
- Child Protective Services and the Office of Refugee Services (United States Department of Health and Human Services) may become involved and take custody and care of foreign victims under the age of 18.
- Adult Protective Services should be contacted for elder and disabled trafficking victims.

**Hotline: National Human Trafficking 888-373-7888**

## OBJECTIVE NUMBER 12

*Personnel should*

### **Know the information regarding victim notifications**

- Victims need to be notified about victim assistance programs, their rights, and the services available under state law, including:
  - a. Crime victim compensation
  - b. Access to emergency funds
  - c. Assistance in referrals and coordination of victim services
  - d. Court support, and safety needs
- Legal services programs can provide legal representation to victims while they are cooperating with law enforcement, help them to apply for immigration status and other benefits, and pursue civil remedies against the perpetrators.

## OBJECTIVE NUMBER 13

### *Personnel should*

Explain the different **types of evidence** associated with human trafficking and proper evidence collection techniques

The responding officer should document the crime scene, including photographing, sketching, and diagramming the scene prior to it being disturbed or processed.

### **Physical Evidence**

- Document the demeanor of the victim.
- Burns, scars
- Tattoos
- Injuries
- Condoms
- Lubricants
- Sex industry devices
- Drugs (even if not illegal, but used to sedate)
- Motel keys
- Physical aspects of crime scene/arrest (barbed wire, etc.)

### **Documentary Evidence**

- Contractual
- Property ownership/lease agreement
- Business/financial
- Directories, client lists, ledger
- Utility bills/phone records
- Tax returns
- Bank records
- Receipts
- Business licenses
- Employment records



- Legal
- Vehicle registration
- Vehicle violations/tickets
- Temporary Restraining and/or Protection Order
- Marriage/divorce records
- Arrest/crime record

**Identification Documents (real and forged)**

- Passports
- Visas
- Other immigration documents (green cards, work permits)
- Birth certificates
- Identification cards
- Licenses
- Evidence of forgery
- Stolen ID

**Personal**

- Mail order advertisements
- Letters, journals written by victim

**Travel**

- Bus, airline, train tickets
- GPS tracking
- Border crossing records

**Photographic / electronic / print media**

- CD-ROMs
- Websites, Internet accounts, Facebook, Twitter, email
- Web bulletin boards, chat rooms, personal ads, matchmaking services
- Security system videos

- Cell phone/PDA messages, memory (including, pictures)
- Flash drives, including those on key chains

### **Statements**

- Victims
- Witnesses
- Suspects
- Officers
- Informants
- 911 calls, recordings
- Jail calls, recordings
- Pretext phone calls

## **OBJECTIVE NUMBER 14**

*Personnel should*

**Be familiar with all aspects of human trafficking case development**

- Identify all players.
- Conduct pertinent background information checks:
  - a. Criminal histories
  - b. Prior calls for service
  - c. Business records and licenses
  - d. Financial Crimes Enforcement Network (FINCIN) information
- Prepare a timeline/link analysis chart showing how long the victim lived where and with whom.
- Interview other witnesses.
- Identify and contact other victims, if possible.
- Re-interview the victim to clarify additional details, for example:
  - a. What were the rules?
  - b. What did the suspect promise? (family, wages)
  - c. Was the victim not allowed to speak unless spoken to?

- d. Did the suspect provide fake names?
- e. Did the suspect require the victim to wear certain clothing?
- Have the victim identify all of the locations of occurrence.
- Contact former employees and other people close to the suspect(s).
- Bring in specialized investigators, if appropriate.
- Attempt to corroborate the victim's statements through:
  - a. Search warrants on bank accounts and other records to demonstrate how the victim was paid.
  - b. Talk to family members, friends, and neighbors.
  - c. Obtain border crossing records.
- Complete background on the suspect. Interview, interrogate, and give Miranda admonitions as appropriate.
- Present the case to the prosecutor.
  - a. If applicable, assist in coordinating the pre-file interview with the victim(s).
  - b. Provide information and feedback to assist the prosecutor in the victim credibility evaluation.
  - c. Complete supplemental investigative requests.

## OBJECTIVE NUMBER 15

*Personnel should*

Explain when **arrests** are appropriate

### **Statutes**

28-312 False imprisonment  
28-318 Sexual Assault and other sex crimes  
28-830 Human Trafficking  
28-802 Pandering

- Consult the U.S. attorney about federal statutes that may carry longer sentences.
- Investigations are often multi-jurisdictional and can easily cross state lines. Both state and federal laws can apply
- Consider other statutes that may be applicable.

**OBJECTIVE NUMBER 16**

*Personnel should*

Understand the importance of collaborating with federal law enforcement and other **agencies** to share resources

**Federal Agencies**

Immigration and Customs Enforcement/Border Patrol (ICE) **[www.ice.gov](http://www.ice.gov)**

Federal Bureau of Investigation (FBI) **[www.fbi.gov](http://www.fbi.gov)**

Department of Health and Human Services **[www.hhs.gov](http://www.hhs.gov)**

Department of Labor - Wage and Hour Division **[www.dol.gov/esa/whd/flsa/](http://www.dol.gov/esa/whd/flsa/)**

Internal Revenue Service **[www.irs.gov](http://www.irs.gov)**

United States Attorney **[www.usdoj.gov/](http://www.usdoj.gov/)**

Department of State **[www.state.gov](http://www.state.gov)**

- Federal agencies may provide victim assistance.
- Investigations are often multi-jurisdictional and can easily cross state lines. Both state and federal laws can apply.
- Agencies should meet, lay the groundwork for cooperation and agree on protocols ahead of time.

### **Legislative Bill 1145**

Approved by the Governor April 11, 2012

FOR AN ACT relating to criminal law; to amend section 28-802, Reissue Revised Statutes of Nebraska; to change the penalty for pandering; to create a task force relating to human trafficking; to provide powers and duties; to require the placement of posters and the training of certain officials regarding human trafficking; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-802, Reissue Revised Statutes of Nebraska, is amended to read:

28-802 (1) A person commits pandering if such person:

- (a) Entices another person to become a prostitute; or
  - (b) Procures or harbors therein an inmate for a house of prostitution or for any place where prostitution is practiced or allowed; or
  - (c) Inveigles, entices, persuades, encourages, or procures any person to come into or leave this state for the purpose of prostitution or debauchery; or
  - (d) Receives or gives or agrees to receive or give any money or other thing of value for procuring or attempting to procure any person to become a prostitute or commit an act of prostitution or come into this state or leave this state for the purpose of prostitution or debauchery.
- (2) Pandering is a Class IV felony for a first offense, unless the person being enticed, procured, harbored, or otherwise persuaded to become a prostitute in violation of this section is under the age of eighteen years, in which case pandering is a Class III felony for a first offense. Pandering is a Class III felony for a second or subsequent offense.

Sec. 2. (1) A task force is hereby established within the Nebraska Commission on Law Enforcement and Criminal Justice for the purposes of investigating and studying human trafficking, the methods for advertising human trafficking services, and the victimization of individuals coerced to participate in human trafficking.

(2) The task force shall examine the extent to which human trafficking is prevalent in this state, the scope of efforts being taken to prevent human trafficking from occurring, and the services available to victims of human trafficking in this state. The task force shall also investigate the limitations upon victims who wish to come forward and seek medical attention; investigate the potential to stop human trafficking; and investigate the potential to promote recovery, to protect families and children who may be profoundly impacted by such abuse, and to save lives.

(3) (a) The Department of Labor shall work with the task force to develop or select informational posters for placement around the state. The posters shall be in English, Spanish, and any other language deemed appropriate by the task force. The posters shall include a toll-free telephone number a person may call for assistance, preferably the National Human Trafficking Resource Center Hotline (888)373-7888.

(b) Posters shall be placed in rest stops and strip clubs. The task force shall work with local businesses and nonprofit entities associated with the prevention of human trafficking to voluntarily place additional signs in high schools,

- postsecondary educational institutions, gas stations, hotels, hospitals, health care clinics, urgent care centers, airports, train stations, bus stations, and other locations around the state deemed appropriate by the task force.
- (4) The task force shall consist of the following members:
    - (a) The Attorney General or his or her designee;
    - (b) The executive director of the Nebraska Commission on Law Enforcement and Criminal Justice;
    - (c) The Superintendent of Law Enforcement and Public Safety or his or her designee;
    - (d) The Director of Correctional Services or his or her designee;
    - (e) The chief of police or director of public safety of a city of two hundred thousand inhabitants or more;
    - (f) The chief of police or director of public safety of a city of less than two hundred thousand inhabitants;
    - (g) A county sheriff;
    - (h) A county attorney;
    - (i) A county commissioner;
    - (j) A mayor or city manager;
    - (k) A person involved with the control or prevention of juvenile delinquency;
    - (l) A person involved with the control or prevention of child abuse;
    - (m) The Commissioner of Education or his or her designee;
    - (n) The director of the Commission on Latino-Americans or his or her designee; and
    - (o) Six members, at least three of whom shall be women, from the public at large.
  - (5) The Governor shall appoint the members of the task force listed in subdivisions (4)(e) through (l) and (o) of this section for terms as provided in subsection (6) of this section. The membership of the task force shall represent varying geographic areas and large and small political subdivisions. One member from the public at large shall be a professional representing child welfare, and one member of the public at large shall represent juvenile pretrial diversion programs.
  - (6) The members of the task force appointed by the Governor shall serve six-year terms, except that of the members first appointed, four shall serve initial two-year terms, four shall serve initial four-year terms, and six shall serve initial six-year terms from January 1 next succeeding their appointments. Thereafter, all members shall serve six-year terms. A member may be reappointed at the expiration of his or her term. Any vacancy occurring otherwise than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment.
  - (7) No member shall serve beyond the time when he or she holds the office, employment, or status by reason of which he or she was initially eligible for appointment. Any member of the task force appointed by the Governor may be removed from the task force for cause upon notice and an opportunity to be heard at a public hearing. One of the causes for removal shall be absence from three regularly scheduled meetings of the task force during any six-month period when the member has failed to advise the task force in advance of such meeting that he or she will be absent and stating a reason therefore.
  - (8) The chairperson of the task force shall be designated by the Governor to serve at the pleasure of the Governor. The chairperson shall be the chief executive officer of the task force but may delegate such of his or her duties to other members of the task force as may be authorized by the task force.

- (9) Notwithstanding any provision of law, ordinance, or charter provision to the contrary, membership on the task force shall not disqualify any member from holding any other public office or employment or cause the forfeiture thereof.
- (10) The members of the task force shall serve on the task force without compensation, but they shall be entitled to receive reimbursement for any actual expenses incurred as necessary incident to such service as provided in sections 81-1174 to 81-1177.
- (11) Eleven members of the task force shall constitute a quorum for the transaction of any business or the exercise of any power of the task force. The task force shall have the power to act by a majority of the members present at any meeting at which a quorum is in attendance.
- (12) All appointments shall be made not later than thirty days after the effective date of this act. The chairperson shall meet with the task force not later than sixty days after the effective date of this act.
- (13) Not later than one year after the effective date of this act, and every July 1 and December 1 thereafter, the task force shall report to the Clerk of the Legislature the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the report with the clerk.

Sec. 3. (1) It is the intent of the Legislature that law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff, and others involved in the juvenile justice system and the criminal justice system and other relevant officials be provided mandatory training regarding issues in human trafficking. The task force established in section 2 of this act shall work with such agencies, persons, and staff to develop a proper curriculum for the training and to determine how the training should be provided. The determination and accompanying legislative recommendations shall be made by December 1, 2012. Such training shall focus on:

- (a) State and federal law regarding human trafficking;
  - (b) Methods used in identifying victims of human trafficking who are United States citizens and foreign nationals, including preliminary interview techniques and appropriate questioning methods;
  - (c) Methods for prosecuting human traffickers;
  - (d) Methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case;
  - (e) Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and the special needs of women and minor victims;
  - (f) The necessity of treating victims of human trafficking as crime victims rather than as criminals; and
  - (g) Methods for promoting the safety and well-being of all victims of human trafficking.
- (2) The task force shall also seek the input and participation of appropriate nongovernmental organizations and other relevant organizations regarding the provision, preparation, and presentation of the training called for in this section.

**Federal Statutory Law:**

**22 U.S.C. §7101-7112 – TRAFFICKING VICTIMS PROTECTION ACT**

**18 U.S.C. §1584 – Sale into involuntary servitude**

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**18 U.S.C. §1589 – Forced labor**

Whoever knowingly provides or obtains the labor or services of a person--

- (1) by threats of serious harm to, or physical restraint against, that person or another person;
- (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**18 U.S.C. §1590 – Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor**

Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**18 U.S.C. §1591 – Sex trafficking of children or by force, fraud, or coercion**

**(a)** Whoever knowingly--

- (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person; or
- (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

**(b)** The punishment for an offense under subsection (a) is--



- (1) if the offense was effected by force, fraud, or coercion or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or
  - (2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 40 years, or both.
- (c) In this section:
- (1) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.
  - (2) The term “coercion” means--
    - (A) threats of serious harm to or physical restraint against any person;
    - (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
    - (C) the abuse or threatened abuse of law or the legal process.
  - (3) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

**Federal Case Law:**

***U.S. v. Gasanova, 332 F.3d 297 (5th Cir. 2003)***

The Gasanovas illegally brought three Uzbekistani women to the United States to dance topless in El Paso, Texas. The women had been promised modeling careers after each raised \$300,000 from topless dancing. They lived with the Gasanovas and turned over all their earnings to them. Between 1998 and 2001 the Gasanovas collected over \$500,000 from the women, the vast majority of which the Gasanovas kept for themselves. The Gasanovas also retained and refused to return two of the women’s visas and passports (along with other identifying documents). The Gasanovas were convicted of conspiracy to commit document fraud, conspiracy to harbor illegal aliens, and bringing illegal aliens into the United States for purpose of financial gain. Each was sentenced to 60 months imprisonment and to make restitution and to forfeit a residence and two vehicles.

***U.S. v. Reddy***

In March of 2001, Lakireddy Bali Reddy, a landlord in Berkeley, California, pleaded guilty to trafficking women into the United States and placing them into sexual servitude. An expanded investigation revealed that Reddy and certain family members conspired to bring at least 25 Indian laborers into the United States by conspiring to commit immigration fraud.  
<http://www.usdoj.gov/opa/pr/2001/March/126cr.htm>

**Sex Trafficking:**

***United States v. Carreto (Convicted 4/5/05, E.D. New York)***

<http://www.usdoj.gov/opa/pr/2008/July/08-crt-641.html>

On April 5, 2005, Josue Flores Carreto, Gerardo Flores Carreto, and Daniel Perez Alonso pleaded guilty to 27 counts of an indictment that charged them with various crimes relating to their involvement with the Carreto family sex trafficking ring. They admitted that between 1991 and 2004 they recruited young women from Mexico, smuggled them into the United States, and

forced them into prostitution in brothels in the New York City area. The defendants also repeatedly physically and emotionally abused the women. They each face a maximum sentence of life imprisonment and a fine of \$250,000 for each count. Three other co-defendants pleaded guilty to charges related to the trafficking ring during earlier proceedings and two are being held in prison in Mexico on Mexican federal charges; they also face extradition to the United States to stand trial on US federal charges.

***United States v. Rojas (Indicted 1/28/04, convicted 4/2004 & 8/27/04, sentenced 11/23/04, N.D. Georgia)***

**[http://www.usdoj.gov/opa/pr/2004/August/04\\_crt\\_587.htm](http://www.usdoj.gov/opa/pr/2004/August/04_crt_587.htm)**

Juan, Jose, and Raul Reyes Rojas were indicted January 28, 2004 on numerous charges including conspiracy, sex trafficking, importing and harboring aliens for the purpose of prostitution, alien smuggling, and interstate transportation of illegal aliens. They lured women from Mexico to the United States with promises of legitimate employment and long-term relationships. Once the victims, at least one of whom was a minor, reached the Atlanta area, the defendants forced them to have sex with numerous men every night through the use of physical violence, threats, and psychological coercion. Both Jose and Juan Rojas pleaded guilty; Jose was sentenced to almost five years (57 months) in prison and three years supervised release and Juan was sentenced to almost six years (71 months) in prison and three years supervised release. Raul remains a fugitive.

***United States v. Jimenez-Calderon (Indicted 9/26/02, sentenced 8/7/03 & 5/4/04, D. New Jersey) [http://www.usdoj.gov/usao/nj/press/files/ca0926\\_r.htm](http://www.usdoj.gov/usao/nj/press/files/ca0926_r.htm)***

On August 7, 2003, Librada and Antonia Jimenez-Calderon were sentenced to over 17½ years (210 months) in prison for conspiracy and sex trafficking. In May 2004, they also were ordered to pay a total of \$135,240 to four of their victims. The two women pled guilty to luring young Mexican girls, between the ages of 14 and 18, to the United States with promises of legitimate jobs. Upon arriving in Plainfield, New Jersey, however, the girls were confined to a brothel and forced to submit to acts of prostitution six to eight times each day for \$35 per act. They were not allowed to leave the house or speak to each other and were subjected to threats of harm, force, and psychological coercion. Their accomplices – Sergio Farfan, Angel Ruiz, Pedro Garcia Burgos, and Maritzana Diaz Lopez – were charged with various crimes, including obstruction of justice and sex trafficking. Librada and Antonia Jimenez-Calderon's two brothers, Delfino and Luis Jimenez-Calderon, are still at large and considered fugitives.

**Labor Trafficking:**

***United States v. Lee (Convicted 2/21/03, sentenced 6/23/05, D. Hawaii)***

**[http://www.usdoj.gov/opa/pr/2005/June/05\\_crt\\_335.htm](http://www.usdoj.gov/opa/pr/2005/June/05_crt_335.htm)**

In the largest human trafficking case prosecuted through June 2005, Kil Soo Lee, owner of a garment factory in American Samoa, was found guilty of involuntary servitude, extortion and money laundering. From March 1999 through November 2000, Lee and other factory managers recruited over 200 workers from China and Vietnam who were willing to pay fees to gain employment in Lee's factory. Once in American Samoa, however, the victims were threatened with arrests, deportations, food deprivation, and beatings in order to force them to work. The defendants also confined the trafficked individuals to a fenced-in compound. Lee was the third and final person convicted in connection with this case and was sentenced to 40 years in prison. In 2002, a manager and a garment worker at the factory pleaded guilty to trafficking and were

sentenced to nearly 6 years (70 months) and more than 4 years (51 months) in prison, respectively.

***United States v. Alamin and Akhter (Indicted 11/16/00, sentenced 5/14/01 & 4/16/01, C.D. Cal.)***

A husband and wife – Nur Alamin and Rabiya Akhter – brought a young woman from Bangladesh to the United States to be their housekeeper and nanny. They repeatedly beat and threatened her. Akhter was sentenced to more than one year (16 months) in prison after pleading guilty to an immigration violation. Alamin was convicted of involuntary servitude and sentenced to more than 11 years (135 months) in prison. In addition, both offenders were ordered to pay the victim \$125,819 in restitution.

***United States v. Blackwell and Blackwell (Convicted 6/9/03, D. Md.)***

Barbara Coleman-Blackwell and Kenneth Blackwell were convicted of smuggling a woman from Ghana to the United States, and forcing her to work as a domestic servant and nanny, with little or no pay. In order to keep her in this position, the defendants hid her passport and threatened her with deportation and imprisonment. Barbara Coleman-Blackwell was sentenced to more than four years (63 months) of incarceration and Kenneth Blackwell to supervised release for three years. Grace Coleman, Coleman-Blackwell's mother, who is a member of the Ghanaian Parliament, faces similar charges and extradition to the United States for aiding the Blackwells.

**Sexual Violence in the Context of Labor Trafficking:**

***United States v. Udeozor (Indicted 11/12/03, Convicted 11/18/04, D. Md.)***

[http://www.usdoj.gov/opa/pr/2004/November/04\\_crt\\_759.htm](http://www.usdoj.gov/opa/pr/2004/November/04_crt_759.htm)

On November 12, 2003, a Germantown, Maryland couple – Adaobi Stella Udeozor and George Chidebe Udeozor – were indicted on counts of conspiracy, involuntary servitude, and harboring an alien for financial gain. From September 1996 to October 2001, the couple held a 14-year-old Nigerian girl in involuntary servitude, forcing her to work for little or no pay, and also physically and sexually assaulting her. The indictment alleged that the couple had promised the girl that she would be paid and allowed to attend school. Both defendants face maximum penalties of 20 years imprisonment, a three year term of supervised release and a \$250,000 fine. As of November 19, 2004, George Udeozor was a fugitive in Nigeria and Adaobi Udeozor had been convicted of conspiracy and harboring an alien for financial gain.

***United States v. Soto-Huarte (Indicted 07/31/03, sentenced 1/29/04 & 1/30/04, S.D. Tex.)***

[http://www.justice.gov/opa/pr/2004/January/04\\_crt\\_054.htm](http://www.justice.gov/opa/pr/2004/January/04_crt_054.htm)

Seven men were sentenced to a combined 51 years in prison on trafficking and forced servitude crimes. Juan Carlos Soto, the ringleader, was sentenced to 23 years in prison – the longest sentence ever handed out under TVPA up to that point. Arrested in March and April 2003, the men trafficked four women from Guatemala, Honduras, and El Salvador, who had agreed to pay \$5000 to be smuggled into the United States. Once they arrived here, however, the women were confined in “safe houses,” where they were forced to cook, clean, and do housework without pay. In addition, they were repeatedly raped by the defendants, who were charged and convicted on federal civil rights violations, extortion, hostage-taking, immigration offenses, involuntary servitude, and human trafficking.

***United States v. Tecum* (sentenced 2/01, D.  
Fla.)<http://www.usdoj.gov/opa/pr/2001/March/126cr.htm>**

Jose Tecum is currently serving a nine-year prison sentence for trafficking a Guatemalan teenager into South Florida, through Mexico and Arizona, where he forced her to perform manual farm labor during the day and sexual acts for him at night. Tecum raped and kidnapped this young woman, then smuggled her into the United States, where he held her in servitude through sexual violence, psychological coercion, cultural isolation, and financial dependence. He was convicted of kidnapping, immigration violations, slavery, and conspiracy to manufacture false documents. This woman was one of the first human trafficking victims granted a T-visa under TVPA.