



# TUSTIN POLICE DEPARTMENT

July 25, 2012

Honorable Thomas J. Borris, Presiding Judge  
Superior Court of California  
County of Orange  
700 Civic Center Drive West  
Santa Ana, CA 92701

Honorable Thomas J. Borris:

On June 19, 2012, we received the 2011-2012 Orange County Grand Jury Report, "Sex Trafficking of Girls". The report was both informative and enlightening regarding the problem of human trafficking in our community today.

Before responding to the specific findings and recommendations in the report, I feel compelled to mention that the Tustin Police Department is a nationally accredited agency through the Commission on Accreditation for Law Enforcement Agencies. As such, we maintain strict adherence to over 450 standards, which are considered best practices in law enforcement nationwide. We have taken a proactive stance towards the investigation of human trafficking crimes and we share the concerns of the Grand Jury regarding the need for "greater communication and collaboration" among law enforcement agencies.

Regarding Finding 1 (F1), we agree that more training is needed for law enforcement with regards to human trafficking. Specifically, training designed to identify victims of sexual exploitation, the methods by which offenders maintain control over their victims and the rampant use of the Internet to facilitate the sex trade is sorely needed for our first responder personnel.

Regarding Finding 3 (F3), we agree that child victims of sex trafficking are often misidentified. We have experienced this situation as a result of no identification present on the victim and typically they have come to this County from out of State or from another country, compounding the issue.

Regarding Finding 4 (F4), we agree that trafficked minors often flee from non-secure shelters. In fact, we have experienced situations where we attempted to lodge a minor under the 300 section of the Welfare and Institutions Code and were subsequently denied by the Orange County Juvenile Hall, as it did not meet their criteria for secure detention. Currently, we are not aware of alternate secure facilities in Orange County for minor victims of sex trafficking.

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Regarding Finding 5 (F5), we agree that Penal Code section 1275.1 allows law enforcement to keep offenders in custody, thereby protecting victims and witnesses involved in the case.

Regarding Finding 7 (F7), we agree an information sharing system (database) would be beneficial to law enforcement in identifying victims and ultimately in prosecuting traffickers.

As staff was preparing the response to this report, we recognized a lack of any policy or procedure specific to human trafficking investigations. In our research, through the International Association of Chiefs of Police database, we located one such policy utilized by the Myrtle Beach Police Department in South Carolina. Please see attached results from IACP.net search.

The Grand Jury's report makes several recommendations based on its investigation of the agencies in Orange County. We were assigned to respond to the first three recommendations. Our response is as follows:

Recommendation 1 (R1) states "Police and Sheriff Departments should provide additional training for officers to clarify law enforcement's understanding and awareness of minor sex trafficking of girls." This recommendation **has been implemented**. Recently, a training video called "Response to Human Trafficking" was shared with all personnel via our PowerDMS training system. The 15 minute video covers the identification of victims, the signs to look for in sex trafficking organizations, suspect actions and the proper methods by which to investigate these cases. Additionally, we have sent a limited number of personnel to a POST certified 16 hour training course on Human Trafficking Investigations. Our plan is to continue sending additional personnel as our budget will allow.

Recommendation 2 (R2) states "The Sheriff's Department, city police departments and responsible Orange County agencies should develop a data base using a single term such as "Minor Sex Trafficking" to allow the trafficked victims to be systematically tracked with the proper identification and status as a victim of crime..." This recommendation **has not yet been implemented**. However, we agree the existence of such a database would be invaluable for first responders and investigators alike in successfully combatting the problem of human trafficking. As it would not be prudent for only the Tustin Police Department to create its own database for this information, we believe this project should be taken up on a regional level, most likely the County. That way, each of the individual law enforcement agencies in Orange County can both contribute to and benefit from that information sharing tool.

Recommendation 3 (R3) states "Law enforcement agencies and district attorneys should consider using the provisions of California Penal Code 1275.1 more frequently if they have cause to believe that the source of bail money for a 'pimp' or 'john' was illegally obtained." This recommendation **has not yet been implemented**. Although we have, on occasion, utilized PC 1275.1 to request bail enhancements for narcotics traffickers or white collar criminals, we have not yet used this tool for 'pimps' or 'johns'.

Recently, our Community Policing Bureau Commander, Captain Celano, met with members of our Special Operations Division to evaluate our investigative response to human trafficking cases. As a result of that meeting, we recognized the following:

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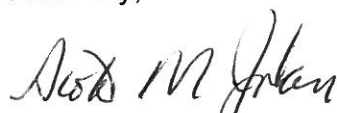
- We typically process about one or two human trafficking cases per year.
- There is a need to send additional personnel to human trafficking investigation training and we will proceed to send more personnel this fiscal year.
- We have missed opportunities to effectively utilize PC 1275.1 in order to enhance bail amounts on suspects in human trafficking sex crimes.
- In future cases, we will reach out to the local Human Trafficking Task Force for investigative assistance as well as other resources, such as Community Service Programs (CSP) for victim assistance.
- The need for a Department approved Standard Operating Procedure (SOP) outlining officer and investigator responsibilities in a human trafficking investigation. Our intention is to draft this procedure and present it to the Management Staff by the end of September 2012.

One case in particular that deserves mention occurred in our City in July of 2011. We received a call of a suspicious death that occurred in an apartment in the 1100 block of Walnut Avenue. Officers arrived to find a young female who had apparently committed suicide by hanging herself. As the investigation unfolded, we learned the female victim was being used as a sex slave by the renter of the apartment, along with other women, brought over to this country from Korea. Our Special Investigations Unit thoroughly investigated the case and ultimately arrested the 'pimp' for various charges and submitted the case to the Orange County District Attorney's Office for filing. For some reason, the OCDA chose not to file charges in the case and the individual was set free. This example illustrates the need for collaboration and commitment from all facets of the criminal justice system, if we are to have a positive impact on stemming the tide of this crime.

The Grand Jury report on Human Trafficking was very helpful to us as an agency and pointed out some holes in our investigative process that are in need of improvement. Rest assured, my staff and I will work diligently over the next few months to implement the aforementioned recommendations and hopefully be better equipped to deal with human trafficking crimes in the future.

If you have any additional questions or concerns, please contact Captain Charlie Celano at (714) 573-3308.

Sincerely,



SCOTT M. JORDAN  
Chief of Police

SJ/CC/sha

Attachment: IACP Net Document No. 600675 – Human Trafficking, Myrtle Beach PD



[www.iacpnet.com](http://www.iacpnet.com)

*Your premier online information network dedicated  
to the business side of policing since 1991*

**Document #:** 600675

**Title:** "Human Trafficking"

**Author:**


**Attributed To:** Myrtle Beach Police Department

**Population:** 29000

**Sworn:** 164

**Last Updated:** 09/25/2008

**Supplemental Resource(s):**

 [www.cityofmyrtlebeach.com/policedept.html](http://www.cityofmyrtlebeach.com/policedept.html) (web)

**Summary:**

This policy is taken from the Myrtle Beach, South Carolina, Police Department. It is the procedure of the Myrtle Beach Police Department to accurately report and aggressively investigate all reports of Human Trafficking. The Police Department's goals are to identify and assist the victims of human trafficking and to effectively identify, apprehend, and prosecute those engaged in trafficking offenses, with the help of state and/or federal government.

**Document Text:**

Myrtle Beach Police Department  
Administrative Regulations and Operating Procedures

Subject: Human Trafficking

Number: 308

Effective Date: April 23, 2007

Revised Date:

Rescinds: Dated:

Approved By:

PROCEDURE STATEMENT

It is the procedure of the Myrtle Beach Police Department to accurately report and aggressively investigate all reports of Human Trafficking. The Police Department's goals are to identify and assist the victims of human trafficking and to effectively identify, apprehend, and prosecute those engaged in trafficking offenses, with the help of state and/or federal government.

DEFINITIONS

The following are definitions and state law regarding Human Trafficking as they are defined in South Carolina Code Of Laws 16-3-930:

A. A person who knowingly subjects another person to forced labor or services, or recruits, entices, harbors, transports, provides, or obtains by any means another person knowing that the person will be subjected to forced labor or services, or aids, abets, attempts, conspires to do any of the above acts is guilty of a felony known as trafficking in persons for forced labor or services and, upon conviction, must be imprisoned for not more than fifteen years.

B. Forced labor or Services means any type of labor or services performed or provided by a person rendered through another person's exertion of physical, financial, or other means of control over the person providing the labor or services.

1. INDICATORS OF HUMAN TRAFFICKING

A. VISIBLE INDICATORS

1. Heavy security at the commercial establishment including barred windows, locked doors, isolated location, electronic surveillance. Women are never seen leaving the premises unless escorted.

2. Victims live at the same premises as the brothel or work site or are driven between quarters and "work" by a guard. For labor trafficking, victims are often prohibited from leaving the work site, which may look like a guarded compound from the



outside.

3. Victims are kept under surveillance when taken to a doctor, hospital or clinic for treatment; trafficker may act as a translator.

4. High foot traffic especially for brothels where there may be trafficked women indicated often by a stream of men arriving and leaving the premises

#### B. HEALTH CHARACTERISTIC OF A TRAFFICKED PERSON

1. Malnutrition, dehydration or poor personal hygiene
2. Sexually transmitted diseases
3. Signs of rape or sexual abuse
4. Bruising, broken bones, or other signs of untreated medical problems
5. Critical illnesses including diabetes, cancer or heart disease
6. Post-traumatic stress or psychological disorders

#### C. OTHER SIGNS

1. Does not hold his/her own identity or travel documents
2. Suffers from verbal or psychological abuse designed to intimidate, degrade and frighten the individual
3. Has a trafficker or pimp who controls all the money, victim will have very little or no pocket money

#### 4. PROCEDURES

##### A. INCIDENT RESPONSE PROTOCOLS

###### 1. Communications

Communications officers/dispatchers shall:

a. When a caller reports a case of Human Trafficking, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.

b. The decision as to the priority of the call should be based on the seriousness of the injuries or threatened harm, and whether or not the suspect is on the premises.

##### B. INITIAL LAW ENFORCEMENT RESPONSE

1. Be cautious when arriving on scene and locate the victim(s) and determine if there is a language barrier. A translator should be called to the scene if needed and do not use any translators from the scene as this could be someone working for the suspect.

2. Initial victim interview: It is important to remember that this case must be handled appropriately and all interviews conducted upon initial response because these cases are time sensitive and this may be the only chance the victim will have to ask for help. The officer should interview the victim and record as much of the following information as possible:

- a. Is the person free to leave the work site?
- b. Is the person physically, sexually or psychologically abused?
- c. Does the person have a passport or valid I.D. card and is he/she in possession of such documents?
- d. What the pay is and conditions of employment? e. Does the person live at home or at/near the work site?
- f. How did the individual arrive at this destination if the suspected victim is a foreign national?
- g. Has the person or a family member of this person been threatened?
- h. Does the person fear that something bad will happen to him or her, or to a family member, if he/she leaves the job?

3. The officer should notify the shift supervisor, who in turn will notify the on-duty / on-call detective, which will respond to assist with the investigation.

##### C. ARREST DECISIONS

###### 1. GENERAL ARREST POWERS

Responding officers will arrest the suspect as authorized by law.

###### 2. REPORT TO SUPERVISOR

a. In any case where the patrol officer has not made an arrest, but probable cause exists and the suspect is not on the scene, the officer will notify the patrol supervisor and provide the appropriate BOLO.

b. Supervisors must notify the on-duty detective on all trafficking cases.

#### 5. INVESTIGATIVE SECTION

A. The Detective Division shall be notified of all trafficking cases immediately. The on duty detective will respond and begin the investigation and if it is determined that the victim is a victim of human trafficking, the detective will notify the local Federal Bureau of Investigation (FBI) office to assist with the investigation. If an arrest warrant can be issued, it should be done immediately and all attempts made to locate the suspect.

#### **Contact Information:**

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