

INSTRUCTIONAL ORDER

March 2019

Immediately

V.3:07

Distribution: All Employees

Subject: **HUMAN TRAFFICKING**

Index as:	Commercial Sex Act	Human Trafficking
	Continued Presence	Sex Trafficking
	HEAT	Trafficking Victim Protection Act (TVPA)
	Human Exploitation and Trafficking Unit (HEAT)	TVPA
	Human Smuggling	

Accreditation Standards: 1.2.3.

Cross Reference: G.O. III-1, Field Contacts
 G.O. III-6, Juvenile Procedures
 I.O. V.5:03, Impounding Vehicles Used to Facilitate Prostitution, Sex and Drug Related Crimes
 I.O. V. 5:17, Victim's Right/Victim Assistance Unit
 ISB SOP II-1, Informant Control Procedures
 CAPP SOP I-02, Organization, Responsibility and Job Descriptions
 §787.06, F.S.S.
 S.1312 - Trafficking Victims Protection Act of 2017

Replaces: NEW POLICY

This Order provides an Officers with signs and indicators of human trafficking. It consists of:

- I. Policy
- II. Purpose
- III. Definitions
- IV. Procedures and Investigation

I. POLICY

A. It is the policy of the St. Petersburg Police Department (SPPD) to ensure all individuals within the jurisdiction of the St. Petersburg Police Department are protected in the exercising of their rights and privileges under the laws of the state of Florida and the United States of America.

B. The Department takes an active role and works cooperatively with agencies in the State of Florida, the United States Government, and social service providers to properly identify and investigate incidents of human trafficking.

II. PURPOSE

This Order outlines procedures for identifying, responding to and investigating possible incidents of Human trafficking.

III. DEFINITIONS

A. Commercial Sex Act – Any sex act on account of which anything of value is given to or received by any person.

B. Continued Presence – A temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows victims who are potential witnesses to remain in the U.S. temporarily during the ongoing investigation into the crimes committed against them.

C. Human Smuggling – A person, who transports into this state an individual who the person knows, or should know, is illegally entering the United States from another country.

D. Human Trafficking – The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.

E. Sex Trafficking – Any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in a commercial sex act or in which the person induced to perform such act has not attained eighteen (18) years of age.

F. Trafficking Victims Protection Act of 2017 – The Trafficking Victims Protection Act of 2017 (TVPA) provides not just the legal foundation to combat trafficking, but also the comprehensive framework dictating the federal government's response to the crime. This framework is referred to as the "3 P's" - protection, prosecution, and prevention. In addition, the TVPA contains the authorizations for the federal funds used to fight trafficking and assist victims and survivors.

IV. PROCEDURES

A. On Scene Investigation

1. There is a great likelihood that an Officer may be responding to another crime such as, robbery, fraud, sexual battery, prostitution, assault, kidnapping/false imprisonment, extortion, battery or even possibly a health codes or environmental crime.

a. Follow the current procedures for that particular crime.

2. When there is a suspicion of human trafficking, the following factors should be considered in determining whether human trafficking may be present:

a. What are the victims living/working conditions?

- 1) Does the victim live on or near the premises?
- 2) Is there a large number of occupants for the living space?
- 3) Is the victim's communication restricted or controlled?

b. Is the victim allowed to leave their worksite or home?

- 1) Look for bars on windows, surveillance equipment, doors with locks on the outside rather than the

inside.

c. Does the victim lack personal items/possessions?

- 1) For example, are all of their belongings in a backpack?

d. Is there a private space available for the victim?

- 1) Multiple individuals may share a small space, such as mattresses on the floor or only a sheet for a

divider.

e. Does the victim have access to a cell phone, calling card, passport or identification?

- 1) Often, the suspect will hold these items as a means of controlling the victim.

f. Does the victim have access to their financial records?

g. Is the victim knowledgeable about their geographical area?

h. Personal or physical indicators:

- 1) Does the victim have injuries from beatings?

- 2) Are there signs of torture?

- 3) Is the victim fearful; and/or reluctant to speak to law enforcement about who they are, or any other

personal details?

- i. Other indicators:
 - 1) Does someone else have possession of the victim's legal/travel documents?
 - 2) Does the victim have existing debt issues?
 - 3) Is there a third party who insist on interpreting for the victim (This may be a violator)?
 - 4) Are there security measures in place intended to keep victims confined?

3. If there is evidence of human trafficking, the Officer will notify the Supervisor, Human Exploitation and Trafficking Unit (HEAT) or the on-call Supervisor, Investigative Services Bureau (ISB).

- a. This notification should be made prior to the Officer leaving the scene of the incident.
- b. The Supervisor, HEAT/ISB, will determine whether to call out a Detective to provide assistance.

4. Children as Victims of human trafficking

a. Children are trafficked individually, with other children, or with adults. Like adults, children come from a variety of countries and experiences. They may be U.S. citizens who are trafficked within this country. One of the biggest problems facing children who are trafficked is that they are undetected and unidentified.

b. The Officer must report minors who are trafficked in prostitution to the Department of Children and Families (DCF). Keep in mind exploited youths are not prostitutes but are being prostituted by adults for commercial sex, pornography, and other sex crimes. Many youths are runaways and throwaway children.

5. The Officer responding to a potential or suspected case of human trafficking, where the victim does not speak English, should avoid allowing anyone at the scene to translate for the victim, as this person may either be a suspect, or participant in the criminal activity.

- a. The Officer should contact the Emergency Communications Center and request an interpreter.

6. The Officer should be alert to the possibility of the role of organized crime involvement in human trafficking. These groups most often come from the same countries as their victims.

7. The prevalence of communicable diseases is common when interacting with human trafficking victims. Some of the most common diseases are Hepatitis and Tuberculosis. The Officer and staff interacting with human trafficking victims should use universal precautions.

B. Follow up Investigation

1. The successful investigation and prosecution of the crime of human trafficking requires the Officer to approach traffickers differently from the ways they might approach other criminal investigations. The Trafficking Victim Protection Act (TVPA) makes it clear that a victim-centered investigation is necessary in order to uncover human trafficking, as it is the trafficking victims who will provide Detectives and the State Attorney with crucial information and evidence.

2. As soon as possible, the Detective assigned to the case should schedule a meeting with the State Attorney's Office and/or the United States Attorney's Office, as applicable. All case information should be presented at this meeting. A determination should be made as to under which venue, state or federal, the case will be prosecuted.

a. If the case will be prosecuted by the United States Attorney's Office, if not already involved, Immigration and Customs Enforcement (ICE) and the Federal Bureau of Investigation (FBI) will be contacted by the Detective assigned to the case so those agencies can decide which will be the lead agency.

b. If the State Attorney is going to prosecute the case, the St. Petersburg Police Department will retain its lead role in the investigation.

3. After the individual is interviewed by the assigned Detective and it is determined they are a human trafficking victim, the Prosecuting Attorney or the Detective assigned to the case will request the lead federal agency to submit the appropriate paperwork so that the victim (if not a U.S. citizen) can be eligible for *Continued Presence*. This immigration status allows the victim to remain in the United States legally while assisting in the investigation.

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