

Investigating Labor Trafficking

Determining Jurisdiction and Interview Questions

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.*

Labor trafficking is a crime that exploits individuals to perform labor or services by force, fraud, or coercion using physical or psychological control (or both). Labor trafficking often takes place within legal businesses and enterprises. This crime can be difficult to detect, investigate, and prosecute, according to the Victims of Trafficking and Violence Protection Act of 2000.[1] Per the U.S. State Department, in 2016, 241 human trafficking prosecutions were sought by the U.S. Department of Justice and only 13 of those were labor trafficking cases.[2] So it is important for investigators to know the differences in types of human trafficking and which can be considered labor trafficking.

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When investigating labor trafficking, considerations must be addressed when working with vulnerable populations and specific communities. Victims can include U.S. citizens, documented or undocumented immigrants, persons with disabilities, and children.[3] Labor trafficking

1. Victims of Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101(b)(1), (22)–(23) (2000), https://www.govinfo.gov/content/pkg/USCODE-2006-title22/pdf/USCODE-2006-title22-chap78.pdf.
2. *2017 Trafficking in Persons Report*, (Washington, DC: U.S. Department of State, 2017), https://www.state.gov/wp-content/uploads/2019/02/271339.pdf.
3. Nirav K. Desai and Sean Tepfer, "Proactive Case Identification Strategies and the Challenges of Initiating Labor Trafficking Cases," *United States Attorneys' Bulletin* November 2017, 25–31, https://cclou.org/wp-content/uploads/2018/12/Labor-trafficking-article.pdf.



cases are complex, and overlaps in jurisdiction or existing jurisdictional challenges between federal or state law enforcement often occur. Factors that must be considered to proceed include the following:

- Is the victim a citizen?
- Does the victim have the legal authority to work in the United States?
  - If no, can the victim be referred to an immigration agency for assistance?
- Is the victim an adult?
  - Was the victim a child when he or she was exploited?
  - Is the victim an unaccompanied minor?
  - Does the victim have a disability that is being exploited?
- Is the accused running a legal business?
  - If yes, can the accused be referred to the U.S. Department of Labor (DOL) or State Attorney General for infractions?
  - If no, what other entities should be contacted for investigative purposes (e.g., the Federal Bureau of Investigation, Homeland Security Investigations, the DOL Office of Inspector General)?

The answers to these questions are part of the necessary steps in determining investigative and prosecutorial authority in these cases. Law enforcement agencies should seek participation and leadership from victim services agencies and nongovernmental organizations when developing human trafficking task forces.[4] Their support and involvement are necessary to raise awareness among those who primarily investigate and prosecute other crimes—such as gangs, organized crime, drug trafficking, and money laundering—that may be linked to labor trafficking.

When encountering individuals who may be victims of labor trafficking, investigators should consider the following:

- Is the victim allowed to contact his or her family?
- Is the victim being coached on what to say?
- Does the victim keep his or her identification documents or does someone hold them for the victim?
- Does the victim get paid for work? Does someone else keep all or part of the victim's paycheck?
- Is the victim free to come and go from his or her place of employment?
- Is the victim's phone usage tracked or monitored?
- Does the victim reside at his or her place of employment?
- Do working conditions include excessive work hours, safety hazards, or physical or verbal abuse?
- Has the victim ever been injured while working? If so, was he or she able to go to a doctor?

The success of labor trafficking cases depends on the resources and support available to investigators. The collaborative effort of a multidisciplinary task force is key in filling the gaps that may exist because of the lack of resources within vulnerable communities while also ensuring a trauma-informed approach to victim support.[5]

4. Human Trafficking Task Force eGuide," Office for Victims of Crime, accessed September 3, 2020, https://www.ovcttac.gov/taskforceguide/eguide/.

5. The Advocates for Human Rights, *Labor Trafficking Protocol Guidelines: Identifying and Responding to Victims of Labor Trafficking 24 Years Old and Under* (Washington, DC: Office of Justice Programs, 2019), https://www.theadvocatesforhumanrights.org/uploads/labor_trafficking_protocol_guidelines_final.pdf.



Resources

National Human Trafficking Hotline
Call: 888-373-7888
Text: "BeFree" (233733)

Live chat online: http://www.humantraffickinghotline.org
Polaris Project
https://polarisproject.org/human-trafficking/labor-trafficking

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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.

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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, https://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.

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U.S. Department of Justice

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