



**POST
GUIDELINES**

ON LAW ENFORCEMENT RESPONSE TO

POST2007BTB-0394

2008

HUMAN

TRAFFICKING

HUMAN
TRAFFICKING

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POST

GUIDELINES ON
LAW ENFORCEMENT RESPONSE TO

HUMAN TRAFFICKING

2008

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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Human trafficking is one of the most horrific crimes committed in our society today. It involves the recruitment, abduction, transport, harboring, transfer, sale, or receipt of persons, within national or across international borders, through force, coercion, fraud, or deception. It places persons in situations of slavery or slave-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor and other debt bondage. In other words, human beings are being bought and sold, sometimes repeatedly, for profit.

Human traffickers prey on the most vulnerable and disadvantaged members of society. They often lure victims by promising legitimate jobs to support their families. Instead, victims are devastated to learn they have been sold or trapped into a form of slavery. The nature of human trafficking makes it critical for law enforcement to understand the dynamics, indicators, and manifestations of its occurrence. Responding officers need the training and sensitivity necessary to provide the support that victims need to regain their lives.

The California Trafficking Victims Protection Act was enacted in late 2005 by statute [[Penal Code \(PC\) §13519.4](#)] and required the Commission to prepare guidelines for law enforcement response to human trafficking. These guidelines are presented in a format that will allow the reader to follow a systematic process when conducting human trafficking investigation. POST 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 for their assistance in providing this information. Questions or comments concerning this document should be directed to the Training Program Services Bureau at 916 227-4885.



Paul Cappitelli
Executive Director

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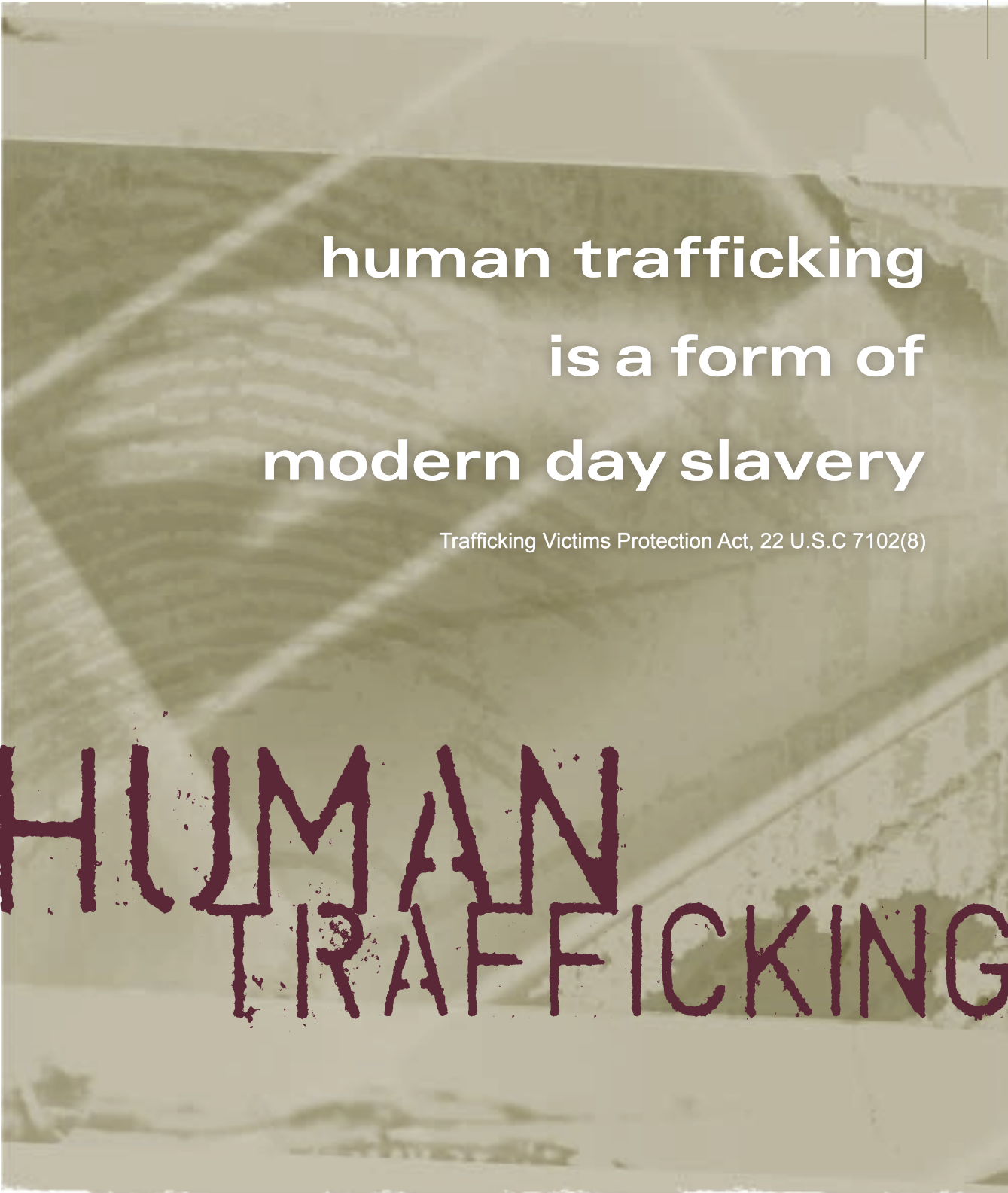
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HUMAN TRAFFICKING

GUIDELINES



**human trafficking
is a form of
modern day slavery**

Trafficking Victims Protection Act, 22 U.S.C 7102(8)

**HUMAN
TRAFFICKING**

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with the **laws** associated
with human trafficking



1.01 California Statutory Law

CALIFORNIA TRAFFICKING VICTIMS PROTECTION ACT:

Penal Code (PC) §236.1 – Human trafficking

- (a) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of Section **266**, **266h**, **266i**, **267**, **311.4**, or **518**, or to obtain forced labor or services, is guilty of human trafficking.
- (b) Except as provided in subdivision (c), a violation of this section is punishable by imprisonment in the state prison for three, four, or five years.
- (c) A violation of this section where the victim of the trafficking was under 18 years of age at the time of the commission of the offense is punishable by imprisonment in the state prison for four, six, or eight years.
- (d) (1) For purposes of this section, unlawful deprivation or violation of the personal liberty of another includes substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.
(2) Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.
- (e) For purposes of this section, "forced labor or services" means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person.
- (f) The Legislature finds that the definition of human trafficking in this section is equivalent to the federal definition of a severe form of trafficking found in **Section 7102(8) of Title 22** of the United States Code.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with the **scope of the**
problem of human trafficking



2.01 Scope of the Problem

STATISTICS: INTERNATIONAL

- 1 The United States Department of State estimates that 600,000 to 800,000 individuals are trafficked annually.

- 2 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.

- 3 The profits associated with human trafficking exceed billions of dollars per year.

STATISTICS: DOMESTIC

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

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
understand differences between
smuggling and human trafficking



3.01 Smuggling

- 1 The relationship between the parties ends at the destination when fees are paid.

- 2 The transaction is made for the smuggling service.

- 3 The person is free to leave upon payment of the fee.

- 4 It is a crime against the national borders.

- 5 It requires movement across a state or international border.

- 6 It can become trafficking once a person is compelled to provide labor or services.

3.02 Trafficking

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

- 1 Debts are incurred.

- 2 The person is not free to leave and becomes enslaved.

- 3 It is a crime against persons.

- 4 It does not require movement across a state or international border.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with the **dynamics** of
human trafficking



4.01 Victim Recruitment

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

- 1 Direct recruitment

- 2 Employment agencies

- 3 Modeling agencies

- 4 Career fairs

- 5 Educational opportunities

- 6 Illegal foreign adoptions

- 7 Internet

- 8 Public advertisements

9 Friends or family

10 Other victims

11 Befriending

12 Romancing

13 Seduction

4.02 Vulnerability

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

1 Are escaping oppression, domestic violence, child abuse, and/or other conflict.

2 Are economically disadvantaged.

3 Have limited education.

4 Are homeless and/or runaway children.

5 Are women and children.

6 Are adults and children seeking employment.

4.03 Perpetrators

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

1 Friends and family members

2 Organized criminal groups/local gangs

3 Smugglers

4 Pimps/madams

5 Adult entertainment industry providers

6 Massage parlor operators

7 Labor subcontractors

4.04 How Perpetrators Operate

SMALL SCALE:

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

LEGAL BUSINESSES:

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

INTERNATIONAL NETWORKS:

- 1 Russian mafia
- 2 Chinese triads
- 3 Japanese Yakusa

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with the **manifestations**
of human trafficking



5.01 Manifestations

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

- 1 Agricultural labor
- 2 Begging/panhandling
- 3 Construction labor
- 4 Debt bondage
- 5 Hotel/motel cleaning services

- 6 Illegal transporters (humans and narcotics)

- 7 Organized theft rings

- 8 Pornography (including child)

- 9 Prostitution/sex industry

- 10 Restaurant business/waitress/cleaning service

- 11 Servile marriage (mail-order brides)

- 12 Sweatshops/factory workers

5.02 Types of Calls

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

- 1 Sexual assault

- 2 Aggravated assaults/battery

- 3 Domestic violence

- 4 Kidnapping/false Imprisonment

- 5 Lost/found reports (child/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 Any other type of call

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be aware of the **indicators** of
human trafficking



6.01 General Indicators

- 1 Victims live on or near their work premises.

- 2 They have restricted or controlled communication/transportation.

- 3 They are not free to leave.

- 4 They are frequently moved by the traffickers.

- 5 There are a large number of occupants for the living space.

- 6 They have a lack of private space, personal possessions, and/or financial records.

- 7 They have limited knowledge about how to function or navigate in a community.

- 8 They have no access to telephones.

- 9 They have access to only one spokesperson, or third party who insists on interpreting.

- 10 There is excessive taxi traffic at their residence or workplace.

- 11 The neighbors observe heavy male foot traffic but rarely see the occupants.

6.02 Physical Indicators

- 1 Victims may have visible injuries from beatings with or without weapons used.

- 2 They exhibit signs of being exposed to torture (e.g., cigarette burns).

- 3 They have brands, scars, or tattoos indicating someone else's ownership.

- 4 They exhibit signs of malnutrition.

6.03 Financial / Legal Indicators

- 1 Someone else has possession of the victim’s legal and/or travel documents.

- 2 They have existing debt issues.

- 3 One attorney claims to represent multiple victims detained at different locations.

- 4 The victim was forced to sign a contract.

6.04 Labor Camps / Sweatshops

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

- 1 Barbed wire surrounding the facility

- 2 Bars on the windows

- 3 Self-contained camps

- 4 Bouncers, guards, and/or guard dogs

- 5 Shopping allowed only at a “company store”

6.05 Sex Industry / Brothels

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

- 1 There are large amounts of cash and condoms at the location.

- 2 There is a customer logbook or receipt book (also known as a “trick book”).

- 3 The rooms are sparse.

- 4 Men come and go frequently.

- 5 There are mattresses in the rooms instead of massage tables

- 6 Service menus are available.

- 7 There are hidden passages/areas and trap doors.

- 8 Covert video security systems are in place.

(Refer to POST Guidelines for Adult/Adolescent Sexual Assault Investigation.)

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with the **responsibilities**
of the initial responding officer



- 7.01**
- 1** Contact the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.

 - 2** Preserve the crime scene. The scene will vary by type of activity being investigated.

 - 3** 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

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with **identifying,**
assessing, and communicating with
victims of human trafficking



8.01 **Victim Veracity**

- 1** 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.

- 2** The officer should be cognizant of the fact the victim may have endured physical and/or psychological imprisonment.

8.02 Law Enforcement Challenges

The following are some of the challenges law enforcement will encounter in obtaining accurate statements from trafficking victims:

- 1 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.)

- 2 They may be experiencing the Stockholm syndrome or feeling sympathetic toward the suspects.

- 3 They may have a false sense of loyalty or commitment to the trafficker due to “brainwashing.”

- 4 They may distrust outsiders particularly law enforcement.

- 5 They fear deportation.

- 6 They are unaware of their rights and may not consider themselves victims.

- 7 Life may be better now than it was previously.

- 8 They are afraid and intimidated by the traffickers.

- 9 They fear the unknown.

- 10 They are not in possession of their legal documents

- 11 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
- 12 They fear being ostracized back in their countries.

- 13 They are financially indebted to the traffickers.

- 14 They are isolated and may have been repeatedly moved to different locations.

8.03 Possible Victim Responses

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

- 1 Evasiveness

- 2 Fear

- 3 Flight (possibly by force)

- 4 Silence

- 5 Refusal to cooperate

- 6 Embracing their “liberators”

- 7 Gratefulness

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
understand **victim dynamics** and
effectively respond to victims from
varying life circumstances



- 9.01**
- 1 Victims often need to feel safe before they will speak with officers/investigators.

 - 2 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.

 - 3 Express sympathy to the victim and an interest in the victim’s well-being.

 - 4 Be familiar with the concept of a “victim-centered” approach. The victim is at the center, and often times the cornerstone of the investigation.

 - 5 When applicable, explain confidentiality rights.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with **appropriate**
interviewing techniques



10.01 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.

- 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? Have you been 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?”

10.02 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.

1 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.

2 Disadvantages of recording statements include:

- a. May be intimidating to the victim and cause reluctance to disclose.

3 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.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD

be familiar with available **community resources and referrals**, including the availability of civil and immigration remedies



11.01

- 1 Trafficking victims are often uncooperative initially.

- 2 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.

- 3 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.

- 4 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.

- 5 They may be more successful at building victim trust.

- 6 They keep victims informed of their legal rights including potential immigration relief.

- 7 They can assist law enforcement in preventing conflict of interest situations.

- 8 They have access to emergency funds and compensation programs.

- 9 These services are particularly important in cases involving large numbers of victims or victims with special needs, such as children, elderly, or disabled individuals.

- 10 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.

- 11 Adult Protective Services should be contacted for elder and disabled trafficking victims.

12 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.

13 Task forces available in the state:

- a. Los Angeles
- b. San Diego
- c. San Francisco
- d. Oakland
- e. San Jose

14 Hotline: National Human Trafficking 888-373-7888

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
also know the **required victim**
notifications



12.01 **1** 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
- e. www.victimcompensation.ca.gov

2 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.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with 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.

13.01 Physical Evidence

- 1 Document the demeanor of the victim.

- 2 Burns, scars

- 3 Tattoos

- 4 Injuries

- 5 Condoms

- 6 Lubricants

- 7 Sex industry devices

- 8 Drugs (even if not illegal, but used to sedate)

- 9 Motel keys

- 10 Physical aspects of crime scene/arrest (barbed wire, etc.)

13.02 Documentary Evidence

- 1 Contractual

- 2 Property ownership/lease agreement

- 3 Business/financial

- 4 Directories, client lists, ledger

- 5 Utility bills/phone records

- 6 Tax returns

- 7 Bank records

- 8 Receipts

- 9 Business licenses

- 10 Employment records

- 11 Legal

- 12 Vehicle registration

- 13 Vehicle violations/tickets

- 14 Temporary Restraining Order (TRO applications)

- 15 Marriage/divorce records

- 16 Arrest/crime record

13.03 Identification Documents (real and forged)

- 1 Passports

- 2 Visas

- 3 Other immigration documents (green cards, work permits)

- 4 Birth certificates

- 5 Identification cards

- 6 Licenses

- 7 Evidence of forgery

- 8 Stolen ID

13.04 Personal

- 1 Mail order advertisements

- 2 Letters, journals written by victim

13.05 Travel

- 1 Bus, airline, train tickets

- 2 GPS tracking

- 3 Border crossing records

13.06 Photographic / electronic / print media

- 1 CD-ROMs

- 2 Websites, Internet accounts, email

- 3 Web bulletin boards, chat rooms, personal ads, matchmaking services

- 4 Security system videos

- 5 Cell phone/PDA messages, memory (including, pictures)

- 6 Flash drives, including those on key chains

13.07 Statements

- 1 Victims

- 2 Witnesses

- 3 Suspects

- 4 Officers

- 5 Informants

- 6 911 calls, recordings

- 7 Jail calls, recordings

- 8 Pretext phone calls

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with all aspects of
human trafficking **case development**



14.01

- 1 Identify all players.

- 2 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
- 3 Prepare a timeline/link analysis chart showing how long the victim lived where and with whom.

- 4 Interview other witnesses.

- 5 Identify and contact other victims, if possible.

- 6 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?
- 7 Have the victim identify all of the locations of occurrence.

- 8 Contact former employees and other people close to the suspect(s).

- 9 Bring in specialized investigators, if appropriate.

- 10 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.

- 11 Complete background on the suspect. Interview, interrogate, and give Miranda/Beheler admonitions as appropriate.

- 12 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.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
make **arrests** when appropriate



15.01 Statutes

Penal Code (PC) §181 Slavery

Penal Code (PC) §236 False imprisonment

Penal Code (PC) §261 Rape and other sex crimes

Penal Code (PC) §236.1 Trafficking

Penal Code (PC) §266(g) Consent to a sexual act by fear

Penal Code (PC) §266(h) Pimping

Penal Code (PC) §266(i) Pandering

- 1 Consult the U.S. attorney about federal statutes that may carry longer sentences.

- 2 Consider other statutes that may be applicable.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
understand the importance of
collaborating with federal law enforcement
and other **agencies** to share resources



16.01 Federal Agencies

Immigration and Customs Enforcement/Border Patrol (ICE)

www.ice.gov

Federal Bureau of Investigation (FBI)

www.fbi.gov

Department of Health and Human Services

www.hhs.gov

Department of Labor - Wage and Hour Division

www.dol.gov/esa/whd/flsa/

Internal Revenue Service

www.irs.gov

United States Attorney

www.usdoj.gov/

Department of State

www.state.gov

- 1 Federal agencies may provide victim assistance.

- 2 Investigations are often multi-jurisdictional and can easily cross state lines. Both state and federal laws can apply.

- 3 Agencies should meet, lay the groundwork for cooperation and agree on protocols ahead of time.

GUIDELINE NUMBER

LAW ENFORCEMENT SHOULD
be familiar with the **legal requirements of PC §236.2** and provide documentation that satisfies the law enforcement agency endorsement



Under federal law, victims may be eligible to receive immigration remedies. Through special visa applications, victims can remain in this country legally during the investigation and prosecution of their abusers.

1701

Penal Code (PC) §236.2 States that:

- 1 Law enforcement agencies shall provide, within 15 business days of the first encounter with a human trafficking victim, brief letters which satisfy the LEA endorsement regulations

- 2 The purpose of this endorsement is to assist victims in applying to immigration authorities for a T visa, which allows them to live and work legally in the U.S. and access certain government benefits, such as health care.

- 3 Endorsement can be done using federal form I-914, supplement B, "Declaration of Law Enforcement Officer for Victim of Trafficking in Persons" - form can be downloaded from www.uscis.gov/uscis.

- 4 Statute does not specify where the endorsement goes once completed, but it should go to the victim's advocate or attorney so it can be included with I-914 T visa application.

APPENDIX 1

STATUTES AND CASES

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HUMAN TRAFFICKING STATUTES AND CASES

California Statutory Law:

Penal Code (PC) §236.1 – Human trafficking

- (a) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of Sections [266](#), [266h](#), [266i](#), [267](#), [311.4](#), or [518](#), or to obtain forced labor or services, is guilty of human trafficking.
- (b) Except as provided in subdivision (c), a violation of this section is punishable by imprisonment in the state prison for three, four, or five years.
- (c) A violation of this section where the victim of the trafficking was under 18 years of age at the time of the commission of the offense is punishable by imprisonment in the state prison for four, six, or eight years.
- (d) (1) For purposes of this section, unlawful deprivation or violation of the personal liberty of another includes substantial and sustained restriction of another’s liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.
(2) Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.
- (e) For purposes of this section, “forced labor or services” means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person.
- (f) The Legislature finds that the definition of human trafficking in this section is equivalent to the federal definition of a severe form of trafficking found in [Section 7102\(8\) of Title 22 of the United States Code](#).

Penal Code (PC) § 236.2 – Human trafficking; law enforcement agency endorsement

- (a) Within 15 business days of the first encounter of a victim of human trafficking, victim pursuant to [Section 236.1](#), law enforcement agencies shall provide brief letters that satisfy the following Law Enforcement Agency Endorsement (LEA) regulations as found in [Section 214.11 \(f\)\(1\) of Chapter 8 of the Code of Federal Regulations](#).
- (b) The LEA must be submitted on [Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, of Form I-914](#).

The LEA endorsement must be filled out completely in accordance with the instructions contained on the form and must attach the results of any name or database inquiry performed. In order to provide persuasive evidence, the LEA endorsement must contain a description of the victimization upon which the application is based, including the dates the trafficking in persons and victimization occurred, and be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services, or for the purposes of a commercial sex act.

- (c) Where state law enforcement agencies find the grant of a LEA endorsement to be inappropriate for a victim of trafficking in persons, the agency shall within 15 days provide the victim with a letter explaining the grounds of the denial of the LEA. The victim may submit additional evidence to the law enforcement agency, which must reconsider the denial of the LEA within one week of the receipt of additional evidence.

Penal Code (PC) §13519.14 – Course or courses of instruction for training of law enforcement officers in the handling of human trafficking complaints; guidelines

- (a) The commission shall implement by January 1, 2007, a course or courses of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and also shall develop guidelines for law enforcement response to human trafficking. The course or courses of instruction and the guidelines shall stress the dynamics and manifestations of human trafficking, identifying and communicating with victims, providing documentation that satisfy the law enforcement agency endorsement (LEA) required by federal law, collaboration with federal law enforcement officials, therapeutically appropriate investigative techniques, the availability of civil and immigration remedies and community resources, and protection of the victim. Where appropriate, the training presenters shall include human trafficking experts with experience in the delivery of direct services to victims of human trafficking. Completion of the course may be satisfied by telecommunication, video training tape, or other instruction.
- (b) As used in this section, “law enforcement officer” means any officer or employee of a local police department or sheriff’s office, and any peace officer of the California Highway Patrol, as defined by subdivision (a) of **Section 830.2**.
- (c) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the

commission in consultation with appropriate groups and individuals having an interest and expertise in the field of human trafficking.

- (d) The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways human trafficking training may be included as a part of ongoing programs.
- (e) Participation in the course or courses specified in this section by peace officers or the agencies employing them is voluntary.

Penal Code (PC) §13990 – Establishes the California Alliance to Combat Trafficking and Slavery Task Force (“California ACTS”)

- (a) There is hereby established the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to do the following, to the extent feasible:
 - (1) Collect and organize data on the nature and extent of trafficking in persons in California.
 - (2) Examine collaborative models between government and nongovernmental organizations for protecting victims of trafficking.
 - (3) Measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking.
 - (4) Identify available federal, state, and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English-as-a-second-language classes, voluntary repatriation, and victim’s compensation. Assess the need for additional services, including, but not limited to, shelter services for trafficking victims.
 - (5) Evaluate approaches to increase public awareness of trafficking.
 - (6) Analyze existing state criminal statutes for their adequacy in addressing trafficking and, if the analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address trafficking.
 - (7) Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking, and prosecute traffickers.
- (b) The task force shall be chaired by a designee of the Attorney General. The Department of Justice shall provide staff and support for the task force, to the extent that resources are available.
- (c) The members of the task force shall serve at the pleasure of the respective appointing authority. Reimbursement of necessary expenses may be provided at

the discretion of the respective appointing authority or agency participating in the task force. The task force shall be comprised of the following representatives or their designees:

- (1) The Attorney General.
 - (2) The Chairperson of the Judicial Council of California.
 - (3) The Secretary of the Labor and Workforce Development Agency.
 - (4) The Director of the State Department of Social Services.
 - (5) The Director of the State Department of Health Services.
 - (6) One Member of the Senate, appointed by the Senate Rules Committee.
 - (7) One Member of the Assembly, appointed by the Speaker of the Assembly.
 - (8) Chairperson of the state Commission on the Status of Women.
 - (9) One representative from the California District Attorneys Association.
 - (10) One representative from the California Public Defenders Association.
 - (11) Two representatives of local law enforcement, one selected by the California State Sheriffs' Association and one selected by the California Police Chiefs' Association.
 - (12) One representative from the County Welfare Directors' Association.
 - (13) One representative from the California Coalition Against Sexual Assault, appointed by the Governor.
 - (14) One representative from the California Partnership to End Domestic Violence, appointed by the Governor.
 - (15) The Governor shall appoint one university researcher and one mental health professional.
 - (16) The Speaker of the Assembly shall appoint one representative from an organization that provides services to farm workers, one representative from an organization that provides services to children, and one representative from an organization that serves victims of human trafficking in southern California.
 - (17) The Senate Rules Committee shall appoint one representative from an organization that provides legal immigration services to low-income individuals, one representative from an organization that advocates for immigrant workers' rights, and one representative from an organization that serves victims of trafficking in northern California.
 - (18) The Governor shall appoint one survivor of human trafficking.
- (d)** Whenever possible, members of the task force shall have experience providing services to trafficked persons or have knowledge of human trafficking issues.

- (e) The task force shall meet at least once every two months. Subcommittees may be formed and meet as necessary. All meetings shall be open to the public. The first meeting of the task force shall be held no later than March 1, 2006.
- (f) On or before July 1, 2007, the task force shall report its findings and recommendations to the Governor, the Attorney General, and the Legislature. At the request of any member, the report may include minority findings and recommendations.
- (g) For the purposes of this section, “trafficking” means all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud, or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.
- (h) This title is repealed as of January 1, 2008, unless a later enacted statute, that becomes operative before January 1, 2008, deletes or extends that date.

Penal Code (PC) §14023 – Human trafficking added to Attorney General’s Witness Protection Program

The Attorney General shall give priority to matters involving organized crime, gang activities, drug trafficking, *human trafficking*, and cases involving a high degree of risk to the witness. Special regard shall also be given to the elderly, the young, battered victims of domestic violence, the infirm, the handicapped, and victims of hate incidents.

Evidence Code (EC) §1038 – Privilege (human trafficking victim – caseworker)

- (a) A trafficking victim, whether or not a party to the action, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a human trafficking caseworker if the privilege is claimed by any of the following persons:
 - (1) The holder of the privilege.
 - (2) A person who is authorized to claim the privilege by the holder of the privilege
 - (3) The person who was the human trafficking caseworker at the time of the confidential communication. However, that person may not claim the privilege if there is no holder of the privilege in existence or if he or she is otherwise instructed by a person authorized to permit disclosure. The human trafficking caseworker who received or made a communication subject to the privilege granted by this article shall claim the privilege whenever he or she is present when the communication is sought to be disclosed and he or she is authorized to claim the privilege under this section.

- (b) A human trafficking caseworker shall inform a trafficking victim of any applicable limitations on confidentiality of communications between the victim and the caseworker. This information may be given orally.

Evidence Code (EC) §1038.1 – Compulsion of disclosure by court (human trafficking victim – caseworker)

- (a) The court may compel disclosure of information received by a human trafficking caseworker that constitutes relevant evidence of the facts and circumstances involving a crime allegedly perpetrated against the victim and that is the subject of a criminal proceeding, if the court determines that the probative value of the information outweighs the effect of disclosure of the information on the victim, the counseling relationship, and the counseling services. The court may compel disclosure if the victim is either dead or not the complaining witness in a criminal action against the perpetrator.
- (b) When a court rules on a claim of privilege under this article, it may require the person from whom disclosure is sought or the person authorized to claim the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the person authorized to claim the privilege and those other persons that the person authorized to claim the privilege consents to have present.
- (c) If the judge determines that the information is privileged and shall not be disclosed, neither he nor she nor any other person may disclose, without the consent of a person authorized to permit disclosure, any information disclosed in the course of the proceedings in chambers. If the court determines that information shall be disclosed, the court shall so order and inform the defendant in the criminal action. If the court finds there is a reasonable likelihood that any information is subject to disclosure pursuant to the balancing test provided in this section, the procedure specified in paragraphs (1), (2), and (3) of **Section 1035.4** shall be followed.

Penal Code (PC) §273.7 – Malicious disclosure of location of trafficking shelter

- (a) Any person who maliciously publishes, disseminates, or otherwise discloses the location of any trafficking shelter or domestic violence shelter or any the authorization of that trafficking shelter or domestic violence shelter, is guilty of a misdemeanor.
- (b) (2) For purposes of this section, “trafficking shelter” means a confidential location which provides emergency housing on a 24-hour basis for victims of

- human trafficking, including any person who is a victim under [Section 236.1](#).
- (c) Nothing in this section shall apply to confidential communications between an attorney and his or her client.

Evidence Code (EC) §1038.2 – Definitions (relating to human trafficking)

- (a) As used in this article, “victim” means any person who is a “trafficking victim” as defined in [Section 236.1](#).
- (b) As used in this article, “human trafficking caseworker” means any of the following:
- (1) A person who is employed by any organization providing the programs specified in [Section 18294 of the Welfare and Institutions Code](#), whether financially compensated or not, for the purpose of rendering advice or assistance to victims of human trafficking, who has received specialized training in the counseling of human trafficking victims, and who meets one of the following requirements:
- (A) Has a master’s degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in the counseling of human trafficking victims.
- (B) Has at least 40 hours of training as specified in this paragraph and is supervised by an individual who qualifies as a counselor under subparagraph (A), or is a psychotherapist, as defined in [Section 1010](#). The training, supervised by a person qualified under subparagraph (A), shall include, but need not be limited to, the following areas: history of human trafficking, civil and criminal law as it relates to human trafficking, societal attitudes towards human trafficking, peer counseling techniques, housing, public assistance and other financial resources available to meet the financial needs of human trafficking victims, and referral services available to human trafficking victims. A portion of this training must include an explanation of privileged communication.
- (2) A person who is employed by any organization providing the programs specified in [Section 13835.2 of the Penal Code](#), whether financially compensated or not, for the purpose of counseling and assisting human trafficking victims, and who meets one of the following requirements:
- (A) Is a psychotherapist as defined in [Section 1010](#), has a master’s degree in counseling or a related field, or has one year of counseling experience, at least six months of which is in rape assault counseling
- (B) Has the minimum training for human trafficking counseling required by guidelines established by the employing agency pursuant to subdivision (c) of [Section 13835.10 of the Penal Code](#), and is supervised by an individual

who qualifies as a counselor under subparagraph (A). The training, supervised by a person qualified under subparagraph (A), shall include, but not be limited to, law, victimology, counseling techniques, client and system advocacy, and referral services. A portion of this training must include an explanation of privileged communication

- (c) As used in this article, “confidential communication” means information transmitted between the victim and the caseworker in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the human trafficking counselor is consulted. It includes all information regarding the facts and circumstances involving all incidences of human trafficking.
- (d) As used in this article, “holder of the privilege” means the victim when he or she has no guardian or conservator, or a guardian or conservator of the victim when the victim has a guardian or conservator.

Civil Code (CC) §52.5 – Civil action for damages to victims of human trafficking

- (a) A victim of human trafficking, as defined in **Section 236.1 of the Penal Code**, may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief. A prevailing plaintiff may also be awarded attorney’s fees and costs.
- (b) In addition to the remedies specified herein, in any action under subdivision (a), the plaintiff may be awarded up to three times his or her actual damages or ten thousand dollars (\$10,000), whichever is greater. In addition, punitive damages may also be awarded upon proof of the defendant’s malice, oppression, fraud, or duress in committing the act of human trafficking.
- (c) An action brought pursuant to this section shall be commenced within five years of the date on which the trafficking victim was freed from the trafficking situation, or if the victim was a minor when the act of human trafficking against the victim occurred, within eight years after the date the plaintiff attains the age of majority.
- (d) If a person entitled to sue is under a disability at the time the cause of action accrues, so that it is impossible or impracticable for him or her to bring an action, then the time of the disability is not part of the time limited for the

commencement of the action. Disability will toll the running of the statute of limitation for this action.

- (1) Disability includes being a minor, insanity, imprisonment, or other incapacity or incompetence.
 - (2) The statute of limitations shall not run against an incompetent or minor plaintiff simply because a guardian ad litem has been appointed. A guardian ad litem's failure to bring a plaintiff's action within the applicable limitation period will not prejudice the plaintiff's right to do so after his or her disability ceases.
 - (3) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing of the action, or due to threats made by the defendant causing duress upon the plaintiff.
 - (4) The suspension of the statute of limitations due to disability, lack of knowledge, or estoppel applies to all other related claims arising out of the trafficking situation.
 - (5) The running of the statute of limitations is postponed during the pendency of any criminal proceedings against the victim.
- (e) The running of the statute of limitations may be suspended where a person entitled to sue could not have reasonably discovered the cause of action due to circumstances resulting from the trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services.
- (f) A prevailing plaintiff may also be awarded reasonable attorney's fees and litigation costs including, but not limited to, expert witness fees and expenses as part of the costs.
- (g) Any restitution paid by the defendant to the victim shall be credited against any judgment, award, or settlement obtained pursuant to this section. Any judgment, award, or settlement obtained pursuant to an action under this section shall be subject to the provisions of **Section 13963 of the Government Code**.
- (h) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim. As used in this section, a "criminal action" includes investigation and prosecution, and is pending until a final adjudication in the trial court, or dismissal.

Government Code (GC) §13956(b) (3) – Victims of human trafficking eligible for assistance from state restitution fund

- (3) An application for a claim based on human trafficking as defined in **Section 236.1 of the Penal Code** may not be denied solely because no police report was made by the victim. The board shall adopt guidelines that allow the board to consider and approve applications for assistance based on human trafficking relying upon evidence other than a police report to establish that a human trafficking crime as defined in **Section 236.1** has occurred. That evidence may include any reliable corroborating information approved by the board, including, but not limited to, the following:
 - (A) A Law Enforcement Agency Endorsement issued pursuant to **Section 236.2 of the Penal Code**.
 - (B) A human trafficking caseworker as identified in **Section 1038.2 of the Evidence Code** has attested by affidavit that the individual was a victim of human trafficking.

Penal Code (PC) §1202.4(q) – Restitution to victims of human trafficking by defendant

- (q) Upon conviction for a violation of **Section 236.1**, the court shall, in addition to any other penalty or restitution, order the defendant to pay restitution to the victim in any case in which a victim has suffered economic loss as a result of the defendant’s conduct. The court shall require that the defendant make restitution to the victim or victims in an amount established by court order, based on the amount of loss claimed by the victim or victims or any other showing to the court. In determining restitution pursuant to this section, the court shall base its order upon the greater of the following: the gross value of the victim’s labor or services based upon the comparable value of similar services in the labor market in which the offense occurred, or the value of the victim’s labor as guaranteed under California law, or the actual income derived by the defendant from the victim’s labor or services or any other appropriate means to provide reparations to the victim.

CASE LAW

CALIFORNIA CASE LAW:

Because the Human Trafficking statutes are so new, there are no cases on them. However, there are some cases based on violations of **CA Penal Codes 181** (slavery; infringement of personal liberty; purchase of custody), **266h** (pimping and pimping a minor), and **266i** (pandering and pandering with a minor).

While these cases do not deal with human or sex trafficking, the rulings may have been applicable to trafficking cases before California’s new laws on trafficking.

Father who offered to give his daughter to a family, if they gave him \$90,000, was charged and convicted under **Penal Code (PC) §181**. *People v. Daniel* (1987) 195 Cal.App.3d 623. Evidence that defendant repeatedly approached child’s mother and asked mother to give or sell child to him and that defendant was frightening and was clearly referring to child was sufficient to allow rational trier of fact to find defendant guilty of attempting to buy a person beyond reasonable doubt. *People v. Delvalle* (1994) 26 Cal.App.4th 869.

“Pandering” is established when evidence shows that accused has succeeded in inducing his victim to become an inmate of a house of prostitution. *People v. Charles* (1963) 218 Cal.App.2d 812. Procuring a female to become an inmate of house of prostitution with or without her consent is violation of **Section 266i**. *People v. Cimar* (1932) 127 Cal.App. 9. “Pandering” is not limited to procurement of a place in a house of prostitution in the literal sense of that phrase and may encompass any place where prostitution is allowed or encouraged. *People v. Hobson* (1967) 255 Cal.App.2d 557. In prosecution for pandering, a woman who is induced or procured to become inmate of house of ill fame is not an accomplice. *People v. Frey* (1964) 228 Cal.App.2d 33.

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>

[The following cases are from DOJ Press Releases. Case summaries from

<http://www.centerwomenpolicy.org/pdfs/TraffickingFederalCases.pdf>

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

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

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

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

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

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.

The following cases are from the US DOJ Anti-Trafficking News Bulletin; Volume 2, Issue 2, August 2005.

***United States v. Mubang* (sentenced 2004, D. Md.)**

http://www.usdoj.gov/crt/crim/trafficking_newsletter/antitraffnews_aug05.pdf

In November 2004, a federal jury in Greenbelt, Maryland, convicted Theresa Mubang of holding Evelyn Chumbow, a young woman originally from Cameroon, West Africa, in involuntary servitude and of harboring her for commercial gain. Mubang had convinced Chumbow's relatives to send the eleven-year old from Cameroon to the U.S. with her by promising an American education and better life. Instead, Mubang forced Chumbow to cook, clean, and care for her two young children twenty-four hours a day, seven days a week. Mubang forced Chumbow to perform these duties by cutting her off from family and friends and by mentally and physically abusing her. Almost two years after arriving in the U.S., Chumbow escaped Mubang's home when Mubang was out of town. Mubang fled the U.S. to Cameroon. However, she was arrested in Cameroon and expelled back to the U.S. to serve her seventeen and half year prison sentence.

***United States v. Babaev* (sentenced 2005, E.D.N.Y.)**

On July 27, 2005, in Brooklyn, New York, Alex Babaev pled guilty to the sex trafficking of Azerbaijani women. At his plea hearing, Babaev admitted that between March 2003 and March 2004, he was involved in bringing women into the U.S. from Azerbaijan to work as prostitutes. He also admitted that he used threats of, and actual, violence against the victims to secure their services.

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APPENDIX 2

OTHER RESOURCES



HUMAN TRAFFICKING RESOURCES

California District Attorneys Association – Violence Against Women Project

phone 916.443.2017

fax 916.443.0540

website www.cdaa.org

Katharine Killeen, Project Director killeen@cdaa.org

Shannon Stokes, Research Attorney [sstokes@cdaa.org](mailto:ssokes@cdaa.org)

Debbie Hamatani, Network Administrator dhamatani@cdaa.org

Juanita Maldonado, Sr. Admin. Assistant jmaldonado@cdaa.org

Safe State – California Attorney General’s Crime and Violence Prevention Center

(For information on California’s efforts to combat human trafficking, including information on the California Alliance to Combat Trafficking & Slavery, with links to national resources.)

website www.safestate.org/index.cfm?navID=442

Commission on Peace Officer Standards and Training (POST)

(For law enforcement training programs and materials, which are available, including a training DVD entitled *Law Enforcement Response to Human Trafficking*)

phone 916.227.3909

fax 916.227.3895

website www.post.ca.gov

San Diego Region Anti-Trafficking Task Force

(To report a human trafficking situation to law enforcement or to obtain information about services for trafficked persons)

phone 858.974.2300

California Witness Protection Program

phone 916.227.4191

fax 916.227.4134

Judy Cornick cornick.judy@doj.ca.gov

National Criminal Justice Reference Service

(For general information, legislation, programs, training, grants and funding, and resources on trafficking in persons)

website <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 in Persons and Worker Exploitation Task Force 888.428.7581

website 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/

(Certification for Victims of Trafficking)

website 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

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/

RESOURCES FOR VICTIMS

Coalition to Abolish Slavery & Trafficking

(Provides shelter and legal services for victims of trafficking)

address 5042 Wilshire Blvd. #586, Los Angeles, CA 90036

phone 213.365.1906

fax 213.365.5257

website www.castla.org

Charles Song charles@castla.org

Heather Moore heather@castla.org

Imelda Buncab imelda@castla.org

Bilateral Safety Corridor Coalition

(Provides a 24-hour emergency response team for victims of human trafficking)

24-hour hotline: 619.666.2757

phone 619.336.0770

fax 619.336.0791

website www.bsccoalition.org

Marisa Ugarte mubava@msn.com

Asian Pacific Islander Outreach

(Provides legal representation to victims of human trafficking)

address 1188 Franklin Street, Suite 202, San Francisco, CA 94109

phone 415.567.6255

fax 415.567.6248

website www.apilegaloutreach.org/trafficking.html

Ivy Lee ilee@apilegaloutreach.org

Kavitha Sreeharsha ksreeharsha@apilegaloutreach.org

Legal Aid Foundation of Los Angeles

(Provides legal assistance for victims of human trafficking)

address 5228 East Whittier Blvd., Los Angeles, CA 90022

phone 213.640.3883

fax 213.640.3911

website www.lafla.org

Sheila Neville sneville@lafla.org

San Diego Youth & Community Services

(Provides victim services to trafficked children from age 12 to 17; B-SAFFE Project on Human Trafficking)

phone 619.325.3527 x 209

Manolo Guillen mguillen@sdycs.org

The Cambodian Family Services

address 1111 E. Wakeham Ave., Suite E, Santa Ana, CA 92705

phone 714.571.1966

fax 714.571.1974

Sherri Harris harrissherri@hotmail.com

Catholic Legal Immigration Network, Inc.

address 564 Market Street, Suite 416, San Francisco, CA 94104

phone 408.554.5368

Evangeline Abriel eabriel@scu.edu

National Immigration Law Center

address 405 14th Street, Suite 1400, Oakland, CA 94612

phone 510.663.8282

fax 510.663.2028

Anita Sinha sinha@nilc.org

SAGE Project, Inc.

address 1385 Mission Street, Suite 300, San Francisco, CA 94103

phone 415.505.6811

fax 415.554.9981

Norma Hotaling nhsaje@sbcglobal.net

T-Visa Application Process

(The T-visa is for victims of trafficking who cooperate with law enforcement in apprehending and prosecuting the traffickers; link to instructions on applying)

website <http://www.visapro.com/US-INS-Forms/T-Visa-Application.asp>



APPENDIX 3

LINKS AND URLS

Below are the links used within this publication and their corresponding URLs to help locate the information on the web.

Link	URL
Copyright/Trademark Protection	http://www.post.ca.gov/conditions/#copyright
Assembly Bill 1942	http://info.sen.ca.gov/pub/05-06/bill/asm/ab_1901-1950/ab_1942_bill_20060314_amended_asm.pdf
City of San Jose	http://www.sanjoseca.gov/
City and County of San Francisco	http://www.ci.sf.ca.us/
Los Angeles County	http://lacounty.info/
Penal Code §270.5	ftp://leginfo.public.ca.gov/pub/code/pen/00001-01000/270-273.75
Penal Codes §271, §271(a)	ftp://leginfo.public.ca.gov/pub/code/pen/00001-01000/270-273.75
Penal Code §273(a)	ftp://leginfo.public.ca.gov/pub/code/pen/00001-01000/270-273.75
Penal Code §832	ftp://leginfo.public.ca.gov/pub/code/pen/00001-01000/830-832.17
Penal Code §833.2	ftp://leginfo.public.ca.gov/pub/code/pen/00001-01000/833-851.90
Penal Code §851.5(c)	ftp://leginfo.public.ca.gov/pub/code/pen/00001-01000/833-851.90
Penal Code §11165.2	ftp://leginfo.public.ca.gov/pub/code/pen/11001-12000/11164-11174.3
Penal Code §13517.7	ftp://leginfo.public.ca.gov/pub/code/pen/13001-14000/13510-13519.14
Santa Clara County	http://www.sccgov.org/