

Implementing a Victim-Centered, Trauma-Informed Approach to Address Labor Trafficking for Law Enforcement Executives

COPS Community Oriented Policing Services U.S. Department of Justice

IIR Institute for Intergovernmental Research

This resource was developed as part of the **Partnerships to Address Labor Trafficking** *project, designed to improve the awareness, responsiveness, and accountability among law enforcement, businesses, communities, and other stakeholders on labor trafficking. This project is a collaborative effort between the Office of Community Oriented Policing Services and the Institute for Intergovernmental Research. For more information and additional resources, visit https://cops.usdoj.gov/labor_trafficking.*

This resource will provide law enforcement commanders with practical considerations on using a victim-centered approach to address labor trafficking. Using a victim-centered approach when interacting with victims can reduce retraumatization, increase the effectiveness and efficiency of interactions with victims, and maximize case results for prosecution. Law enforcement investigators interviewing labor trafficking survivors should be familiar with trauma and its effects and impacts on victims. Labor trafficking victims may be unaware that they are victims or may be reluctant to self-identify as victims because of shame or fear. Concerns about their immigration status may further impede effective law enforcement investigations.

What is a victim-centered, trauma-informed approach to address labor trafficking?

A victim-centered approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.[1]

A victim-centered approach seeks to minimize retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.[2]

According to the Office for Victims of Crime's Human Trafficking Task Force e-Guide,[3] a trauma-informed approach begins with understanding the physical, social, and emotional impacts of trauma on individuals as well

1. "Victim-Centered Approach," *Human Trafficking Task Force e-Guide*, Office for Victims of Crime, accessed May 18, 2020, https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/.
2. "Introduction," *Achieving Excellence: Model Standards for Serving Victims and Survivors of Crime*, Office for Victims of Crime, accessed May 18, 2020, https://www.ovc.gov/model-standards/index.html.
3. "Using a Trauma-Informed Approach," *Human Trafficking Task Force e-Guide*, Office for Victims of Crime, accessed May 18, 2020, https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/41-using-a-trauma-informed-approach/.



as on the professionals who help them. It also means not just understanding trauma but also knowing how to assist in the recovery. This includes victim-centered practices. A trauma-informed approach incorporates three elements:

1. Realizing the prevalence of trauma

2. Recognizing how trauma affects all individuals involved with the program, organization, or system, including its own workforce

3. Responding by putting this knowledge into practice

Why are labor trafficking investigations important to state and local law enforcement?

Labor trafficking cases often go undetected by state and local law enforcement agencies. Many times, such cases have been viewed merely as immigration issues or as crimes for which only federal law enforcement agencies exercise jurisdiction. In reality, such cases are of tremendous importance to state and local law enforcement. Labor trafficking is increasingly perpetrated by criminal enterprises and often reflects the presence of organized crime in a local community. It can potentially lead to an increase in violent crime. Physical assaults against victims are typical, and female victims of labor trafficking report that sexual assaults against them are commonplace. Tolerating labor trafficking in local communities can lead to "zones of criminal impunity" that threaten public safety. Moreover, labor trafficking schemes exploit not only immigrants but vulnerable U.S. citizens as well.

What responsibility does law enforcement have in working with victims?

It is important for law enforcement to be able to communicate with victims and reach out to service providers to aid victims while an investigation moves forward.[4] While a multidisciplinary approach must be in place to address labor trafficking, the best laws will be ineffective if the law enforcement officer who encounters victims does not know how to identify them. Many times, a victim is arrested before law enforcement can identify him or her as a victim. This may lead to victims distrusting law enforcement, which, in turn, can hamper law enforcement efforts to protect victims and effectively prosecute perpetrators. Many hindrances exist, such as language barriers or health care needs, that law enforcement may need to address in order to effectively investigate. It also is important for law enforcement to allow victims to maintain control of when and how they choose to be involved in the investigation or subsequent trial. Some victims may never feel comfortable speaking out.

With what types of criminal justice and community-based partners should law enforcement collaborate?

Labor trafficking investigations require coordinated efforts among local, state, tribal, and federal law enforcement and prosecutors. Statewide law enforcement agencies, as well as federal agencies such as the U.S. Department of Homeland Security (DHS), the U.S. Department of Labor (DOL), the U.S. Department of Transportation, and the

4. Colleen Owens et al., *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States* (Washington, DC: Urban Institute, 2014), https://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states/view/full_report.



Federal Bureau of Investigation (FBI), can bring important tools and resources to local investigations. Effective labor trafficking investigations also rely on the expertise of state agencies, such as state courts, state health departments, child protection agencies, business licensing agencies, code inspectors, and financial services departments (where financial records vital to investigations are often maintained). Finally, collaborative efforts also should include community partners,[5] such as Truckers Against Trafficking; ride-sharing services, such as Uber and Lyft; health care providers; victim service providers; immigration advocates; substance use facilities; and faith-based organizations. Many times, victims will need assistance from these community partners to become stabilized and work with law enforcement during an investigation. Law enforcement should participate in local anti-trafficking coalitions and task forces and maintain ongoing relationships with service providers.

What does "justice" mean for a victim of labor trafficking?

Justice for victims of labor trafficking can come in many forms.[6] It can come through the criminal justice process, the civil justice process, or both. If the criminal justice process is not a viable option, alternate forms of justice should be pursued, including restitution and payment of back wages to victims.

Civil remedies also can include discrimination claims, class action suits, lawsuits filed with the U.S. Equal Employment Opportunity Commission, and other actions against traffickers that do not fall under the criminal justice system. However, such alternative forms of victim compensation are not always routinely pursued, as they require private or pro bono counsel. Victims should always be advised of their eligibility to pursue such remedies. It also is important for victims to maintain control of when and how they choose to be involved in the investigation or subsequent trial, including the choice of deciding not to pursue either option.

Even if criminal human trafficking charges cannot be sustained, labor traffickers can nonetheless be prosecuted on charges reflecting other illegal dimensions of their operations (e.g., racketeering, civil and health code violations, money laundering, alien smuggling and harboring, visa fraud, tax fraud, theft of benefits, Occupational Safety and Health Administration violations, and zoning or environmental violations).

Law enforcement also can aid[7] in addressing immigration issues by connecting victims with service providers who are familiar with immigration laws and procedures. Many times, victims are unaware of their immigration status or have stayed beyond the expiration date of their visas.

5. Owens et al., *Understanding the Organization, Operation, and Victimization Process* (see note 4).
6. "Landing a Successful Prosecution," *Human Trafficking Task Force e-Guide*, Office for Victims of Crime, accessed May 18, 2020, https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/54-landing-a-successful-prosecution/.
7. "Law Enforcement Support," *Blue Campaign*, U.S. Department of Homeland Security, accessed May 18, 2020, https://www.dhs.gov/blue-campaign/law-enforcement-support.





What types of visas are available, and how should law enforcement handle immigration concerns?

Many survivors of labor trafficking are recruited in their home countries and come to the United States legally in search of better opportunities, only to be exploited. The most common temporary work visas are H-2A visas for work in agriculture and H-2B visas for nonagricultural jobs.[8] Labor trafficking victims have included legally admitted workers holding H-2A and H-2B visas; however, other survivors of labor trafficking have not had lawful status to work in the United States. In labor trafficking investigations involving either authorized or unauthorized workers, law enforcement should contact U.S. Immigration and Customs Enforcement victim assistance to obtain referrals for nongovernmental victim service providers.

T and U visas[9] were created by Congress with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. This legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, and human trafficking. Likewise, it was meant to protect immigrant victims of crimes who have suffered substantial mental or physical abuse and who are willing to assist law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes. T and U visa applications are submitted by the victims themselves or by their legal representatives.

T-visa nonimmigrant status[10] is a temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to four years if they have assisted law enforcement in an investigation or prosecution of human trafficking. T-visa nonimmigrant status also is available for certain qualifying family members of trafficking victims. T-visa nonimmigrants are eligible for employment authorization and certain federal and state benefits and services. Those who qualify may also be able to adjust their status and become lawful permanent residents (i.e., obtain a green card).

U-visa nonimmigrant status is designated for victims of certain crimes who have suffered mental or physical abuse and who are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.

For more information on how to utilize these visas, please visit the OVC Human Trafficking Task Force e-Guide on immigration needs.

8. "Immigration Needs," *Human Trafficking Task Force e-Guide*, Office for Victims of Crime, accessed May 18, 2020, https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/44-comprehensive-victim-services/legal-needs/immigration-needs/.
9. "Immigration Needs" (see note 8).
10. "Immigration Needs" (see note 8).



What is "Continued Presence," and why is it important to file for Continued Presence status for foreign national victims?

Federal law enforcement agencies are permitted to apply for Continued Presence for immigrant trafficking victims. Continued Presence gives victims provisional immigration status while a human trafficking case is being investigated and prosecuted. Importantly, it also allows trafficking victims to work legally. Approval for a Continued Presence application is not dependent on human trafficking charges being brought or successfully prosecuted. It is granted for two years and may be extended for up to two additional years; however, it is not a guarantee of long-term immigration.

Action items and next steps for law enforcement executives

- Ensure that investigators understand the importance of a victim-centered, trauma-informed approach throughout labor trafficking investigations and communications with victims and witnesses.
- Train investigators on how to interview victims using a victim-centered, trauma-informed approach.
- Connect the labor trafficking unit or investigators with the organized crime or vice unit to increase communication and collaboration on labor trafficking cases and awareness of local issues.
- During labor trafficking investigations, connect victims with service providers who are familiar with immigration laws and procedures.
- Understand the importance of Continued Presence as well as the types of visas available.
- Establish relationships with various criminal justice partners and service providers in the area to provide resources to victims throughout the investigation.
- Ensure that investigators prioritize critical victim needs, such as language barriers, health care, and housing, which should be addressed at the beginning of an investigation.
- Connect investigators with a local representative for DOL to better understand resources available and rights for victims in the United States on various visas.
- Think critically about what "justice" and "success" mean in a labor trafficking case, both for the victim and from an agency perspective.



Resources

U.S. Department of Homeland Security. *Blue Campaign*. Accessed May 18, 2020, https://www.dhs.gov/blue-campaign.

Albright, Erin, and Colleen Owens. *Developing Your Labor Trafficking Threat Assessment*. Webinar. Justice Clearinghouse. Last modified March 12, 2019. https://justiceclearinghouse.com/resource/developing-your-labor-trafficking-threat-assessment/.

Seale, Kaitlin, and Colleen Owens. The Role of America's Law Enforcement in Labor Trafficking Identification. Webinar. Justice Clearinghouse. Last modified August 15, 2018. https://justiceclearinghouse.com/resource/the-role-of-americas-law-enforcement-in-labor-trafficking-identification/.

SAMHSA (Substance Abuse and Mental Health Services Administration). SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014. https://store.samhsa.gov/product/SAMHSA-s-Concept-of-Trauma-and-Guidance-for-a-Trauma-Informed-Approach/SMA14-4884.html.

Owens, Colleen, Meredith Dank, Amy Farrell, Justin Breaux, Isela Banuelos, Rebecca Pfeffer, Ryan Heitsmith, Katie Bright, and Jack McDevitt. *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*. Washington, DC: Urban Institute, 2014. https://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states.



U.S. Department of Health and Human Services, Administration for Children & Families. "Office on Trafficking in Persons." Accessed May 18, 2020. https://www.acf.hhs.gov/otip.

U.S. Department of Justice, Office for Victims of Crime. *Achieving Excellence: Model Standards Guiding Values for Servicing Victims & Survivors of Crime*. Accessed May 18, 2020. https://www.ovc.gov/model-standards/guiding_values.html.

U.S. Department of Justice, Office for Victims of Crime. *Human Trafficking Task Force e-Guide*. Accessed May 18, 2020. https://www.ovcttac.gov/taskforceguide/eguide/.

U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. *Trafficking in Persons Report*. Washington, DC: U.S. Department of State, 2018. https://www.state.gov/wp-content/uploads/2019/01/282798.pdf.

U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report*. Washington, DC: U.S. Department of State, 2019. https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf.



About IIR

The **Institute for Intergovernmental Research (IIR)** is a Florida-based, not-for-profit corporation specializing in research, training, and technical assistance for criminal justice, homeland security, and juvenile justice issues. IIR has a proven history of successful service delivery of federal programs to state, local, and tribal law enforcement agencies and homeland security partners.

With emphasis on intergovernmental collaboration, IIR offers expertise and an extraordinary track record in management and organization, operations, information systems, planning, research, technical assistance, program evaluation, curriculum development, training, and policy development and implementation. IIR has long-standing, trusted relationships with federal, state, local, and tribal law enforcement agencies as well as partnerships with national organizations dedicated to advancing the field of criminal justice.

In addition to IIR's experienced and resourceful staff of more than 140 employees, IIR partners with a cadre of more than 150 highly experienced criminal justice professionals, law enforcement practitioners, and academic researchers—many of whom are nationally and internationally recognized—in the delivery of federal programs.

IIR is one of the technical assistance providers for the U.S. Department of Justice, Office of Community Oriented Policing Services Critical Response Initiative and Collaborative Reform Initiative for Technical Assistance.

To learn more, visit IIR online at www.iir.com.

This project was supported, in whole or in part, by cooperative agreement number 2018-CK-WX-K013 awarded to the Institute for Intergovernmental Research by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s), the contributor(s), or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s), the contributor(s), nor the COPS Office can vouch for their current validity.

This resource was developed under a federal award and may be subject to copyright. The U.S. Department of Justice reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use this resource for Federal Government purposes. This resource may be freely distributed and used for noncommercial and educational purposes only.

Recommended citation:
Institute for Intergovernmental Research. 2020. *Implementing a Victim-Centered, Trauma-Informed Approach to Address Labor Trafficking for Law Enforcement Executives*. Partnerships to Address Labor Trafficking Toolkit. Washington, DC: Office of Community Oriented Policing Services.

Published 2020



About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office–funded training organizations.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.
- The COPS Office also sponsors conferences, round tables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, www.cops.usdoj.gov. This website is also the grant application portal, providing access to online application forms.



Labor trafficking is a crime that involves compelling or coercing a person to provide labor or services and affects persons of all ages, races, and nationalities. Labor traffickers often prey on those with vulnerable life circumstances and economic hardships. Labor trafficking victims can be found in legal and illegal labor industries, as well as hidden behind closed doors and in plain view. This toolkit provides resources for law enforcement, businesses, communities, and other stakeholders to identify, respond to, and address labor trafficking and to support its victims and survivors.

COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented
Policing Services
145 N Street NE
Washington, DC 20530

To obtain details about COPS Office programs, call
the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at **www.cops.usdoj.gov**.

IIR
Institute for Intergovernmental Research

Institute for Intergovernmental Research

1000 Vermont Avenue, NW, Suite 400
Washington, DC 20005

032010945
Published 2020