



MINNESOTA LABOR TRAFFICKING PROTOCOL FOR LAW ENFORCEMENT

Minnesota Bureau of
Criminal Apprehension

Minnesota Department of Health

The Advocates for Human Rights



ACKNOWLEDGMENTS

The Minnesota Labor Trafficking Protocol for Law Enforcement was developed under the leadership of the Minnesota Bureau of Criminal Apprehension, the Minnesota Department of Health, and The Advocates for Human Rights with the support of a working group of stakeholders.

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The working group convened subgroups of stakeholders from federal agencies, law enforcement, prosecutors, service providers, medical care providers, labor enforcement agencies, and workers' rights organizations to gather input.

The working group also collaborated closely with survivor-led advisory and evaluation groups to ensure the protocol represented best practices in trauma-informed care for survivors.

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Breaking Free Staff Advisory Group
Breaking Free African American Survivor Advisory Group
Breaking Free Native American Survivor Advisory Group
MDH Youth Survivor Evaluation Group

Thank you to all stakeholders for their dedicated efforts to improving Minnesota's response to labor trafficking.

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LABOR TRAFFICKING GUIDE FOR LAW ENFORCEMENT – PATROL RESPONSE

WHAT IS LABOR TRAFFICKING?

Labor trafficking is when an individual uses control and manipulation to get labor, work, or services from the victim and the victim believes they are unable to leave or stop. ([Minn. Stat. § 609.281-284](#)) Labor trafficking is **not** human smuggling and does not require crossing state or international borders.

Labor trafficking has been observed in the following industries or places (but may be present in any industry):

- Agriculture, food processing
- Construction, landscaping
- Home health care, childcare
- Housekeeping
- Massage, hair braiding, nail salons
- Restaurants, hotels/resorts
- Door-to-door sales
- Carnivals, amusement parks
- Illegal activities: theft, drug trafficking, sex trafficking
- Panhandling
- Within families

Labor trafficking victims can be of any age, gender, or nationality, including U.S. citizens, but certain groups are at higher risk:

- People with physical or mental disabilities, mental illness, chemical dependency
- People with criminal records
- Youth, especially in foster care/juvenile justice system
- People in poverty or experiencing homelessness
- LGBTQ individuals
- Immigrants, documented and undocumented

INDICATORS OF LABOR TRAFFICKING

Recognizing potential indicators of labor trafficking is crucial to identifying cases because victims rarely self-report.

Signs of control/surveillance in interview

- Not being allowed to speak for themselves; one person insists on translating
- Third party insists on being present
- Potential victim discloses no control over or excessive monitoring of: movement, money, phone, communication with family or friends, other life choices
- Inconsistent stories; unclear relationships
- Scripted or coached answers

Visible signs of control/surveillance

- Not being in control of identification documents; missing or destroyed documents
- Extreme surveillance or security measures directed at workers or residents
- Bank loans, checks, other documents signed under duress

Visible signs of abuse

- Physical bruises or other injuries
- Evidence of sexual assault or exploitation
- Inadequate food, water, shelter, sleep, medical care, medication, appropriate clothing, other life necessities
- Untreated or unexplained workplace injuries: chemical burns, breathing issues, weather exposure
- General poor state of health: vision or hearing problems, headache, pain, numbness, dizziness

Psychological signs of abuse

- Fearful, anxious, submissive, or paranoid when talking about work
- Flat, psychotic, or aggressive emotional response
- Incoherent or inconsistent story; confusion of dates/times
- Claims of “just visiting”; can’t say where they are staying; unfamiliar with surroundings
- Trauma bond; defends employer/abuser/family

SITUATION-SPECIFIC INDICATORS

At a workplace: problems with pay and hours

- Works excessively long hours; not allowed breaks
- Unpaid; paid very little; underpaid for the industry
- Paid in unconventional way: in housing/food, pay goes to another person, lots of deductions from pay
- Employers don’t keep proper records; absence of payroll or tax documents

At a workplace: safety problems

- Protective clothing or gear not available or not used
- No training on using chemicals or safety equipment
- Extremely dirty workspace – poorly maintained or cleaned
- No food, water, or shelter while working
- Not allowed medical attention when needed or accompanied when seeking care
- Fired after workplace injury

At a workplace: other

- Single van/truck bringing people to job sites
- Confusing employment timeline; unclear who is employer
- Employee information posters absent
- Police called on worker/worker advocate for trespass
- Potential victim discloses debt, threats, false promises, other coercive practices

For minors

- Child lives with or is accompanied by non-parents and can’t clarify relationship or why they aren’t with parents
- Children working dangerous jobs like construction; indicators they are working like dirty clothing; signs of children at job site
- Working during school hours without special authorization
- Lack of hygiene; basic needs aren’t being met; tired all the time; lack of focus

In a living space

- Someone else controls where they live
- Lives with employer, in employer-provided housing, or at workplace
- Lives with multiple people in cramped space
- Poor or unsanitary living conditions; no protection from weather (heat or A/C); no food in house
- Transient; lives in hotels
- Lives in a place not meant for habitation
- Isolated from others

INITIAL RESPONSE PROTOCOL

- Separate all people first. Don't allow eye contact with potential traffickers or cell phone use. If using a squad car for separation, reassure potential victims they are not being arrested.
- Treat individuals as potential victims. Slow down and focus on what happened to them, not what they did. Assure them you are there to help.
- Make sure the potential victims are okay and determine if they need emergency medical or mental health care. Provide basic needs: food, water, a blanket, a place where they feel safe. Ask what is safe, don't assume.
- Use a language line or interpreter when the potential victim's primary language is not English. Do not ask other people at the scene to interpret because they may work with or be the trafficker. MN Human Trafficking Investigators Task Force (MNHITF) affiliates can contact MNHITF for language line resources.
- Do not automatically contact Customs & Border Protection (CBP) or Enforcement & Removal Operations (immigration agents). This could have a harmful impact on victims. Do not assume a case involving foreign nationals is just an immigration issue.
- Identify everyone present (names, DOBs, phone numbers, emails, addresses, vehicles and license plates).
- Be transparent about what will happen to the information that potential victims share.
- Keep initial interview simple but prepare the potential victim for follow-up.
- Consider contacting an investigator with experience in labor trafficking (if no resource locally, call MNHITF at 1-877-996-6222).
- Ask if the potential victim wants to speak to someone who can help find services and contact the crime victim line for referrals.
 - Mon-Fri 8:30-4:30: Cornerstone General Crime Victim Services, 612-767-9844
 - After business hours: MN Crime Victim Support Line, Call 1-866-385-2699 or Chat 612-399-9977
- Ask if there are other people in a similar situation who might need assistance.
- If the potential victim seems unwilling to talk, give them your contact information and let them know they can call when ready.
- If the potential victim cannot or does not want to be removed from the situation, safety plan with them.
- Make a cross-report to the local child welfare agency if you identify a possible child victim of labor trafficking.
- In your detailed report, be careful to be objective and not conclusory.

POTENTIAL EVIDENCE TO COLLECT

Follow evidentiary policies and procedures regarding seizures of property.

- Electronic evidence (phones and computers, vehicle GPS) – text messages, emails, phone calls, videos, data from apps. Seizure of suspect's phone. Consent for potential victim's phone. An option for preserving electronic evidence on a potential victim's phone is to take photographs and videos.
- Identity documents (passports, work visas, other ID) – photograph and return to potential victim if possible.
- Employment contracts, recruitment ads, other documents about travel and work arrangements, time sheets.
- Correspondence between trafficker and potential victim, including texts or voice messages.
- Financial documents (paystubs, ledgers, checks, bank account numbers, money orders/wire transfers) and tax documents.
- Photographs of the scene including individuals, vehicles, living quarters, evidence of surveillance, signs of inadequate safety/cleanliness.
- Document any evidence of past or present physical injuries. Obtain release for medical records.
- Timeline – key dates.
- Document journals, diaries, and employment records through photographs.
- Surveillance video from other sources.

RESOURCES

- Assistance from investigator: MN Human Trafficking Investigators Task Force (MNHITF): 651-793-7000, ask for a human trafficking investigator.
- Assistance for trafficking victims (no age restriction):
 - Mon-Fri 8:30-4:30: Cornerstone General Crime Victim Services, 612-767-9844
 - After business hours: MN Crime Victim Support Line, Call 1-866-385-2699 or Chat 612-399-9977
- Assistance for trafficking victims (up to age of 24): Safe Harbor Regional Navigators: find correct phone number for region at <https://www.health.state.mn.us/communities/safeharbor/response/navigators.html>.
- National Human Trafficking Hotline (language barrier cases): 1-888-373-7888.
- MN DLI: <https://www.dli.mn.gov/workers/worker-rights-and-protections>. Phone: 651-284-5005; Toll-free: 800-342-5354.

LABOR TRAFFICKING GUIDE FOR LAW ENFORCEMENT – INVESTIGATOR RESPONSE

WHAT IS LABOR TRAFFICKING?

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- People with criminal records
- Youth, especially in foster care/juvenile justice system
- People in poverty or experiencing homelessness
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Labor trafficking cases frequently include wage theft as part of the victimization. Wage theft occurs when an employer with intent to defraud fails to pay all the money owed to an employee. ([Minn. Stat. § 609.52 Subd. 1](#))

Federal law provides important benefits for foreign-born trafficking victims who experience “severe forms of trafficking in persons.” Even if a case cannot be prosecuted under Minnesota law, the victims may still be entitled to assistance under federal law. See the section on Immigration below for more information. ([22 U.S. Code § 7102](#))

Other potential charges to consider:

- Sex Trafficking – [Minn. Stat. §609.321](#); [609.322](#)
- Sexual Extortion – [Minn. Stat. §609.3458](#)
- Concealing Criminal Proceeds – [Minn. Stat. §609.496](#)
- Insurance Fraud – [Minn. Stat. §609.611](#)
- Tax Fraud – [Minn. Stat. §289A.63](#)
- Theft by Swindle – [Minn. Stat. §609.52, Subd. 2\(4\)](#)

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SITUATION-SPECIFIC INDICATORS

At a workplace

Problems with pay and hours

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- Unpaid; paid very little; underpaid for the industry
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- Employers don't keep proper records; absence of payroll or tax documents

Safety problems

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- No training on using chemicals or safety equipment
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- No food, water, or shelter while working
- Not allowed medical attention when needed or accompanied when seeking care
- Fired after workplace injury

Other

- Single van/truck bringing people to job sites
- Confusing employment timeline; unclear who is employer
- Employee information posters absent
- Police called on worker/worker advocate for trespass
- Potential victim discloses debt, threats, false promises, other coercive practices

In a living space

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- Transient; lives in hotels
- Lives in a place not meant for habitation
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- If the potential victim seems unwilling to talk, give them your contact information and let them know they can call when ready.
- If the potential victim cannot or does not want to be removed from the situation, safety plan with them.
- Make a cross-report to the local child welfare agency if you identify a possible child victim of labor trafficking.
- In your detailed report, be careful to be objective and not conclusory.

INTERVIEWING THE VICTIM

- Conduct a trauma-informed interview for victims. If a minor is involved, consider using a child advocacy center.
- Building trust and rapport are key to helping the individual. Slow down and be patient. Whenever possible, explain what is happening, even why you can't share some things.
- Victims may not feel safe from their trafficker. Ask what will make them feel safe during the interview and try to supply it.
- Avoid treating victims like criminals, like putting them in handcuffs or detaining in jail overnight. It may increase their distrust of the police, leading them to refuse to participate in the case and possibly return to the trafficker.
- Victims may respond to the trauma they experienced in ways that can make it difficult to gather evidence against the traffickers. Do more listening in your interview than the typical interrogation.
- Conduct the interviews in spaces that do not feel threatening to the victims.
- Consider the victim's mental state (including the influence of a controlled substance) and ability to conduct the interview.
- Check that the victim is comfortable with the interpreter or language line service you are using.
- Consider conducting the interview with a victim advocate. Clarify the advocate's role and set boundaries. Make sure the advocate knows they are there for emotional support only and may be a witness in future court proceedings.
- If the victim becomes physically or emotionally incapable of continuing the interview, consider stopping and resuming the interview at another time.
- Ask questions that will describe the coercion and control exercised by the trafficker.

Potential Interview Questions (after gathering basic facts about the situation):

- How do you know [the potential perpetrator]? Who's your employer? Who's your boss? What is the hierarchy of the organization? Can you describe your relationship? Does anyone translate for you at your job?
- How did you become employed or recruited by [the potential perpetrator]?
- Is there a contract? What are the specifics of the agreement? What language was it provided in? Did you have a choice to sign? Do you have a copy of it?
- Were you promised something different than you ended up doing – a different job, an education, a relationship? Were the conditions or pay different? Was the job what you expected it to be? What were you promised?
- Are there expectations for you outside of the workplace and are these written anywhere?
- How many hours a day and days per week do you work? Can you take time off if you are sick? Do you work more than 40 hours per week?
- How do you submit your hours? Who do you submit them to? When do you submit them?
- How much are you paid? Are you paid by the hour or the job? Do you get paid overtime?
- When or how often do you get paid? Who pays you? Where do you get paid? How are you paid (debit card, cash, check)? Were there any problems?
- Do you actually get a pay stub? Are there tax deductions? Benefit deductions?
- Do you get to keep the money you earn? Do you owe your employer/recruiter? Does your employer/recruiter make you pay for anything?
- Are you paying off a debt for yourself or someone else? Who do you owe?
- Where did you live? Did you choose this yourself? Can you describe your living conditions?
- Who is paying for your living arrangements? Do you owe someone for living arrangements?
- Were you given the equipment you needed to do the job and to be safe while working?
- Have you ever been injured or ill? Did anybody else get injured or ill? Did you/they receive the care needed?
- Have you, your family, or your co-workers ever been threatened in relation to your work?
- Have you ever been punished for breaking a rule at work or where you live?
- What would happen if you left your job? Describe any potential consequences.
- Are you free to come and go? Are you excessively monitored in your daily activities?
- Can you talk to people freely? Are there restrictions on who you talk to or what you can say?
- Does someone else have possession or control of your ID, passport, SS card, birth certificate, immigration document, or money?
- Has anyone used your identity to get credit, loans, SSDI, or other payments?
- How did you travel here? From where? Who arranged or paid for your travel?
- Were you ever threatened because of your immigration status?
- Were you ever threatened with arrest or harm (physical or psychological) against yourself or loved ones?
- Have you ever been physically harmed or assaulted by [the potential perpetrator]? Were you ever verbally harassed, intimidated, or humiliated by [the potential perpetrator]?
- Were you required to do anything illegal by [the potential perpetrator]?

- *If you observe controlled substance abuse:* Is your access to drugs or alcohol being controlled?
- Do you have any documents, ledgers, diaries, or photos of your experience?
- Have you ever provided this information to a different law enforcement or immigration agency?
- Are there other individuals in your same situation?

Try to establish a timeline of how the potential victim entered the situation, when threats or coercion occurred, and when they encountered law enforcement. Keep in mind that the neurobiology of trauma affects memory.

Labor trafficking can involve complicated issues of employment and labor law, misclassification of contracted workers, and financial crimes. Consult with labor agencies or other experts.

Different industries may have different standards for wages, work hours, safety, or employment relationships. For instance, certain farmworkers are expected to reside on the farm/work site, but this is unusual in the restaurant industry. Some industries are exempt from minimum wage laws. Connect to worker associations in industries in your area to learn the expectations for workers.

POTENTIAL EVIDENCE TO COLLECT

Follow evidentiary policies and procedures regarding seizures of property. Evidence on pay and employee classification can be complex to analyze. Consult with a labor agency, see Resource Guide.

- Electronic evidence (phones and computers, vehicle GPS) – text messages, emails, phone calls, videos, data from apps. Seizure of suspect's phone. Consent for victim's phone. An option for preserving electronic evidence on a victim's phone is to take photographs and videos.
- Identity documents (passports, work visas, other ID) – photograph and return to potential victim if possible.
- Employment contracts, recruitment ads, other documents about travel and work arrangements, time sheets.
- Correspondence between trafficker and potential victim, including texts or voice messages.
- Financial documents (paystubs, ledgers, checks, bank account numbers, money orders/wire transfers).
- Tax documents – Ex Parte for Revenue.
- Photographs of the scene including individuals, vehicles, living quarters, evidence of surveillance, signs of inadequate safety/cleanliness.
- Document any evidence of past or present physical injuries. Obtain release for medical records or medical-forensic exam report and associated evidence, if applicable.
- Timeline – key dates.
- Document journals, diaries, and employment records through photographs.
- Surveillance video from other sources.
- Immigration records, including visa applications. Copy and return originals to victim if possible.
- Suspect arrest records, immigration detention records.
- Jail calls/texts/emails/video calls and visitor logs or bail bond records that substantiate the connection between a victim and a trafficker.
- Identities of other members of organization/others profiting from situation – name, address, description, role, vehicle.
- Complaints about suspect businesses including wage complaints.
- Employment records (DEED), licensing, Secretary of State, DLI/Dept of Commerce records.

If you don't have a cooperating victim or witness, follow up leads from any evidence you have collected.

SPECIAL CONSIDERATIONS

- Labor trafficking can include being forced to commit criminal acts. Consider what has happened to the victim or what might be driving them to commit the act, not what the victim has done wrong.
- Be aware of any culturally specific behaviors, items, or wishes that need to be respected and accommodate them as much as you can.
- In labor trafficking situations, the individual may have entered employment or a relationship (romantic, smuggling, etc.) willingly, but it may become trafficking if they experience coercion or control later.
- Labor trafficking and sex trafficking can be occurring at the same time, or trafficking may intersect with another crime like domestic violence or sexual assault.

COLLABORATION AND COORDINATION

- Victims should receive immediate referrals to supportive services such as housing, counseling, or immigration assistance. Such services are crucial to helping victims rebuild their lives. A culturally specific advocate can help liaison services.
 - Mon-Fri 8:30-4:30: Cornerstone General Crime Victim Services, 612-767-9844
 - After business hours: MN Crime Victim Support Line, Call 1-866-385-2699 or Chat 612-399-9977
- Build a trusting relationship with victim advocates and worker representatives throughout the entire case. Communicate clearly and regularly on the progress of the case so that advocates can effectively support the victims.
- Labor trafficking often involves violations of civil protections for workers that are investigated by local, state, and federal agencies such as city business licensing departments, the state Department of Labor and Industry, or the U.S. Department of Labor, Wage and Hour Division.
- Consider a criminal and civil parallel investigation so that workers can receive back pay and compensation for any violations of labor and employment laws.
- Consult with counterparts at civil agencies to coordinate victim interviews and evidence collection.
- Potential civil partners (see Resource Guide for contact information): Attorney General's Office; MN Department of Labor and Industry: Labor Standards, OSHA (Occupational Safety and Health Administration), and Workers' Compensation; U.S. Department of Labor, Wage and Hour Division; Secretary of State Business Licensing and city licensing departments; city health departments and code enforcement departments; Minneapolis, St. Paul, and Duluth labor standards enforcement departments.
- Victims can also be referred to legal aid or an employment attorney for help with their civil case.

MULTI-DISCIPLINARY TEAMS

- Consider developing a formal multi-disciplinary team (MDT) to serve labor trafficking victims.
- If a formal MDT is not possible, create an informal team by building relationships with local victim service providers, medical providers, child and adult protection, and other relevant organizations.
- Contact your County Attorney, even in the absence of an MDT.

CHILD PROTECTION

- Labor trafficking is not a specific form of child maltreatment defined in statute in MN and is not a mandated report to child protection, though it frequently overlaps with other forms of child maltreatment.
- However, because labor trafficking is a crime, any concerns related to labor trafficking and/or any other types of maltreatment (abuse, neglect) should be reported to the child welfare agency where the child resides.
- Child welfare agencies are mandated to offer child welfare services to any child victims of a crime and must conduct a child welfare assessment if a report is received where a child has experienced labor trafficking. Any child welfare assessment should be coordinated with law enforcement to ensure the emotional and physical safety of the child.

IMMIGRATION

- Be proactive in providing resources for victims and witnesses to consult with immigration services. Once immigrants are detained or deportation proceedings begin, it is much harder to protect victims and witnesses.
- Connect victims with free immigration legal services so they can be screened for eligibility for legal status. See Resource Guide.
- USCIS provides guidance on the law enforcement role in securing immigration benefits for trafficking victims: <https://www.uscis.gov/sites/default/files/document/guides/T-Visa-Law-Enforcement-Resource-Guide.pdf>.

Immigration Benefits for Trafficking Victims

a. Continued Presence

Work with federal law enforcement to pursue Continued Presence. Continued Presence (CP) is a temporary immigration designation provided to noncitizens identified by law enforcement as victims of a "severe form of trafficking in persons" who may be potential witnesses. CP allows noncitizen trafficking victims to lawfully remain and work in the United States temporarily during the investigation into the human trafficking-related crimes committed against them and during any civil action under 18 U.S.C. § 1595 filed by noncitizen victims against their traffickers. CP is initially granted for two years and may be renewed in up to two-year increments. CP recipients also receive federal benefits and services.

CP provides victims with a legal means to temporarily live and work in the United States, providing them stability, a means of support, and protection from removal. It alleviates fears about removal and economic support, which not only stabilizes victims but also improves victims' ability to seek justice against their trafficker either by cooperating with law enforcement or filing a civil action.

CP is therefore also an important tool for federal, state, tribal, territorial, and local law enforcement in their investigation of human trafficking-related crimes, leading to more successful prosecutions. The routine use of CP for victims also fosters trust with service providers and organizations who may be a greater source of referrals for law enforcement when they know that victims will be protected if they come forward. Ultimately this increases law enforcement's ability to identify even more victims and traffickers.

b. T Visa

State law mandates that all agencies have a policy for responding to T and U visa certification requests. Follow your agency policy on T visa certification. Trafficking victims may qualify for T nonimmigrant status, a longer-term immigration benefit commonly referred to as a T visa. Victims should seek the advice of a qualified immigration attorney regarding the T visa, which allows eligible trafficking victims to remain in the United States for up to four years and can lead to lawful permanent residence. CP is not a guarantee of T visa approval.

T nonimmigrant status is available to victims of human trafficking in the United States who cooperate with all reasonable requests from law enforcement, demonstrated by providing a certification from a law enforcement or other government agency or other evidence that the victim was willing to cooperate. Victims under the age of 18 or who have experienced extreme trauma are exempted from the cooperation requirements. T visa holders receive work permission and public assistance. Family members may also be eligible to receive T visas.

It is consistent with a victim-centered approach for federal, state, tribal, territorial, and local law enforcement to sign the T visa declaration form when requested by a victim who is assisting or has assisted in the investigation or prosecution of a trafficker.

c. U Visa

Follow your agency policy on U visa certification. U visas are available to victims of certain violent crimes, including human trafficking. A U visa may be appropriate for cases of human trafficking that do not qualify for a T visa. All U visa applications require law enforcement certification and have greater limitations on family reunification. There is currently a multi-year wait list for U visas.

WORKING WITH FEDERAL PARTNERS

State and local law enforcement are fully empowered to investigate labor trafficking cases without federal participation. However, if federal participation may be helpful in the circumstances, consider reaching out to a federal partner from the FBI, Homeland Security Investigations (HSI), or the Department of Labor, Office of Inspector General (DOL-OIG) to collaborate. If the victims or any witnesses are undocumented foreign nationals, federal partners are able to provide benefits through Continued Presence for victims and Deferred Action for witnesses. This allows the victims and witnesses to be safe and secure while they cooperate in your investigation.

Please consider reaching out early in the process to allow time for federal partners to build trust and rapport with the victims and witnesses and to obtain appropriate paperwork, which may include employment authorization. In addition to making sure that victims and witnesses are able to stabilize and be full participants in the trafficking investigation and prosecution, additional benefits from federal partnership include consultation and assistance with your investigation, technical resources, forensic tools, victim assistant specialists, foreign language resources, and agency partners in jurisdictions throughout the United States and around the world.

Federal partners share the same interest in protecting victims of labor trafficking and holding traffickers accountable. You can reach out to federal partners 24/7: FBI at 763-569-8000; HSI at 866-347-2423; DOL-OIG at 800-347-3756.

CBP and ERO (immigration agents) do not have the same ability to offer resources to victims of labor trafficking and could initiate immigration proceedings which would be counterproductive to the investigation.

OUTREACH FOR LABOR TRAFFICKING IDENTIFICATION

- Investigators should consider training their patrol officers on identification of labor trafficking.
- Labor trafficking victims may have been forced by their trafficker to commit criminal activities (drugs, theft, financial crimes, etc.). Screen where indicators are present in other incident reports.
- Consider industries in your area and build rapport with worker representatives to help identify potential traffickers.
- Identify at-risk populations in your area (youth, immigrants, people with disabilities) and form partnerships with trusted community organizations that can identify trafficking and make people feel more comfortable contacting law enforcement.
- Develop outreach materials in the languages of the populations you want to reach.
- Conduct community outreach presentations to raise awareness of labor trafficking and incorporate labor trafficking into existing outreach efforts.

LABOR TRAFFICKING GUIDE FOR LAW ENFORCEMENT – ADMINISTRATOR RESPONSE

Administrators have the unique ability to set the culture within the agency to conduct investigations that foster a victim-centered and trauma-informed response while working with some of our most vulnerable individuals.

WHAT IS LABOR TRAFFICKING?

Labor trafficking is when an individual uses control and manipulation to get labor, work, or services from the victim and the victim believes they are unable to leave or stop. ([Minn. Stat. § 609.281-284](#)) Labor trafficking is **not** human smuggling and does not require crossing state or international borders.

Labor trafficking has been observed in the following industries or places (but may be present in any industry):

- Agriculture and food processing
- Construction/landscaping
- Home health care or childcare
- Housekeeping
- Massage, hair braiding, nail salons
- Restaurants and hotels/resorts
- Door-to-door sales
- Carnivals/amusement parks
- Illegal activities: theft, drug trafficking, sex trafficking
- Panhandling
- Within families

Labor trafficking victims can be of any age, gender, or nationality, including U.S. citizens, but certain groups are at higher risk:

- People with physical or mental disabilities; mental illness; chemical dependency
- People with criminal records
- Youth, especially in foster care/juvenile justice system
- People in poverty or experiencing homelessness
- LGBTQ individuals
- Immigrants, documented and undocumented

Labor trafficking cases frequently include wage theft as part of the victimization. Wage theft occurs when an employer with intent to defraud fails to pay all the money owed to an employee. ([Minn. Stat. § 609.52 Subd.1](#))

Federal law provides important benefits for foreign-born trafficking victims who experience “severe forms of trafficking in persons.” Even if a case cannot be prosecuted under Minnesota law, the victims may be entitled to assistance under federal law. ([22 U.S. Code § 7102](#))

TRAINING

Patrol officers and investigators should receive training on the indicators of labor trafficking, working with victims, and how to respond to suspected labor trafficking. Training topics could include:

- Labor trafficking awareness
- What does a victim-centered and trauma-informed response look like?
- Neurobiology of trauma
- Working with foreign-born victims
- Services and support for labor trafficking victims
- U and T certifications, Continued Presence, and Deferred Action
- New U and T certification law for state and local law enforcement
- Multi-disciplinary teams (MDT) and the roles of different agencies
- Financial investigations in human trafficking cases

There are a variety of resources that provide trainings on labor trafficking:

- The MN Human Trafficking Investigators Task Force (MNHITF) can provide training for law enforcement agencies on request.
- Homeland Security Investigations (HSI) can provide trainings on request.
- The International Association of Chiefs of Police (IACP) has on-demand webinars and training videos: <https://learn.theiacp.org/>.
- The Department of Homeland Security (DHS) Blue Campaign offers training videos and resources on human trafficking for law enforcement: <https://www.dhs.gov/blue-campaign/awareness-training>.
- The federal Office for Victims of Crime has online webinars on various topics related to labor trafficking: <https://ovc.ojp.gov/program/law-enforcement/overview>.
- The Advocates for Human Rights (<https://www.theadvocatesforhumanrights.org>) and Standpoint (<https://www.standpointmn.org/>) can provide in-person trainings on labor trafficking and immigration relief for immigrant victims.
- The Enitan Story (<https://enitan.org/>) and the International Institute of Minnesota (<https://iimn.org/>) can provide in-person trainings on working with labor trafficking victims.

ASSIGNING RESOURCES

One of the first steps is determining how to assign responsibility internally for labor trafficking cases. Local law enforcement agencies use many models for determining where to place these investigations. Because these cases are very complex, it is recommended that agencies have a designated investigator who is trained to respond to labor trafficking cases. Labor trafficking is a crime against persons with a financial motive.

Possible resources to assist with cases:

- MNHITF
- BCA Financial Crimes Task Force
- Commerce Fraud Bureau
- HSI

DEPARTMENTAL POLICIES

The investigation of labor and human trafficking with victim-centered policies will benefit your community. A successful prosecution may depend on whether the victim is willing to cooperate and testify. Agencies should consider establishing or reviewing the following types of departmental policies:

- Separation ordinance limiting cooperation with immigration enforcement
- T and U Visa certification policies, and Continued Presence and Deferred Action policies in compliance with new state certification law ([Minn. Stat. § 611A.95](#))
- Language access: using the language line or a departmental interpreter whenever working with non-English speakers

CREATING MULTI-DISCIPLINARY TEAMS

Consider developing an MDT: agencies and organizations from various disciplines working together. MDTs are recognized around the world as a best-practice response to human trafficking, and can result in increased victim reporting, cooperation, and satisfaction with services and the criminal justice system. Some MDTs focus on specific cases, either managing them in the moment or reviewing the outcome after the case concludes. Other MDTs focus on improving the systemic response to trafficking and increasing coordination between different agencies. Both types of work are important and can improve the community response to labor trafficking. If you are not able to form a formal MDT, consider forming relationships with these agencies/systems to prepare a response for when investigating labor trafficking.

For labor trafficking responses, recommended MDT members include community-based advocates (including housing providers and trusted community-based organizations), trafficking survivors, health care providers, mental health professionals, legal service providers, law enforcement, prosecutors, and child welfare. Due to the unique nature of labor trafficking, include civil enforcement agencies such as the Attorney General's Office Wage Theft Team, the MN Department of Labor and Industry, and city labor standards departments. Teams can also include community members, especially from cultural organizations, industry organizations, or worker groups.

In many areas of the state, MDTs already exist to address domestic violence, sexual assault, and sex trafficking, among other issues. An initial step that communities can take, even before labor trafficking cases are identified, is to identify which MDTs already exist and in which team or teams labor trafficking may best be incorporated. If communities do not already have teams that can address labor trafficking cases, they should consider establishing them.

Law enforcement agencies have restrictions on the information they can share with other agencies and non-governmental organizations. Other agencies have limitations as well. Consider clarifying what information is confidential and what can be shared. Refer to Chapter 13 for specific details.

The Office for Victims of Crime Training and Technical Assistance Center (OVC) has technical assistance specifically for developing MDTs addressing human trafficking, available here: <https://www.ovcttac.gov/taskforceguide/eguide/>.

CIVIL PROCESS OVERLAP

- Labor trafficking often involves violations of civil protections for workers that are investigated by local, state, and federal agencies such as city business licensing departments, the state Department of Labor and Industry, or the U.S. Department of Labor, Wage and Hour Division.
- Consider a criminal and civil parallel investigation so that workers can receive back pay and compensation for any violations of labor and employment laws.
- Consult with counterparts at civil agencies to coordinate victim interviews and evidence collection.
- Potential civil partners (see Resource Guide for contact information):
 - Attorney General's Office
 - MN Department of Labor and Industry
 - * Labor Standards
 - * MN OSHA (Occupational Safety and Health Administration)
 - * Workers' Compensation
 - U.S. Department of Labor, Wage and Hour Division
 - Secretary of State Business Licensing and city licensing departments
 - City health departments and code enforcement departments
 - Minneapolis, St. Paul, and Duluth labor standards enforcement departments
- Victims can also be referred to legal aid or an employment attorney for help with their civil case.

LABOR TRAFFICKING GUIDE FOR LAW ENFORCEMENT – RESOURCE GUIDE

LAW ENFORCEMENT AGENCIES

Minnesota Bureau of Criminal Apprehension Predatory Crimes Section	1430 Maryland Ave East St. Paul, MN 55106	651-793-7000 Bobbi Jo Pazdernik: 651-793-1040
Minnesota Bureau of Criminal Apprehension Financial Crimes Section	1430 Maryland Ave East St. Paul, MN 55106	651-793-7000 James Reyerson: 651-793-1073
Minnesota Commerce Fraud Bureau	85 7th Place East, Suite 100 St. Paul, MN 55101	651-539-1617 Ephraim Holmgren: 651-539-1615

LABOR ENFORCEMENT AGENCIES

U.S. Department of Labor Wage and Hour Division	Tri-Tech Center, Suite 920 331 Second Avenue South Minneapolis, MN 55401-2233	(612) 370-3341 1-866-4-USWAGE (1-866-487-9243)	www.dol.gov/agencies/whd/contact/complaints Emergency situations: Kristin Tout, Assistant District Director 612-344-0252 Tout.kristin@dol.gov
Minnesota Department of Labor and Industry	443 Lafayette Road North St. Paul, MN 55155	651-284-5005 or 1-800-342-5354	www.dli.mn.gov Emergency situations: Nicole Blissenbach 651-284-5005 nicole.blissenbach@state.mn.us Data requests: Carey Wagner 651-284-5018 carey.wagner@state.mn.us
Labor Standards	651-284-5075 dli.laborstandards@state.mn.us		www.dli.mn.gov/laborlaw
Workers' Compensation Division	800-342-5354 (press 3) dli.workcomp@state.mn.us		www.dli.mn.gov/workers/workers-compensation-workers

Minnesota Occupational Health and Safety	651-284-5050 or 1-877-470-6742 osha.compliance@state.mn.us	www.dli.mn.gov/about-department/our-areas-service/minnesota-osh-compliance
Construction Contractor Registration	651-284-5074 dli.register@state.mn.us	www.dli.mn.gov/business/construction-contractor-registration
Construction Codes and Licensing	651-284-5034 dli.license@state.mn.us	www.dli.mn.gov/about-department/our-areas-service/construction-codes-and-licensing
Prevailing Wage	651-284-5091 dli.prevwage@state.mn.us	dli.mn.gov/business/employment-practices/prevailing-wage-information
Minnesota Attorney General's Office	445 Minnesota Street, Suite 1400 St. Paul, MN 55101	651-296-3353 or 1-800-657-3787 www.ag.state.mn.us
Equal Employment Opportunity Commission	330 South Second Avenue, Suite 720 Minneapolis, MN 55401	612-552-7306 www.eeoc.gov/field-office/minneapolis/location
Minnesota Department of Human Rights	540 Fairview Avenue North, Suite 201 St. Paul, MN 55104	651-539-1100 or 1-800-657-3704 mn.gov/mdhr
Minnesota Secretary of State – Business Licensing	332 Minnesota Street, Suite N201 St. Paul, MN 55101	651-296-2803 or 1-877-551-6767 www.sos.state.mn.us/
Minneapolis Labor Standards Enforcement	350 Fifth Street South, Room 239 Minneapolis, MN 55415	612-673-3012 www2.minneapolismn.gov/government/departments/civil-rights/labor-standards-enforcement/
St. Paul Division of Labor Standards Enforcement and Education	15 Kellogg Boulevard West 280 City Hall St. Paul, MN 55102	651-266-8966 www.stpaul.gov/departments/human-rights-equal-economic-opportunity/labor-standards-enforcement-and-education
Duluth City Clerk's Office	City Hall, Room 318 411 West First Street Duluth, MN 55802	218-730-5500 duluthmn.gov/city-clerk/earned-sick-safe-time/esst-employee-resources/

VICTIM ADVOCACY AND REFERRALS

Cornerstone General Crime Victims Services	612-767-9844 (Mon-Fri, 8:30-4:30) After business hours: MN Crime Victim Support Line Call 1-866-385-2699 or Chat 612-399-9977	cornerstonemn.org/abuse-help-minnesota/support-for-crime-victims/
<i>Safe Harbor Regional Navigators (may be able to assist non-ST on case-by-case basis)</i>		
PAVSA (Program for Aid to Victims of Sexual Assault)	Duluth	218-726-1931 www.pavsa.org
Support Within Reach	Bemidji	218-444-9524 www.supportwithinreach.org
180 Degrees	St. Paul	612-813-5030 www.180degrees.org
The Link	Minneapolis	612-232-5428 www.thelinkmn.org
Lutheran Social Services	Brainerd	218-824-3770 www.lssmn.org
Someplace Safe	Fergus Falls	218-739-3359 www.someplacesafe.info
Lutheran Social Service of MN	Mankato	507-381-5511 www.lssmn.org/services/youth-homelessness/mankato
Southwest Crisis Center	Worthington	507-376-4311 www.mnswcc.org
Dodge, Fillmore, and Olmsted County Victim Services	Rochester	507-289-0636 https://www.olmstedcounty.gov/residents/public-safety-law-enforcement/victim-services
National Human Trafficking Hotline		1 (888) 373-7888 humantraffickinghotline.org/
Minnesota Department of Health – Safe Harbor	health.safeharbor@state.mn.us Caroline Palmer: 651-201-5492	www.health.state.mn.us/communities/safeharbor

CHILD ADVOCACY CENTERS/FORENSIC INTERVIEWS

Cornerhouse	Minneapolis	612-813-8300 www.cornerhousemn.org
First Witness	Duluth	218-727-8353 www.firstwitness.org

LABOR TRAFFICKING SERVICE PROVIDERS

The Advocates for Human Rights	Minneapolis	612-341-9845	www.theadvocatesforhumanrights.org
Breaking Free	St. Paul	651-645-6557	breakingfree.net
The Enitan Story	Fridley	763-273-6624	www.enitan.org
Intercultural Mutual Assistance Association	Rochester	507-289-5960	imaa.net/
International Institute of Minnesota	St. Paul	651-647-0191	iimn.org/programs/immigration-and-citizenship/anti-human-trafficking/
Lutheran Social Services of Minnesota	St. Cloud	320-251-7700	www.lssmn.org
Someplace Safe	Fergus Falls	218-739-3486	www.someplacesafe.info
Southwest Crisis Center	Worthington	507-376-4311	www.mnswcc.org
Standpoint	St. Paul	1-800-313-2666	www.standpointmn.org
Women's Shelter, Inc.	Rochester	507-285-1938	www.womens-shelter.org

WORKERS' RIGHTS ORGANIZATIONS

Centro Trabajadores Unidos en la Lucha (CTUL)	Minneapolis	612-332-0663	ctul.net/
Mid-Minnesota Legal Aid (MMLA) – Wage Theft Project	Minneapolis	612-334-5970	www.mylegalaid.org
Southern Minnesota Regional Legal Services (SMRLS) – Agricultural Worker Project	St. Paul	1-888-575-2954	https://www.smrls.org/get-help/legal-services/agricultural-worker-projectel-proyecto-para-trabajadores-agricolas/

FEDERAL PARTNERS

FBI		763-569-8000	1501 Freeway Blvd. Brooklyn Center, MN 55430
HSI		866-347-2423	1 Federal Drive, Suite 1340 Fort Snelling, MN 55111
Department of Labor – Office of the Inspector General		800-347-3756	
Department of State – Diplomatic Security Service		612-659-7060	330 Second Avenue South, Suite 845 Minneapolis, MN 55401

MANUALS AND GUIDANCE

- **Labor Trafficking Protocol Guidelines**, <https://www.theadvocatesforhumanrights.org/Publications/Index?id=149>
The Labor Trafficking Protocol Guidelines are designed to help communities throughout Minnesota identify and respond to victims of labor trafficking, especially youth 24 years old and younger.
- **Sex Trafficking Protocol Guidelines**, https://www.mncasa.org/wp-content/uploads/2018/08/MNCASA_SHPG_JUN2020_Update_FINAL1.pdf
The Sex Trafficking Protocol Guidelines consist of recommendations, insights, and resources to support professionals from a variety of disciplines in identifying and responding to juvenile sexual exploitation.
- **Continued Presence Resource Guide**, <https://www.ice.gov/ContinuedPresenceResourceGuide>
The Continued Presence Resource Guide helps law enforcement agencies, civil attorneys, service providers, human trafficking victims and survivors, and others better understand this important tool used as part of a victim-centered approach to combat human trafficking.
- **T Visa Law Enforcement Certification Guide**, <https://www.uscis.gov/sites/default/files/document/guides/T-Visa-Law-Enforcement-Resource-Guide.pdf>
This guide provides information on the following topics: the T visa requirements; the role of Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914B); best practices for certifying agencies; responses to frequently asked questions; and additional resources for certifying agencies and officials.
- **U Visa Law Enforcement Certification Guide**, www.uscis.gov/sites/default/files/document/guides/U_Visa_Law_Enforcement_Resource_Guide.pdf
This Guide includes information about U visa requirements; the U visa law enforcement certification; best practices for certifying agencies and officials; answers to frequently asked questions from judges, prosecutors, law enforcement agencies, and other officials; additional resources; and contact information for DHS personnel on U visa issues.
- **Minnesota's Best Practice Response to Trafficking and Exploitation of Children and Youth: A guide for county and tribal child welfare agencies**, <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7641Z-ENG>
Learn more about Minnesota's best practices and resources for child welfare system response to all forms of human trafficking and sexual exploitation in this Best Practice Guide.