Modern Day Slavery: Recommendations for Training Local Law Enforcement on Victim Identification and Response to Human Trafficking

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Modern Day Slavery: Recommendations for Training Local Law Enforcement on Victim Identification and Response to Human Trafficking

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ABSTRACT

Modern Day Slavery. Recommendations for local law enforcement to receive training to identify victims of human trafficking.

By Timothy M. Schneider

Purpose of the Study

The purpose of this research will focus on ways to improve the detection and response to trafficking, with a focus on local law enforcement training. The research will include examples of training programs available to law enforcement officials and legislation mandating for law enforcement to receive human trafficking training, as well as recommendations provided by organizations such as the Police Executive Research Forum and others. The paper will highlight the importance of local law enforcement officers receiving specialized training, so that they are better equipped at identifying and responding to victims of human trafficking and their traffickers.

Methods of Approach

An extensive review of research that focuses on human trafficking and the criminal justice response to this crime will be provided. Further, a review of what has been found to be effective in human trafficking training for law enforcement will be highlighted. Sources will include information gathered from academic journals, government and non-profit organizations, law enforcement associations, federal and state legislation, and other related sources.

Key Findings

Human trafficking training can help to increase the knowledge necessary for law enforcement to identify and respond to crimes of human trafficking. Several organizations

within the United States provide training that law enforcement can utilize to reduce incidents of human trafficking crimes. Therefore, it is the recommendation of this project that all local agencies require their officers to attend human trafficking related training.

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Section I. Introduction and Statement of the Problem

Many may believe slavery is a thing of the past. However, there are millions of people that are still trapped in slavery today worldwide. One of these forms of modern-day slavery is human trafficking (Anti-Slavery International, 2017). Human trafficking is a global problem that includes labor trafficking and sex-trafficking. The International Labor Organization (ILO) estimated that in 2021 there were 27.6 million people being forced to work under threat or coercion. This included an estimated 4.6 million adults and 1.7 million children that were victims of forced sexual exploitation. The vast majority of the victims of sexual exploitation are women and girls, coming from Asia and the Pacific region, followed by Europe and Central Asia (ILO, 2022).

In the United States, estimates vary widely on the number of victims of human trafficking, ranging from as low as 14,000 to as high as over 300,000 (Renzetti et al., 2015). There are many reasons attributing to the gap in overall estimates. One reason is that researchers believe there is a lack of training for law enforcement in identifying and investigating suspected trafficking cases, so the cases go undetected (Renzetti et al., 2015). As such, this paper will further seek to explore best practices for what local law enforcement can do to help identify victims and offenders of human trafficking.

Purpose of the Study

The purpose of this research will focus on ways to improve the detection and response to trafficking, with a focus on local law enforcement training. The research will include examples of training programs available to law enforcement officials and legislation mandating for law enforcement to receive human trafficking training, as well as recommendations provided by

organizations such as the Police Executive Research Forum and others. The paper will highlight the importance of local law enforcement officers receiving specialized training, so that they are better equipped at identifying and responding to victims of human trafficking and their traffickers.

Significance or Implication of the Study

Research (Farrell & Pfeffer, 2015) suggests that police lack training in how to identify human trafficking incidents, and have few resources available, such as protocols or specialized trained officers that could help guide responses to human trafficking. As such, the information gathered in this paper can hopefully benefit law enforcement in first identifying crimes of human trafficking, and second, encourage police departments to conduct more regular training in regard to human trafficking.

Methods of Approach

An extensive review of research that focuses on human trafficking and the criminal justice response to this crime will be provided. Further, a review of what has been found to be effective in human trafficking training for law enforcement will be highlighted. Sources will include information gathered from academic journals, government and non-profit organizations, law enforcement associations, federal and state legislation, and other related sources.

Limitations

The limitation of this project is that no original data was collected. Information is limited to only what is publicly available.

Section II: Literature Review

The following is a literature review of data and research pertaining to human trafficking. The section begins briefly by defining human trafficking. This is followed by research on the global problem of human trafficking, statistics specific to the United States, and the profile of typical traffickers. Next is a review of human trafficking legislation in the United States, and examples of actions states are doing to combat human trafficking. The section concludes with research on challenges and perceptions of law enforcement in dealing with the crime of human trafficking and training needs.

Definitions

The TVPA defines a human trafficking victim as a person induced to perform labor or a commercial sex act through force, fraud, or coercion. Any person under age 18 who performs a commercial sex act is considered a victim of human trafficking, regardless of whether force, fraud, or coercion was present (TVPA, 2000).

Forced labor involves work situations featuring two key conditions. First is a lack of free and informed consent in taking the job or accepting the working conditions. The second is the application of some form of coercion, such as a penalty or threat of a penalty, to prevent an individual from leaving a situation or to otherwise compel work. The absence of consent and presence of coercion can occur at any stage of the employment process. International labor standards stipulate that both involuntariness and coercion must be present in a work situation for it to constitute forced labor (ILO, 2022).

Global Human Trafficking Statistics

The International Labor Organization (ILO, 2022) reports that there are an estimated 50 million people in modern slavery at any given moment, either forced to work against their will or in a marriage that they are forced into. This means there are about 6.4 people in some form of modern slavery for every thousand people in the world and more than 12 million of the total people in modern slavery are children. Women and girls comprise over half, about 54 percent, of those in modern slavery. The Asia-Pacific region is the area with largest amount of people in modern slavery, however with consideration of population size it is more prevalent in the Arab States. Although, it can be found in every region around the world.

The current situation regarding human trafficking also appears to be worsening and increased in some part by the social and economic shock waves of the ongoing worldwide COVID-19 pandemic. The ILO compared global estimates with previous reports and found indications that there was a 9.3 million rise in the number of people in modern slavery between the years 2016 and 2021. Forced labor and forced marriage both contributed to the overall rise in modern slavery over this period (ILO, 2022).

Recent reports estimate there are about 27.6 million people in situations of forced labor today, about 3.5 people for every thousand people in the world. Women and girls make up 11.8 million of this total. More than 3.3 million of those in forced labor are children. Between 2016 and 2021 there was a 2.7 million increase in the number people in forced labor (ILO, 2022). This translated into a rise in the prevalence of forced labor from 3.4 to 3.5 per thousand people (ILO, 2022). Furthermore, it should be mentioned that part of the data collection for the 2021 estimates took place prior to the outbreak of the COVID-19 pandemic, and therefore the results only partially reflect the effects of pandemic. The estimates therefore likely understate the full magnitude of the increase in forced labor (ILO, 2022).

Asia-Pacific by far has the largest number of people in forced labor with 15.1 million (ILO, 2022). This is more than half of the global total and is three times more than that of the region with the next highest amount, Europe-Central Asia. These numbers are also based on the size of the population in each region. The regional rankings change considerably when forced labor is expressed as a proportion of the population. By these measures, forced labor is highest in the Arab States, at 5.3 per thousand people, compared to 4.4 per thousand in Europe-Central Asia, 3.5 per thousand in both the Americas and Asia and the Pacific regions, and 2.9 per thousand in Africa (ILO, 2022).

About 6.3 million people are in situations of forced sexual exploitation on any given day. This number includes 1.7 million children being sexually exploited, about a quarter of the total. Gender is a critical determining factor with nearly four out of five of those trapped in forced sexual exploitation are girls or women (ILO, 2022).

In 2020, for the first time, the United Nations Office on Drugs and Crime (UNODC) found the number of victims detected globally decreased. The UNDOC (2022) found the change in trends could be the result of three different factors: lower institutional capacity to detect victims, fewer opportunities for traffickers to operate due to the COVID-19 pandemic restrictions, and some trafficking forms moving to more hidden and less likely detected locations. The UNODC found an 11 percent reduction in the number of victims detected when compared to 2019. This was believed to be mostly increased by low- and medium-income countries. Researchers found a 59 percent reduction in East Asia and the Pacific, a 40 percent reduction in North Africa and the Middle East, 36 percent reduction in Central America and the Caribbean, a 32 percent reduction in South America, and 12 percent reduction in Sub-Saharan Africa. Those living in these regions have attributed lower detections to because of reduced law

enforcement engagement in anti-trafficking activities, as pandemic preventive measures absorbed most of countries resources. However, countries in Europe and North America still recorded a small increase in the number of victims detected in 2020 (UNODC, 2022).

In 2020, a drastic drop in the detection of tracking for sexual exploitation was recorded in most of the world. North America was the only region where the detection of victims for sexual exploitation of trafficking has continued to increase. Research suggests that the COVID-19 pandemic has either resulted in a reduction of trafficking for sexual exploitation and/or in a reduction in the ability to detect crimes of sexual exploitation. One theory behind the reduced detection of victims facing sexual exploitation, is that lockdown measures pushed exploitation into less visible locations and is hindering law enforcement in being able to identify victims (UNODC, 2022).

The UNODC (2022) further reports there was a 27 percent drop in the number of individuals convicted of human trafficking globally since 2019. At the same time, a 5 percent decrease in the number of people brought to court for prosecutions was recorded. The number of individuals investigated remained more stable, as there was only a two percent decrease. Globally, there was a greater slowdown in the conviction phase compared to prosecutions or investigations phase. Their report also shows that the first year of the pandemic had a greater impact on the trial phase than the investigative phase of combatting trafficking crimes. In 2019, a similar drop of 23 per cent compared to 2017 was recorded. Overall, the number of convictions recorded globally has declined by about 44 percent since 2017. However, it should be mentioned the report attribute convictions for human trafficking, to possibly be part of a broader phenomenon in criminal justice efforts and convictions for homicide and drug tracking have seem to be following the same trends.

US Human Trafficking Statistics

In the United States, there are two primary sources of data on human trafficking: the FBI's Uniform Crime Reports and the National Human Trafficking Hotline. While each source provides some valuable information, neither data set is comprehensive (Police Executive Research Forum, 2020).

The FBI began including human trafficking offenses and arrests in the Uniform Crime Report (UCR) in 2013, as such, national data is not available before then. The UCR tracks two human trafficking offenses, commercial sex acts and involuntary servitude (FBI, 2019). Between 2013 and 2018, the number of commercial sex offenses reported to UCR increased significantly. However, the numbers likely represent only a small portion of the human trafficking offenses that occurred during those years and may not accurately represent a significant increase in the actual number of offenses. The increases may also be due more to the increase in levels of reporting (Police Executive Research Forum, 2020).

Forty-eight states and the territory of Puerto Rico participated in a FBI (2019) report, which showed a total of 1,883 incidents of human trafficking being reported, with 1,607 in the category of commercial sex acts, and 274 were instances of involuntary servitude. Agencies arrested 708 offenders in correlation with these incidents. Of these, 684 were adults and 24 were juveniles. It should also be mentioned that with issues around identification and reporting of human trafficking, it is likely that the UCR undercounted the number human trafficking victims. This is due to offense reporting problems because of human trafficking victims who exist in local communities but remain unidentified (FBI, 2019).

As mentioned, another source of national data on human trafficking activity is the National Human Trafficking Hotline. Beginning in December of 2007, the nonprofit group Polaris has operated the hotline as a 24/7 toll-free phone and text line that victims of human trafficking can contact to get help. The hotline also accepts calls from anyone who wants to report a tip about suspected human trafficking. Every year, Polaris shares a report the number of contacts to the hotline. Similar to UCR data, this does not reflect the full scope of trafficking in the United States, however it does provide a baseline for measuring general trends in human trafficking reports and changes over time (National Human Trafficking Hotline, 2021).

The following information is based on incoming signals to the National Human Trafficking Hotline (2021) from January 1, 2021 to December 31, 2021 about human trafficking cases and issues related to human trafficking in the United States and U.S. territories. Signals recorded can be from phone calls, text, webchat, online tip reports, or emails. Signals to the Hotline involving topics unrelated to human trafficking are considered non-substantive and are not summarized in the report. In 2021, the National Human Trafficking Hotline received a total of 51,073 signals that were considered substantive across the nation.

Each message submitted to the Hotline is evaluated for evidence of potential human trafficking. In the United States, a total of 10,360 unique incidents of potential human trafficking were reported to the Hotline in 2021 (National Human Trafficking Hotline, 2021). A single human trafficking situation may involve a single potential victim or many potential victims. Additionally, while National Human Trafficking Hotline staff use detailed protocols to assess indicators of trafficking, their phrasing and scope of questions is only to respond to the individual's answers and the current situation in regards to the call or message. Beyond this trafficking assessment, victims and third parties reporting these situations are not asked a set of

standardized questions and only provide information that they felt comfortable sharing with the staff to get the help they need. With that said, the data points in their report only represents what those contacting the National Human Trafficking Hotline chose to disclose. The number of survivors with a particular attribute would likely have been higher if the staff were able to systematically ask a standardized set of questions to each individual contacting the Hotline. (National Human Trafficking Hotline, 2021)

As with UCR data, the number of human trafficking cases identified by Polaris has steadily increased over the past several years. It is not known whether this increase is the result of greater awareness of human trafficking and the national hotline, or if it represents an actual rise in human trafficking in the United States or is a combination of factors. The data does show that more victims of human trafficking are reaching out for help through the hotline though (Police Executive Research Forum, 2020).

Traffickers

Globally, most convicted traffickers are men, while women account for a significant 40 percent of the people convicted of trafficking in persons in 2020 (UNODC, 2022). Although, the typical sex of convicted traffickers differs by region. Origin countries tend to convict more females, than destination countries. A possible explanation for this disparity is the role females play in the recruitment phase of trafficking. These specific activities are at higher risk of detection (UNODC, 2022).

Court cases collected by UNODC (2022), found that the sex profile of trackers changes according to the type of criminal organization involved in the crime. Female traffickers account for 43 percent of the traffickers operating in pairs, and typically with an intimate partner. 37

percent of traffickers involved in cases operated by business-like organizations, such as brothels, are women. The participation of women in structured criminal organizations involved in trafficking crime seems to be less frequent. These are run predominantly by men, and less than 30 percent of convicted traffickers of this type are women. The most reported profile of individual convicted traffickers, involved young men exploiting their female partners.

The court cases collected by the UNODC (2022) also showed no difference in the sex profile of offenders in if they engaged in sexual exploitation or forced labor. Thirty-eight percent of offenders convicted were female in both categories. According to the information, there is a wide range in tracker's ages from below 18 to above 70 years old. Most traffickers reported were aged between 23 and 36 when convicted, with a median age of 28 and an average of 37. Children are rarely found to be involved in trafficking in persons as offenders. Very few of those convicted worldwide are under the age of 18. Traffickers that engaged in sexual exploitation and forced labor tend to be usually in their mid-thirties. Traffickers involved in other forms of exploitation, from crime to begging and mixed forms tend to be younger than other traffickers.

In the United States, the average defendant in 2020 was a 36-year-old male. Eighty-one percent of all defendants in human trafficking cases in 2020 were men, including 82 per cent of defendants in sex trafficking cases. Women were much more likely to be defendants in forced labor cases, comprising 43 percent in 2020 (Currier Wheeler, 2022).

Because human trafficking is largely an "underground" crime, reliable data on its prevalence are lacking. Outside the limited UCR data collected by the FBI and the national hotline cases reported by Polaris (both of which are capturing only a fraction of the actual number of trafficking cases and victims in the United States), there is very little quantitative data

on human trafficking. With these limitations in mind, the data indicated that of the 1,169 defendants charged with any of the three types of human trafficking offenses in fiscal year 2020 92% were male, 63% were white, 18% were black, 17% were Hispanic, 95% were U.S. citizens, 66% had no prior conviction (Bureau of Justice Statistics, 2022).

Human Trafficking Legislation in US

Federal

The first federal law to target human trafficking in the United States, the Trafficking Victims Protection Act (TVPA) of 2000, established methods for prosecuting traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. It has been re-authorized several times since its inception. The act established human trafficking and related offenses as federal crimes. The act also established the Interagency Task Force to Monitor and Combat Trafficking, which assists in the implementation of the TVPA. It provides restitution and immigration relief through the T Visa for victims (American Bar Association, 2022).

The TVPA provided increased protections for trafficking victims in the United States in several key ways. For example, by making foreign victims eligible for federally funded or administered health benefits and other services, and by requiring federal agencies to expand the provision of such benefits and services to such victims regardless of immigration status. Also, the TVPA created immigration protections for foreign national victims of human trafficking, from the removal of travel visas and by allowing certain nonimmigrant status holders the opportunity to adjust to permanent resident status (United States Department of Justice, 2022).

A few years later, the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA of 2003), established human trafficking as a chargeable crime under the Racketeering Influenced

Corrupt Organizations (RICO) statute. It also provided a civil right of action for trafficking victims to sue their traffickers. It further protected victims and their families from deportation, and required that the Attorney General report to Congress annually on the activities of the U.S. government in the fight against trafficking (United States Department of Justice, 2022).

The Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA of 2005), established a pilot program for sheltering human trafficking victims who are minors and provided grant programs to assist state and local law enforcement combat trafficking. It also included provisions to combat sex tourism and regulated government contracts to ensure they are not made with individuals or organizations that promote or engage in human trafficking (United States Department of Justice, 2022).

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) further expanded anti-trafficking prevention strategies, as well as expanding protections available with the T Visa. It also regulated that all unaccompanied alien children be screened as potential victims of human trafficking. The TVPRA of 2008, continued to improve the tools needed to hold traffickers accountable by creating new crimes with serious penalties for those who obstruct or attempt to obstruct the investigation and prosecution of trafficking crimes (United States Department of Justice, 2022).

The Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA 2013), put into place emergency response provisions within the State Department to respond to disaster areas and crises where people are particularly susceptible to being trafficked. It also established measures to prevent child marriage and strengthened collaboration efforts between state and local law enforcement (United States Department of Justice, 2022).

The Trafficking Victims Protection Act of 2017 (TVPRA 2017), provided additional funding and mandates to support victims of trafficking, and increased the transparency of the federal government's anti-trafficking work. For example, it requires the Attorney General to issue a human trafficking victim screening protocol for use in all federal anti-trafficking law enforcement operations. Also, meeting with the Department of Health and Human Services, to identify and disseminate tools and recommended practices for the screening of victims. The TVPA of 2017, also added provisions focused on increasing the federal government's ability to effectively assess foreign government compliance with TVPA minimum standards. Furthermore, it encouraged increased collaboration between government and private industry in efforts to prevent and combat human trafficking (United States Department of Justice, 2022).

The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, increased the federal government's focus on addressing forced labor, by amending past legislation to include prevention and prohibition of labor trafficking in diplomatic households (United States Department of Justice, 2022) It also increased reporting obligations regarding the prohibition of goods produced through forced labor (United States Department of Justice, 2022).

State

In 2003, Washington became the first state to criminalize human trafficking (National Conference of State Legislatures, 2020). Every state has since enacted their own laws establishing criminal penalties for traffickers who seek to profit from forced labor or sexual servitude. However, many of these laws vary in several ways, including who is defined as a trafficker, and on the statutory elements required to prove guilt in order to obtain a conviction

and the seriousness of the criminal and financial penalties those convicted will face (National Conference of State Legislatures, 2020).

In order to obtain a trafficking conviction, state laws, in most instances, require that prosecutors prove traffickers compelled their victims into labor or sexual servitude. The majority of these laws include the elements of force, fraud and coercion, however definitions can vary greatly from state to state (National Conference of State Legislatures, 2020). For example, Alaska identifies anyone who benefits from trafficking in any way as being guilty of human trafficking in the 2nd degree (State of Alaska Department of Law, 2023). The statue states that human trafficking in the second degree is a class B felony. In some states, their definitions focus primarily on the use of physical force. Some states include psychological control, financial threats, legal harassment and drug addiction (National Conference of State Legislatures, 2020). For example, California's trafficking statute applies to actions that would deprive someone of their liberty. This includes coercion, violence, menace and duress. Violation of the California Penal Code on human trafficking can result in up to a 20-year state prison sentence and up to a 500,000 dollar fine (California Legislative information, 2023). Oklahoma's definition of coercion includes destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, or other government identification document, including a driver license or birth certificate. Oklahoma has guidelines written into their statues for treatment of human trafficking victims as well. It states human trafficking victims are to be housed in an appropriate shelter as soon as possible. They are not be detained, jailed, fined, or penalized in anyway due to having been trafficked. Victims are also to receive prompt medical care, mental health care, food, and other assistance. They are provided access to legal assistance, information about their rights, and translation services if necessary. Also, they

are to be provided protection if safety is found to be at risk or if there is a danger of being recaptured by a trafficker (Oklahoma Senate, 2023).

State trafficking laws address many factors and circumstances that can enhance the criminal penalties for trafficking crimes. Laws for example, can assign more severe or additional penalties for trafficking when the crimes are committed against special population groups like children, undocumented immigrants, people with a mental illness, or are forced by the use of violence, branding or drug addiction (National Conference of State Legislatures, 2020). Some examples are states like Delaware that raises labor trafficking from a class C to a class B felony when committed against a minor. Florida raises the trafficking penalty for commercial sexual activity from a first degree felony to a life felony when the crime is committed against a person who is considered to be mentally defective or mentally incapacitated. Missouri created the law of, "Contributing to Human Trafficking" for those who misuse immigration documents to facilitate trafficking crimes. Nebraska raised labor trafficking from a class III to a class IIA felony for those that inflict, or threaten to inflict, serious injury. New York raised labor trafficking from a class D to a class C felony when a controlled substance was used to impair a person's judgement. Utah raised the penalty for human trafficking from a second degree felony to a first degree felony when it results in death or serious bodily harm, rape or sodomy was involved, if there was 10 or more victims, and/or involved a victim who was held against their will for longer than 30 days (National Conference of State Legislatures, 2020).

Many states have also enacted safe harbor laws to help protect minors that are victims of sex trafficking. Safe Harbor laws are designed to reduce the criminalization of child and youth sex trafficking victims but some Safe Harbor laws may still direct some children to the juvenile justice system, adding to their trauma and creating more barriers to healing (Shared Hope, 2022).

By the end of 2017, 35 states had enacted safe harbor statutes to remove the punitive sanctions for young victims of commercial sexual exploitation. Three states (New Hampshire, South Dakota, and Tennessee) have enacted statutes providing immunity only to prostituted minors but do not mandate access to any specialized services. Sixteen states (Alabama, California, Connecticut, Florida, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Carolina, North Dakota, Rhode Island, and West Virginia) have statutes that provide prostituted minors with immunity from prosecution in association with mandatory referral to youth-serving agencies. Four states (Arkansas, Colorado, Kansas, and Oklahoma) require law enforcement officers who detain prostituted minors to refer them to social services; however, they do not specifically provide immunity and thus do not prohibit the filing of criminal or delinquency charges (Green et al., 2018).

States have also enacted measures that address penalties that can be applied to a business if it has committed, or has been used in committing, a human trafficking crime (National Conference of State Legislatures, 2020). Laws have also been created to allow for the dissolution of the business entities, as well as establish additional fines. States like Alabama can make a business entity criminally liable for human trafficking if a person by act or omission, performs an element of the crime while acting within the scope of his or her duties and the crime was authorized, requested, commanded, performed in a way that the entity knew or should have known was occurring (National Conference of State Legislatures, 2020). The law is AL Code § 13A-6-152 and includes a section on corporations, or any other legal entity other than an individual, may be prosecuted for human trafficking in the first degree for an act or omission. This is if the corporation or entity that performs the conduct while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of

the crime was found to either authorized, requested, commanded, performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring (Code of Alabama, 2023).

Law Enforcement and Prosecutors Challenges and Perceptions of Human Trafficking

Identifying victims of trafficking remains a challenge for many law enforcement agencies and is one of the top training needs as law enforcement officers play a frontline role in efforts to prevent human trafficking, protect victims, and investigate trafficking cases. In labor trafficking cases, officers often have trouble identifying victims who work within a legal labor market. In sex trafficking cases, officers must be able to recognize the presence of force, fraud, and coercion. Participants at the Police Executive Research Forum meeting (2020), say making these identifications can be difficult for many patrol officers, especially when a situation does not appear to be an expected or stereotypical case of human trafficking. Additionally, victims may not always identify themselves as such, particularly if they have developed bonds with the person victimizing them (Police Executive Research Forum, 2020).

Law enforcement efforts to investigate human trafficking cases and recover victims have often faced challenges due to varied reasons, including misconceptions about the problem, community fear and distrust of law enforcement, an insufficient number of officers, a lack of training about the problem and its scope, limited appropriate resources, reliance on reactive identification strategies, and limited interagency collaboration. Human trafficking investigators are primarily found in sex crime or vice units within their departments, and they usually focus primarily on sex trafficking. Law enforcement agencies have difficulty identifying and investigating labor trafficking because the use of traditional vice tactics, such as responding to

referrals about potential victims or relying on non-governmental agencies or other law enforcement agencies to provide tips in investigating sex trafficking cases, are ineffective in dealing with labor trafficking cases (Hounmenou & Toepp, 2023).

Police may be unaware that human trafficking is a crime over which they have jurisdiction or believe it is not a problem in their communities. Additionally, confusion about what acts constitute human trafficking may lead police to overlook victims or to misidentify trafficking cases as other types of offenses. As a result, law enforcement agencies often struggle with the identification and classification of human trafficking as a crime that is usually more hidden than other crimes that police routinely deal with, such as property crime, robbery and assault, and other "street-crimes." The traditionally reactive response to crime is ineffective for more hidden crimes like human trafficking, in which victims often do not self-identify because of the complex relationships with their exploiter or out of fear of police repercussions or biases against groups that have historically poor relationships with the police. Even when presented with information about victimization experiences, research suggests that police are still less likely to recognize victimization experiences among persons who violate some other rules, like undocumented migrants or commercial sex workers (Farrell et al., 2019).

Despite the passage of state anti-trafficking legislation, research suggests that local police and prosecutors are generally unaware of the statutory tools that exist to prosecute such cases. A survey of local law enforcement agencies found, that in states with anti-trafficking legislation, 44 percent of the police respondents and 50 percent of prosecutors reported that their states do not have legislation or that they are not aware of legislation (Farrell & Pfeffer, 2015). Furthermore, in a different survey of 77 state and local prosecutors in 21 states, it was found that a 25 percent of the prosecutors in some states with human trafficking legislation were unsure or unaware of

their state human trafficking laws. Also, when asked to provide definitions of human trafficking, local law enforcement officials provided varying definitions of the crime, in some instances providing definitions in conflict with the statutory definitions of their state (Farrell & Pfeffer, 2015).

Another challenge to prosecuting human trafficking cases is gaining victim cooperation. This is why it is important for police personnel to be trained to treat victims in a manner that recognizes the trauma they have experienced, so that victims will feel more comfortable cooperating with the police. Human trafficking victims often at times can be hesitant to cooperate with police for a variety of reasons. Reasons that usually relate to the trauma they have suffered at the hands of their traffickers. Securing a victim's cooperation is critical to gathering the information and evidence needed for the investigation and prosecution of their traffickers. (Police Executive Research Forum, 2020). Gathering as much hard evidence as possible is extremely important in human trafficking cases, especially when it comes to corroborating victim testimony. Examples of hard evidence that federal prosecutors try to gather include: hotel, phone, e-mail and text records; jail call recordings; and documentation on where the trafficker has traveled based on car tracking devices. Prosecutors also need to commit a lot of time and resources in order to prosecute human trafficking cases. Other times cases can conflict with other cases in their caseload and create barriers to prosecution. In many jurisdictions, prosecutors described cases taking upwards of two years to be prosecuted. This is especially so in respect to sex trafficking cases, prosecutors reported often losing contact with victims or victims become involved with another trafficker leading the prosecutor to drop the case due to a perceived lack of victim credibility (Farrell & Pfeffer, 2014).

The low numbers of state and local investigations and prosecutions of human trafficking are not surprising considering the widespread lack of awareness of the problem and the specific challenges of these types of cases. Human trafficking cases are some of the most labor and time-intensive matters undertaken by the Department of Justice due to the complexity of these cases and the challenges police face working with highly traumatized victims. Despite these challenges, the police studied did not investigate human trafficking cases differently than other traditional crimes. Without an investigative culture tailored to the unique challenges of human trafficking cases, police instead identified cases reactively and utilized traditional vice strategies that are not well suited to identify labor trafficking or hidden victims of trafficking (Farrell & Pfeffer, 2015).

Training needs

Shared Hope International (2022) is a non-profit organization with the mission to prevent sex trafficking and bring justice to women and children that have been victimized through sex trafficking. In 2011, Shared Hope began grading states on their laws and policies in regards to child sex trafficking. They also conduct a National State Law Survey of law enforcement officer training on human trafficking. The most up-to-date survey (2019), stated 39 states and Washington DC statutorily mandate or authorize law enforcement training on human trafficking. Also, 24 states and Washington DC make human trafficking training specific to children. This survey showed an increase from the 2017 report that stated only 19 states and Washington DC had statutory mandates on law enforcement officers receiving training on human trafficking. Also, only 21 states and Washington DC reported to have created human trafficking training protocols specific to minors.

In 2020, Shared Hope International updated their approach and re-centered efforts to focus research on statutory provisions that pertain to protections and services for survivors. Shared Hope report cards grades are now focused on how states protect survivors of child and youth sex trafficking, including the development and funding of Safe Harbor laws, and if an evidence-based and victim-centered approach to justice is used. States are graded under an advanced legislative framework that provides a comprehensive analysis and assessment of all state statutes related to and impacting child and youth sex trafficking in all 50 states and Washington DC. States are graded on six policy issues, one of which is prevention and training. According to their data only for states (Tennessee, California, Florida, and Texas) received a passing grade. Of all the six different policies the grades on prevention and training were by far the worst with all states combined receiving an average of 27.6 percent of 100. What follows is a review of the legislative statutes of the four states that received passing grades to see if they could serve as a model for those considered lacking in training requirements.

Laws on Mandatory Training

Tennessee

Tennessee Code Annotated § 38-6-114 mandates the implementation of courses of instruction for the training of law enforcement officers and other government officials who are directly involved with human trafficking. The statues mentions the need to develop best practice protocols and procedures for law enforcement response to human trafficking. Courses of instructions must emphasize the dynamics and manifestations of human trafficking, guidelines on identifying and communicating with victim, provide documentation that satisfies the peace officers standards and training requirements, how to collaborate with federal law enforcement officials, what are appropriate investigative techniques for the particular victim or victim type,

the availability of civil and immigration remedies and community resources, and protection of the victims (Tennessee Code, 2021).

The statue allows for completion of the course by telecommunication, video recording, or other instruction presentation method where an instructor on site is not required. A law enforcement officer in Tennessee who is assigned field or investigative duties must complete a minimum of two hours of training in a course or courses of instruction pertaining to the handling of human trafficking complaints. All officers were required by the statue to complete the training by July 1, 2017, or within six months from the officer's date of employment as a full-time law enforcement officer (Tennessee Code, 2021).

California

California Penal Code 13519.14 also mandates courses of instructions for the training of law enforcement officers in California in both the handling of human trafficking complaints and development of guidelines for law enforcement responses to human trafficking. The penal code requires courses of instruction and the guidelines to include information on the dynamics and manifestations of human trafficking, identifying and communicating with victims, providing documentation that satisfy the law enforcement agency endorsements that are 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 (California Legislative, 2023).

California Penal Code 13519.14 also clarifies that law enforcement officer means any officer or employee of a local police department, sheriff's office, or any peace officer of the Department of the California Highway Patrol. Every law enforcement officer who is assigned field or investigative duties was required to complete a minimum of two hours of training pertaining to the handling of human trafficking complaints by July 1, 2014, or within six months of being assigned to the position (California Legislative, 2023).

Florida

Florida Statute 787.06 (5) on human trafficking training states that the Criminal Justice Standards and Training Commission must establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. Every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation. Florida Statue 943.1729 requires continued employment training in identifying and investigating human trafficking. It states within 1 year of beginning employment, each certified law enforcement officer must successfully complete four hours of training in identifying and investigating human trafficking. If an officer fails to complete the required training, his or her certification must be placed on inactive status until the employing agency notifies the commission that the officer has completed the training (Florida Senate, 2023).

Texas

Texas law sec. 1701.258 on education and training programs on trafficking of persons requires an officer to complete a one-time basic education and training program on the trafficking of persons. The program must consist of at least four hours of training; and include a

review of the Texas laws in regards to trafficking of persons. Also required is instructions to be made available to each officer for voluntary advanced education and training programs on the trafficking of persons (Texas Statue, 2023).

Texas law Sec. 1701.402. Mentions the issue of certificates that recognize proficiency based on law enforcement training, education, and experience. For the purpose of employment records of for the employing agency. An officer must complete the basic education and training program on the trafficking of persons (Texas Statue, 2023).

Effectiveness of training

The following summarizes research that was conducted on human trafficking training of law enforcement officers. One study (Jacobi, 2018) sought to determine if specialized training on the indicators of human trafficking and the victim centered approach to investigating these crimes would increase the number of cases being reported and investigated by officers. It also assessed officer's attitudes towards the prevalence or lack of human trafficking incidents within their jurisdiction. The study attempted to determine if the officers who took the human trafficking training actually used what they were taught in the training and applied it to calls that contained human trafficking indicators. The study analyzed two sets of data. The first set of data was a questionnaire distributed to the police officers immediately after a training class. The results of the questionnaire discovered an overall positive response from the officers relating to the topic of human trafficking training. The second set of data was police reports containing possible elements of human trafficking. These were manually coded and analyzed for officer behaviors in how they treated the potential victims. The types of questions they asked and what types of after-care services they provided were analyzed. The study found that there were

significant positive changes in officer behavior within cases containing indicators of human trafficking.

Another study (Renzetti et al., 2015) discusses the effectiveness of a training program in raising awareness of human trafficking in the officer's jurisdictions, increasing officer's self-reported likelihood of identifying and investigating suspected human trafficking cases, and the dissemination of knowledge gained through training from executive-level and mid-level officers to patrol-level officers. The evaluation was conducted in two phases. In the first phase, a pre-training and post-training design was used to access the changes in the participant's knowledge of human trafficking. Included were the legal elements of the crime and its impact on victims, as well as awareness of the crime in their jurisdictions. The second phase of the evaluation involved surveying patrol officers whose command staff had received the training to determine whether aspects of the training had been shared with patrol officers and if the training had an impact on human trafficking investigations in their jurisdictions The overall findings of the research, although limited, showed that participation in the training produced positive results in increasing the knowledge of human trafficking in their jurisdictions.

A different study (Bonlender, 2017) involved the Washington State Department of Commerce and Washington's Office of Crime Victims Advocacy. They held a meeting that included professionals with expertise in prosecuting and investigating human trafficking cases.. The group assessed and identified the most effective way to introduce information related to the crime of human trafficking. The group considered information on victim-centeredness, cultural competency, and the availability of support and assistance for victims. The group also made sure to include information about labor trafficking laws. The workgroup also discussed the importance of including information about the complexity of human trafficking, to include

criminal activity of victims connected to or as a result of being trafficked, the sub-culture of human trafficking, such as language and different norms, and the commercial sexual exploitation of minors. The workgroup determined a one-day training would be easier to attend and due to the nature of information covered in training, only law enforcement and prosecutors would be allowed to attend. A total of 161 professionals attended the statewide training for law enforcement and prosecutors. The workgroup measured the effectiveness of the trainings through an analysis of pre-test and post-test surveys completed by the trainees. Findings showed that the most effective areas of the training for law enforcement personnel and prosecutors was how to work with victims (Bonlender, 2017).

Lastly, a study by Garrett (2022) that included a survey of law enforcement officers in West Tennessee was conducted to assess officer's awareness of human trafficking commonalities, their ability to recognize possible locations of human trafficking, and training related to human trafficking. Questions described the potential human trafficking indicators that elicit officer responses. The study attempted to fill gaps in existing literature by examining connections between officer's training, assumptions, and ability to recognize human trafficking situations. The findings showed that officers knew the basics of recognizing human trafficking but did not feel confident in their abilities. Only 36.7% of officers responded that they were aware of a formal policy or procedure at their agency about responding to human trafficking. Another 34.8% of respondents indicated that they were unsure of any existing policy at their agency. The remaining 28.6% reported that their agency did not have any sort of standardized policy or procedure related to human trafficking. Officers needed additional training that prepares them for responding to human trafficking situations.

Section III: Recommendations and Conclusions

Training development recommendations

Based on the positive effects training has on increasing knowledge of the crime of human trafficking, it is recommended that departments create polices and training for their law enforcement officers related to human trafficking. Implementing an effective human trafficking training program requires more than providing instruction on identifying victims, understanding trauma, and communicating with victims in a trauma-informed manner. It also requires that there be a cultural change that aligns with the attitudes of their community members in regards to human trafficking victims. Support from police chiefs, sheriffs, and other executive leaders is essential, because they are the ones who ensure that their personnel receive the training and resources to properly respond to human trafficking. Those creating the training should also take advantage of the current tools available to them, such as existing training programs (Police Executive Research Forum, 2020).

Training should be customized to fit the different roles and responsibilities of the individuals being trained. Training for patrol officers and deputies will be different from the training that supervisors and specialized investigators receive. For example, training on victim identification should be geared toward patrol officers and deputies, as they will be the most likely to encounter a victim of human trafficking. Specialized investigators should receive training on what types of evidence is connected with human trafficking and the different crimes that are often associated to human trafficking, such as financial and drug crimes (Police Executive Research Forum, 2020).

It is highly recommended that scenario-based training take place. Scenario-based training allows for officers to put the information they received into practice; this is especially important in regard to human trafficking because officers may not regularly encounter the crime in the field. The scenarios should emphasize how to approach and talk with traumatized victims, what type of evidence to look for, and what partners to contact to help the victim and support the investigation. Training experts believe scenarios help to establish a victim-centered, trauma informed approach to human trafficking throughout a department (Police Executive Research Forum, 2020).

Training should also cover topics such as policies, procedures, and relevant legislation. A prosecutor should also be present at the training, this is due to frequent obstacles found in the transition from the investigation to the prosecution stage. In addition to training within individual agencies, experts also recommend interagency training take place in response to human trafficking. This can be beneficial to see how other agencies respond to human trafficking crimes (Police Executive Research Forum, 2020). This crime is too important and too prevalent to not have as many officers as possible trained in the detection of human trafficking. The following are some examples of government and nongovernment agencies that provide human trafficking training that local agencies can utilize to further provide, enhance, or supplement the training on this crime.

Examples of available training

FLETC

The Federal Law Enforcement Training Centers (FLETC) offers training to police and sheriff's departments on a wide range of topics, including the response to human trafficking.

FLETC annually trains approximately 70,000 law enforcement personnel, mostly from federal agencies, but also includes 10,000 state and local law enforcement personnel. Currently the FLETC offers a 1 day in-person course titled, *Human Trafficking Awareness Training,* and provides students with an understanding what law enforcement and the private sector may observe in industries known for human trafficking. The training is focused on defining human trafficking, key indicators that police officers should be looking for to identify human trafficking, how to report on human trafficking, and how to investigate human trafficking cases. An overview of federal statutes and state laws related to trafficking is also included. A main component of the training focuses on interviewing victims. The training is classroom oriented with case studies, videos, and student-centered learning activities to enhance the learning experience (FLETC, 2022).

DHS

The Department of Homeland Security's Blue Campaign is a national public awareness campaign designed to educate the public, law enforcement, and other industry partners on recognizing indicators of human trafficking, and on how to appropriately respond to possible cases. Blue Campaign works closely with DHS Components to develop general awareness trainings, as well as specific educational resources to help reduce victimization within vulnerable populations. Blue Campaign's educational awareness objectives consists of two foundational elements, prevention of human trafficking and protection of exploited persons. Blue Campaign provides a web-based training course to law enforcement officials to train officers on recognizing human trafficking and responding appropriately (DHS, 2022).

OVC TTAC

OVC TTAC provides practitioner-driven, evidence-based training and technical assistance that is responsive to the particular needs of victim service providers, including a specific focus on human trafficking. *Understanding Human Trafficking* training is a series of five interactive online modules that offer foundational learning on trauma-informed and victim-centered approaches to human trafficking. The modules are designed so that a wide audience can benefit. Potential learners include first responders and government employees. *Understanding Human Trafficking* encourages trainees to think critically about human trafficking by using reliable resources from across the United States. Some of the skills offered include implementing trauma-informed approaches to victim identification and outreach, assessing victims for comprehensive service needs, identifying accurate data and research on human trafficking, and strategies for analyzing laws and policies that impact crimes of human trafficking (OVC TTAC, 2023).

IACP

The International Association of Chiefs of Police (IACP) is the world's largest and most influential professional association for police leaders. With more than 32,000 members in over 170 countries, the IACP is a recognized leader in global policing, committed to advancing safer communities through thoughtful, progressive police leadership. The IACP is known for its commitment to enhancing community safety by shaping the future of the police profession. The IACP advances the policing profession through advocacy, research, outreach, and education. The ICAP also holds human trafficking training. For example, they hold a two-day event for police executives and chief prosecutors looking to enhance their knowledge of human trafficking. The training consists of a series of roundtable discussions, hands-on activities, and

action planning taught by a faculty of peer practitioners with executive-level expertise (IACP, 2022).

The ICAP also provides a two-and-a-half-day advanced human trafficking training event. The training event is for law enforcement and prosecutors to provide innovative, practical, and trauma-informed strategies to enhance victim-centered responses, and offender-focused investigations and prosecutions. The course is designed for law enforcement, prosecutors, and analysts who have experience investigating and prosecuting human trafficking. This course is also highly interactive and scenario-based. The training provides knowledge on how traffickers recruit victims from within the criminal justice system, methods to investigate sex trafficking, investigative strategies that do not rely on victim testimony to identify evidence of labor and sex trafficking, trauma-informed interview techniques, countering witness intimidation and evidence tampering, assessing culpability of victims who may also appear to be potential suspects, alternative charges to consider to increase the likelihood of successful prosecution of co-occurring crimes, confronting common defenses, and The value of expert testimony. The ICAP also produced a guidebook titled, *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation*. The guidebook includes definitions of human trafficking, distinctions between trafficking and smuggling, dynamics of human trafficking and the traumatic effects upon victims, strategies for victim identification and assistance, methods for effective response and investigation, and avenues for legal assistance and visa provisions under federal law (IACP, 2022).

NCMEC

The National Center for Missing & Exploited Children (NCMEC) is a nongovernment organization dedicated to providing training and technical assistance to child-serving

professionals. For example, the NCMEC provides a three-and-a-half-day training for local law enforcement focused on child sex trafficking cases. Topics include the scope of the problem, interviewing child sex trafficking victims, the role of technology in child sex trafficking cases, federal resources, and functions of local service providers. The training is open to local police and prosecutors, and each training is customized to specific state laws. The training is provided free of charge, but officers must apply and be selected to participate (NCMEC, 2023).

ERASE Child Trafficking

In 2016, ERASE Child Trafficking established a national human trafficking law Enforcement training program, instructed by law enforcement. The mission of ERASE is to eliminate child trafficking by focusing on education, recovery, and life reclamation. Their training has been presented to over 200 agencies across the country, including in Florida, South Carolina, North Carolina, New Jersey, New York, and California. The different training courses provided include introduction to human trafficking, advanced investigations, and executive workshops. Taught by local and federal law enforcement personnel, the courses are customized to the regions in which they are held, and focus on the specific needs of the attending agencies. Federal, state, local law enforcement agencies, and tribal police all have sent officers to attend the training (ERASE Child Trafficking, 2017).

Conclusion

In closing, human trafficking is a crime that effects every region of the world where humans are present. Currently, millions of people around the world are being exploited by human traffickers every day. The United States has addressed this issue by enacting several pieces of federal and state legislation focusing on this crime with the goal of reducing incidents

of human traffickers and to hold those responsible accountable for their actions. This also includes states like Tennessee, California, Florida, and Texas that have made their own laws that mandate human trafficking training for law enforcement. Human trafficking is a complex crime and can be difficult for law enforcement to properly identify. It is important for law enforcement to receive training on human trafficking to increase the knowledge of this crime. Several organizations have committed their efforts to provide such training for law enforcement to utilize.

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