



Investigating Labor Trafficking in Tribal Communities



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

IIR
Institute for Intergovernmental Research

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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.

When investigating labor trafficking, considerations must be addressed when working with vulnerable populations and specific communities. This resource will provide considerations for investigating labor trafficking cases of American Indian and Alaska Native (AI/AN) victims within tribal communities.

Tribal communities are particularly vulnerable and therefore susceptible to trafficking because of intergenerational trauma, lack of resources, lack of employment opportunities, prior abuse, substance use, and jurisdictional challenges.¹ According to U.S. Census Bureau statistics, in 2010, 28 percent of Native

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Americans were living in poverty, compared to 15 percent of the general population.² Poverty, lack of education, and—for some—the transition from rural to urban environments contribute to the overrepresentation of Native Americans in the foster care system and the increased prevalence of Native women as victims of violent crime such as domestic abuse and generational

1. Office on Trafficking in Persons, "Native Empowerment Dialogue."

2. Goodwin, "Human Trafficking."



violence.³ Human trafficking studies and reports within tribal communities often focus on the sex trafficking of women and girls. Male victims and labor trafficking are often overlooked.

In tribal communities, labor trafficking indicators may be present in various agricultural labor markets such as farms, orchards, floral/forestry, fishing, livestock ranches, and dairy and food processing centers; construction; casinos; factories; within homes and professional cleaning services as forced domestic servitude; or in large-scale social events such as cultural festivals and sporting events.

When initiating criminal proceedings in labor trafficking cases that involve Native Americans, it is important to first establish who has the legal authority to initiate. Labor trafficking cases are complex, and overlaps in jurisdiction or existing jurisdictional challenges between tribal communities and federal or state law enforcement often occur.⁴ Factors that must be considered to proceed include the following:

- Is the victim a member of a federally recognized Native American tribe?
- Is the accused a member of a federally recognized Native American tribe?
- Did the alleged offense take place on tribal land?

The answers to these questions are part of the necessary steps in determining investigative and prosecutorial authority in these cases. In select federal Public Law 23-280 (PL 280) jurisdictions, state

courts have criminal jurisdiction over Indians and non-Indians who commit sexual assault crimes in Indian Country. The six states with PL 280 jurisdiction (Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin) also give state courts the criminal jurisdiction over *all crimes* committed in Indian Country except those crimes of general national applicability, such as violation of the Racketeer Influenced and Corrupt Organizations (RICO) Act, theft from the U.S. mail, treason, and violation of immigration law.⁵ The potential inclusion of these offenses, if connected to labor trafficking, may be a cause of jurisdictional overlap.

Because of the historic relationship between Native Americans and the Federal Government, Native Americans may be distrustful of federal and state judicial systems. Many trafficking victims may choose not to identify themselves as victims out of fear or may feel disconnected from the federal or state system entirely and be reluctant to continue with proceedings.

To bridge the gap, law enforcement agencies that serve parts of the country with a large AI/AN presence should seek participation and leadership from victim services agencies, tribal police, and tribal elders when developing human trafficking task forces. 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.

3. Administration for Native Americans, "Recognizing and Responding."

4. Logan, "Human Trafficking Among Native Americans."

5. NICCSA, "Public Law 280."



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 tribal communities, while ensuring a trauma-informed approach to victim support.



Resources

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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.

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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.

Labor trafficking is a crime that involves compelling or coercing a person to provide labor or services and affects persons of all ages, races, genders, 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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