



Virginia Department of Criminal Justice Services

Model Policy on Human Trafficking

November 13, 2014

INTRODUCTION

Human trafficking is a form of modern slavery where people profit from the control and exploitation of others.

Although slavery is commonly thought to be a thing of the past, human trafficking still exists today throughout the United States and globally when traffickers use force, fraud, or coercion to control other people for the purpose of engaging in commercial sex or forcing them to provide labor services against their will. Traffickers use violence, threats, deception, debt bondage, and other manipulative tactics to trap victims in horrific situations every day in America. All trafficking victims share one essential experience – the loss of freedom.

In the United States, sex trafficking commonly occurs in online escort services, residential brothels, brothels disguised as massage businesses or spas, and in street prostitution. Labor trafficking has been found in domestic servitude situations, as well as sales crews, large farms, restaurants, carnivals, and more.

There are two primary factors driving the spread of human trafficking: high profits and low risk. Like drug and arms trafficking, human trafficking is a market-driven criminal industry that is based on the principles of supply and demand. Every year, traffickers generate billions of dollars in profits by victimizing millions of people around the world, including here in the United States.¹

Since December 2007, 17,012 human trafficking cases have been reported through the hotline of the National Human Trafficking Resource Center (NHTRC).²

¹ Source: The Polaris Project — www.polarisproject.org

² Source: National Human Trafficking Resource Center — www.traffickingresourcecenter.org

POLICE/SHERIFF'S OFFICE		GENERAL ORDERS	
SUBJECT: Human Trafficking		NUMBER: 2-43	
EFFECTIVE DATE:		REVIEW DATE: <i>annually</i>	
AMENDS/SUPERSEDES:		APPROVED: _____ Chief of Police/Sheriff	
VLEPSC STANDARDS:			

NOTE: This directive is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. POLICY

It is the procedure of the [agency] to accurately report and aggressively investigate all reports of Human Trafficking. The [agency] goals are to identify and assist the victims of human trafficking and to effectively identify, apprehend, and prosecute those engaged in trafficking offenses, with the help of state and/or federal government.

II. DEFINITIONS

Human Trafficking

Labor Trafficking — The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of fraud or coercion for the purpose of involuntary servitude, peonage, debt bondage, or slavery. This occurs in situations of forced labor such as domestic servitude, factory, construction, housekeeping, food service or agricultural work.

Sex Trafficking — The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under eighteen (18) years of age.³

Force, Fraud and Coercion — Force, fraud and coercion are methods used by traffickers to press victims into lives of servitude and/or abuse.

Force — Rape, beatings, burnings, constraint, confinement, deprivation – sleep, food and/or liquids, drug use

Fraud — Includes false and deceptive offers of employment, love/marriage, better life

Coercion — Climate of fear; Threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause victims to believe that failure to perform an act would

³ As defined by the Trafficking Victims Protection Act of 2000, the term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.

result in restraint and/or physical harm against them and/or their loved ones; or the abuse or threatened abuse of the legal process; creating dependency; establishing quotas.

§ 18.2-355. Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking.

Any person who:

- (1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or
- (2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or
- (3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or
- (4) For purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering, and shall be guilty of a Class 4 felony.

(Code 1950, § 18.1-204; 1960, c. 358; 1975, cc. 14, 15; 1980, c. 534; 1997, c. [555](#); 2014, cc. [649](#), [706](#).)

§ 18.2-47. Abduction and kidnapping defined; punishment.

- A. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."
- B. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.
- C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony.
- D. If an offense under subsection A is committed by the parent of the person abducted and punishable as contempt of court in any proceeding then pending, the offense shall be a Class 1 misdemeanor in addition to being punishable as contempt of court. However, such offense, if committed by the parent of the person abducted and punishable as contempt of court in any proceeding then pending and the person abducted is removed from the Commonwealth by the abducting parent, shall be a Class 6 felony in addition to being punishable as contempt of court.

(Code 1950, §§ 18.1-36, 18.1-37; 1960, c. 358; 1975, cc. 14, 15; 1979, c. 663; 1980, c. 506; 1997, c. [747](#); 2009, c. [662](#).)

§ 18.2-48. Abduction with intent to extort money or for immoral purpose.

Abduction (i) of any person with the intent to extort money or pecuniary benefit, (ii) of any person with intent to defile such person, (iii) of any child under sixteen years of age for the purpose of concubinage or prostitution, (iv) of any person for the purpose of prostitution, or (v) of any minor for the purpose of manufacturing child pornography shall be punishable as a Class 2 felony. If the sentence imposed for a violation of (ii), (iii), (iv), or (v) includes a term of confinement less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years. This suspended sentence shall be suspended for the remainder of the defendant's life subject to revocation by the court.

(Code 1950, § 18.1-38; 1960, c. 358; 1966, c. 214; 1975, cc. 14, 15; 1993, c. 317; 1997, c. [747](#); 2006, cc. [853](#), [914](#); 2011, c. [785](#).)

§ 18.2-357. Receiving money from earnings of male or female prostitute.

Any person who shall knowingly receive any money or other valuable thing from the earnings of any male or female engaged in prostitution, except for a consideration deemed good and valuable in law, shall be guilty of pandering, punishable as a Class 4 felony.

(Code 1950, § 18.1-208; 1960, c. 358; 1975, cc. 14, 15; 1980, c. 534.)

III. PROCEDURES

A. Visible Indicators of the individual in question

1. Common Work and Living Conditions

- a. Is not free to leave or come and go as he/she wishes
- b. Is under 18 and is providing commercial sex acts
- c. Is in the commercial sex industry and has a “pimp”, “manager”, “boyfriend”, “daddy”, or “boss”.
- d. Is unpaid, paid very little, or paid only through tips
- e. Works excessively long and/or unusual hours
- f. Is not allowed breaks or suffers under unusual restrictions at work
- g. Owes a large debt and is unable to pay it off
- h. Afraid of revealing immigration status
- i. Was recruited through false promises concerning the nature and conditions of his/her work
- j. High security measures exist in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.)
- k. Sharing space with large amount of people
- l. Is here on a guest visa, but faces threats by the employer

2. Poor Mental Health or Abnormal Behavior

- a. Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid
- b. Exhibits unusually fearful or anxious behavior after bringing up law enforcement
- c. Avoids eye contact
- d. Combative/argumentative/hostile/defensive in reaction to law enforcement questioning and “pimp”, “manager”, “boyfriend”, “daddy”, “auntie”, “papi”, or “boss”.
- e. Erratic behavior from use of substances
- f. Appears drugged or dazed

- g. Taking anti-depressants and/or other prescription drugs

3. Poor Physical Health

- a. Lacks health care
- b. Poor personal hygiene
- c. Appears malnourished and/or dehydrated
- d. Shows signs of physical and/or sexual abuse, physical restraint, confinement, drug abuse or torture
- e. Sexually transmitted diseases
- f. Bruising, broken bones, burns, infected cuts or other signs of untreated medical problems.
- g. Complains of chronic stomach aches and/or headaches
- h. Is abusing narcotics.

4. Lack of Control

- a. Has few or no personal possessions
- b. Is not in control of his/her own money, no financial records, or bank account
- c. Is not in control of his/her own identification documents (ID, passport or birth certificate)
- d. Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating)
- e. Unable to look third party who is present with them in face and/or eyes.

5. Other

- a. Claims of just visiting and inability to clarify where he/she is staying/address
- b. Lack of knowledge of whereabouts and/or does not know what city he/she is in
- c. Loss of sense of time
- d. Has numerous inconsistencies in his/her story
- e. Come from a place known to be a source of human trafficking
- f. Answers to questions appear coached and/or self-subscribe themselves as wife, student and/or tourist without evidence of same.
- g. Appears to have fear and/or apprehension toward third party/person accompanying them.
- h. Claims they want to be there or willing to take the blame.
- i. Has multiple names

B. Visual indicators of establishments, housing, etc.

1. Heavy security at the commercial establishment including barred windows, locked doors, isolated location, someone standing guard at the door and electronic surveillance. Women are never seen leaving the premises unless escorted.
2. Victims live at the same premises as the brothel or work site or are driven between quarters and "work" by a guard. For labor trafficking, victims are often prohibited from leaving the work site, which may look like a guarded compound from the outside.
3. Victims are kept under surveillance when taken to a doctor, hospital or clinic for treatment; trafficker may act as a translator.
4. High foot traffic especially for brothels or hotel rooms where there may be trafficked women indicated often by a stream of men arriving and leaving the premises.
5. Home in which they live has evidence of barred or sealed windows.

6. Windows covered preventing viewing inside.
7. Indication of guards.
8. Multiple mattresses in a room, in a place of business, or in a garage
9. Commercial establishment has pattern of regulatory/zoning violations that indicate individuals are living there (e.g., hot plates found in closets, mattresses kept in kitchen, excessive signs of eating in all rooms, etc.)

C. Children

Applicable Statutes: §40.1-103, §18.2-48, §18.2-346(B), §18.2-347, §18.2-349, §18.2-355, §18.2-356, §18.2-357, §18.2-357.1, §18.2-370(B), §18.2-374.1, §19.2-386.16.

1. Children who have been trafficked may:

- a. Have no access to their parents or guardians
- b. Look intimidated and behave in a way that does not correspond with behavior typical of children their age
- c. Have no friends of their own age outside of work
- d. Have no access to education
- e. Have no time for playing
- f. Live apart from other children and in substandard accommodations
- g. Eat apart from other members of the “family”
- h. Be given only leftovers to eat
- i. Be engaged in work that is not suitable for children
- j. Travel unaccompanied by adults
- k. Travel in groups with persons who are not relatives
- l. Appear to have a strong attachment to the potential trafficker

2. The following might also indicate that children have been trafficked:

- a. The presence of child-sized clothing typically worn for doing manual or sex work
- b. The presence of toys, beds and children’s clothing in inappropriate places such as brothels and factories
- c. The claim made by an adult that he or she has “found” an unaccompanied child
- d. The finding of unaccompanied children carrying telephone numbers for calling taxis
- e. The discovery of cases involving illegal adoption

D. Sexual Exploitation

Applicable Statutes: §18.2-48, §18.2-59, §18.2-346(B), §18.2-347, §18.2-349, §18.2-355, §18.2-356, §18.2-357, §19.2-386.16.

1. People who have been trafficked for the purpose of sexual exploitation may:

- a. Be under 30 years old, although the age may vary according to the location and the market
- b. Move from one brothel or hotel room to the next or work in various locations
- c. Be escorted whenever they go to and return from work, shops etc.
- d. Have tattoos or “brand” of initials, person’s name, saying/phrase or other marks such as barcodes and/or dollar signs indicating “ownership” by their exploiters
- e. Work long hours or have few if any days off
- f. Sleep where they work
- g. Live or travel in a group, sometimes with other women who do not speak the same language
- h. Have very few items of clothing

- i. Have clothes that are mostly the kind typically worn for doing sex work
 - j. Only know how to say sex-related words in the local language or in the language of the client group
 - k. Have no cash of their own
 - l. Be unable to show an identity document.
 - m. Be drug addicted or may be provided drugs by their trafficker.
 - n. May be fed once per day or less.
 - o. May have been cut off from contact from the outside world by having their telephone and/or identifying documents taken from them.
 - p. Carries multiple cell phones, sometimes unnoticeable.
- 2. The following might also indicate that people have been trafficked for sexual exploitation:**
- a. There is evidence that suspected victims have had unprotected and/or violent sex.
 - b. There is evidence that suspected victims cannot refuse unprotected and/or violent sex.
 - c. There is evidence that a person has been bought and sold.
 - d. There is evidence that groups of women are under the control of others.
 - e. Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.
 - f. It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.
 - g. A search of internet postings connected to the victim's escort activities shows multiple locations and multiple dates.
 - h. There is evidence that the suspected victim has been cut off from the outside world (such as information provided by family members).
 - i. It is reported by clients that sex workers do not smile or do not cooperate.
 - j. Potential victim keeps eyes down while in public.
 - k. How did the person learn about the job? Who from?
 - l. What type of work did they originally think they would be doing?
 - m. What type of work did they do in their hometown/country?
 - n. Are they being forced to have sex as part of their job?
 - o. Where does the person sleep at night? Are there others in the room?
 - p. Does the person have to ask permission to eat and sleep?

Labor Trafficking

- 1. People who have been trafficked for the purpose of labor trafficking may:**
- Fear talking to law enforcement because of threat of deportation
 - Be male or female, adult or minor
 - Have legitimate documents such as a guest worker visa, but are working under duress and threats
 - Live with a large group of victims in garages, businesses, houses, or hotel rooms
 - Not be in the state they were told they were going
 - Work in hotels, nail salons, construction, maid services, meat processing plants, factories, agriculture, landscaping, restaurants
 - Be in the control of a family and is now a domestic servant
 - Fear losing their "job"
 - Be from any country
 - Receive an actual paycheck, but all of it goes to the trafficker to either pay a debt and/or to pay for inflated living costs including transportation, food, lodging

- Fear what could happen to their family if they cooperate with law enforcement

E. Incident Response Protocols

1. Communications

- When a caller reports a case of Human Trafficking, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.
- The decision as to the priority of the call should be based on the seriousness of the injuries or threatened harm, and whether or not the suspect is on the premises.

Initial Law Enforcement Response – What to know and how to act – Communicating with Victims of Human Trafficking

Generally: Building TRUST is number one priority.

- For victim's safety and obtaining their cooperation and trust in the investigation, strict confidentiality is paramount to prosecuting trafficker and getting the victim they help they need
 - *Talk to victims in safe, confidential and trusting environment*
 - *Limit number of officers and/or staff members coming in contact with suspected trafficking victim*
- Importance of indirectly and sensitively probing to determine if person is trafficking victim
 - *May deny being a trafficking victim, so best not to ask direct questions*
 - *Phrase "trafficking victim" will have no meaning or engender fear*
 - *Be on Their Level*
 - *Avoid "gasps" or acting "shocked"*
 - *Avoid pity, judgment or patronization*
 - *Avoid victim-blaming attitudes, body language or behaviors*
 - Be cautious when arriving on scene and locate the victim(s) and determine if there is a language barrier. A translator should be called to the scene if needed and do not use any translators from the scene as this could be someone working for the suspect. Enlist trusted translator/interpreter who also understands victim's cultural needs.
 - If person is a child, it is important to enlist help of a specialist skilled in interviewing child trafficking or abuse victims.
 - Initial victim interview: It is important to remember that this case must be handled appropriately and all interviews conducted upon initial response because these cases are time sensitive and this may be the only chance the victim will have to ask for help. The officer should interview the victim and record as much of the following information as possible:
 - Is the person free to leave the work site?
 - Is the person physically, sexually or psychologically abused or involved with drug usage?
 - Does the person have a passport or valid I.D. card and is he/she in possession of such documents?
 - What the pay is and conditions of employment?

- Does the person live at home or at/near the work site?
- How did the individual arrive at this destination if the suspected victim is a foreign national?
- Has the person or a family member of this person been threatened?
- Does the person fear that something bad will happen to him or her, or to a family member, if he/she leaves the job?
- Are there other potential victims on scene?
- Is the suspected trafficker on scene? If not, where is he/she?

2. Arrest Decisions

Responding officers will arrest the suspect as authorized by law. The appropriate law enforcement response to these calls:

- a. Evaluate the scene
- b. Provide aid and assistance as may be needed, including officer's responsibility for making arrangements for transporting victim
- c. Interview victim (determining willingness to cooperate with investigation if adult, however, other evidence may be used if victim is unwilling), witness(es) (if any) and suspect(s) (if and/or when identified)
- d. Identify, record, collect and/or preserve physical evidence
- e. Determine the offense, and appropriate charges.
- f. Arrest the suspect or where the patrol officer has not made an arrest, but probable cause exists and the suspect is not on the scene, the officer will notify the patrol supervisor and provide the appropriate BOLO.
- g. Make referrals for help services, i.e., Child Protective Services, social services, rape counseling, domestic violence shelters, etc.
- h. Get warrant for the arrest; (petition for an emergency protective order for the victim; if issued serve the emergency protective order then take to the communications center and take appropriate steps to have entered into VCIN.)
- i. Record findings on standard report forms to assist investigation in determining what, if any, crime has occurred – make sure that the human trafficking offense box is properly noted for statistical purposes

3. Report to Supervisor

- a. In any case where the patrol officer has not made an arrest, but probable cause exists and the suspect is not on the scene, the officer will notify the patrol supervisor and provide the appropriate BOLO.
- b. Supervisors must notify the on-duty detective on all trafficking cases.

4. Investigative Protocol

The Detective Division shall be notified of all suspected trafficking cases immediately. The on duty detective will respond and initiate an investigation. If an arrest warrant can be issued, it should be done immediately and all attempts made to locate the suspect.

[Often victims of labor and/or sex trafficking will cooperate more when an outside service provider is involved to assess immediate needs. If there are no services provided to meet the basic needs of victims they are likely to stay in crisis and not respond to law enforcement reliably.]

[The Detective Division should have a language assistance tool similar to the Victim Translation Assistance Tool (VITA), created by the United Nations. VITA is a unique tool using audio messages that allows law enforcement officials to communicate with people speaking another language. This tool consists of key encounter messages that facilitate the identification of a trafficked person. Basic questions and messages have been recorded and translated into more than 40 languages.]

IV. RESOURCES

- Appropriate local resources
- Virginia Department of Criminal Justice Services (DCJS) Victims Services – www.dcjs.virginia.gov
- The National Human Trafficking Resource Center (NHTRC) – 1-888-373-7888 or text “BeFree” (23373) – www.polarisproject.org
- U.S. Department of Homeland Security, Homeland Security Investigations Tip Line – 1-866-347-2423.
- The Northern Virginia Human Trafficking Task Force
- The Gray Haven Project
- Safe Harbor
- Commonwealth’s Attorney’s Victim Witness Coordinator
- The Arbor
- Virginia Office of the Attorney General
- *Red Flags—How to Identify Pimps & Traffickers*, Rebecca Bender
- Virginia Justice Initiatives
 - Richmond Justice Initiative: www.rvaji.com
 - Virginia Beach Justice Initiative: www.vbji.org
 - The Human Trafficking Training Institute: www.humantraffickingtraining.info
 - Victim Service Providers
 - Richmond: The Gray Haven Project: www.thegrayhaven.org
 - Virginia Beach: Virginia Beach Justice Initiative: www.vbji.org