

# Human Trafficking and Child Prostitutes

## 316.1 HUMAN TRAFFICKING AND CHILD PROSTITUTES

Human trafficking pertains not only to individuals who are victimized as forced laborers but also includes individuals who are victimized for sexual services. Child prostitutes are exploited through forced labor and forced sexual services. Children who are exploited for commercial sex are referred to as Commercially Sexually Exploited Children (CSEC).

Human trafficking is generally defined as depriving or violating the personal liberty of another with the intent to obtain forced labor or services (Penal Code § 236.1(a)). Human trafficking of adults and minors for the purpose of commercial sexual exploitation carries more severe punishment (Penal Code § 236.1(b), (c)). Because of the predatory nature of human trafficking, victims commonly display one or more high risk factors, including (but not limited to):

- Being young
- A runaway
- Disabled
- Homeless
- Drug or alcohol-addicted
- Lesbian, gay, bisexual, transgender or queer
- A foreign national
- Undocumented

We cannot address and eradicate human trafficking without understanding victims and their plight. We must seek not only to prosecute vigorously those who take advantage of their vulnerability, but also to assist victims to move forward and live safe, productive lives. The process of healing begins from the very first contact law enforcement has with a child prostitute victim.

The primary objective of this protocol is to prosecute, to the fullest extent of the law, human traffickers and those persons who exploit child prostitutes. The arrest and prosecution must occur with deliberate speed and vigor even as the victim's physical and emotional needs are protected.

The purpose of this protocol is to formalize the procedures to be followed by Santa Monica Police Department personnel when investigating human trafficking and child prostitution cases. This protocol seeks to provide an appropriate umbrella of protection that effectively addresses the ongoing and escalating nature of exploitation suffered by child prostitutes.

The primary objectives are to identify, reduce and ultimately eradicate any evidence of human trafficking and child prostitution in the City of Santa Monica. This necessarily includes the investigation and prosecution of traffickers while vigorously protecting the needs of victims at all stages. In furtherance of the primary objectives, this protocol will:

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- Encourage Department personnel to respond in a victim-centered, trauma-informed manner as the standard operating procedure in the investigation of human trafficking and child prostitution cases.
- Assist Department personnel in recognizing human trafficking in all its forms, particularly when victimization is not readily apparent.
- Emphasize a collaborative, multi-disciplinary response model that engages law enforcement agencies and victim services.
- Aim to protect victims from predatory traffickers, both physically and emotionally.
- Aim to protect victims from exposure to life-threatening diseases and physical abuse.
- Aim to hold traffickers and exploiters accountable.

#### **316.2 COMMUNICATIONS OPERATOR RESPONSE**

During the initial call for assistance, the Communications Operator should make every effort to help the human trafficking/child prostitute victim feel safe and supported, as victims may be distrustful of law enforcement. They are reluctant to disclose information because they are often afraid or unaware of their own victimization. Communications Operators can begin to build trust from the very first contact; the operator can convey safety and security to the victim through tone of voice, the manner in which questions are asked, and the manner in which the victim's answers and statements are received.

The Communications Operator should never inquire as to the victim's desire to "prosecute" or "press charges", as it is inappropriate to place the responsibility of law enforcement action on the victim.

Human trafficking may be present in a variety of calls for service, including (but not limited to):

- Assault
- Battery
- Child abuse
- Citizen complaints
- Criminal threats
- Dissuading a witness
- Domestic violence
- False imprisonment
- Gang activity
- Kidnapping
- Missing persons
- Narcotics

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- Pandering
- Pimping
- Prostitution
- Robbery
- Traffic stops

Always consider that human trafficking and child prostitution may be occurring even if not immediately apparent.

The following points may assist the Communications Operator in assessing the nature of a human trafficking call. These points are suggestions only and should not be viewed as an exhaustive list. Information gathering should be tailored to specific facts and circumstances; as such, the following areas of inquiry are intended to provide call-taking guidance:

- Nature of emergency
- Nature and extent of injuries, if any
- Presence of suspect(s) in the immediate area
- Language(s) spoken
- Occupation/job/activities in the U.S
- Long hours/little to no pay/debt
- Whether the caller is free to come and go as she/he pleases
- Whether the caller is calling 911 secretly or without suspect's knowledge
- Whether there is any kind of surveillance in the immediate area
- Whether the caller is being hidden or in hiding
- Whether there are others being hidden or in hiding
- Whether identification or immigration documents have been taken
- Whether the caller's own safety or family's safety is being threatened
- Whether the caller is locked-in at his/her location
- Whether there are children present

The safety of victims, whether the threat of violence is immediate or remote, should be the primary concern of the Communications Operator. The Communications Operator should advise the victim in a manner which promotes the victim's safety. For example, it may be prudent to suggest that a victim wait for police officers at a neighbor's house or remain on the line until help arrives.

The Communications Operator who receives a human trafficking call shall dispatch officers to every reported incident. The dispatcher should, when warranted, give a human trafficking incident call the same priority as any other life-threatening call.

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The dispatcher should, whenever possible, dispatch at least two officers to the scene. Human traffickers move victims quickly and frequently to avoid detection, and as a result, law enforcement must move with deliberate speed.

#### **316.3 PATROL OFFICER RESPONSE**

Pursuant to Penal Code § 236.2, a peace officer shall use due diligence to identify all victims of human trafficking (regardless of citizenship) whenever he/she contacts a person who is or has been:

- Deprived of his or her personal liberty
- A minor who has engaged in a commercial sex act
- A person suspected of violating PC § 647(a) or (b)
- A victim of domestic violence or sexual assault

Consider and document the presence of the following indicators of human trafficking:

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

If the person being interviewed speaks a language other than English, the interview should be conducted in the individual's primary language by a qualified interpreter. The officer may need to call for another bilingual officer fluent in that language, a telephone interpreter, a qualified civilian interpreter, or arrange for other certified professional translation services. Avoid using third-party individuals (children, family members, neighbors or bystanders) for interpretation except during exigent circumstances. Once the exigent circumstance has passed, the officer should utilize a qualified interpreter.

The existence of the elements of a crime shall solely determine whether an arrest or further investigation is appropriate. The following factors shall not influence an officer's decision to arrest or further investigate a human trafficking case except as they relate to the elements of the crime:

- Victim's desire not to prosecute or have the suspect (trafficker or exploiter) arrested
- Victim's immigration status

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- Fact that victim seems complicit in his/her exploitation
- Fact that victim may have also committed a crime
- Victim's emotional state or state of sobriety
- Potential financial consequences of an arrest
- Verbal assurances that exploitative behavior will cease
- Victim's criminal history
- Victim's antagonistic or hostile attitude towards law enforcement
- Victim's relationship with the suspect

With respect to evidence collection and preservation, a sex trafficking/child prostitution case is (and should be) treated as a sexual assault investigation. The victim (and exploiter, when applicable) shall be immediately transported to the Rape Treatment Center (RTC) for an examination by a medical professional. Evidence of sexual assault shall be collected at the RTC. Evidence of human trafficking in plain view should also be collected if present.

The victim is to be advised of his/her rights in accordance with Marsy's Law and provided with information regarding available services, including (but not limited to):

- Victim advocates
- Contact the Los Angeles County Department of Children and Family Services and request that a social worker respond
- Marsy's Law card
- Emergency Protective Order options, if applicable
- Eligibility to apply for the CA Victim Compensation Program through the Los Angeles County Victim Witness Program

At the conclusion of the contact with the human trafficking/child prostitute victim, the officer shall complete a preliminary crime report thoroughly documenting the incident. This crime report will be promptly assigned to personnel from the Criminal Investigations Division for follow-up investigation.