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**ATTORNEY GENERAL
LAW ENFORCEMENT DIRECTIVE NO. 2012-2
(Investigation of Human Trafficking)**

Human trafficking is a form of modern-day slavery. It is not only a violation of fundamental human rights but also a serious crime under New Jersey law codified at N.J.S.A. 2C:13-8. Unfortunately, this crime often goes undetected and unreported. Human trafficking victims, given the coercive nature of the crime, feel isolated and powerless, and often are unable, afraid, or otherwise unwilling to seek assistance from law enforcement. Some of these victims feel ashamed, and many are reluctant to identify themselves as victims.

Law enforcement agencies and officers, meanwhile, may not have the training and experience to recognize the telltale indicators of human trafficking when conducting investigations of other offenses that may be associated with human trafficking enterprises, such as prostitution. As a result, some law enforcement officers may not know to pose questions during the course of their investigations that might expose a human trafficking violation.

Police officers in this State should be aware of and watchful at all times for the indicators of human trafficking activity. Vigilance by law enforcement officers is especially important when their duties bring them into contact with the kinds of commercial establishments or places that, past experience has shown, may be used to harbor and conceal human trafficking activities, such as "strip clubs" and other sexually oriented businesses, massage parlors, or nail salons. By way of example, a police officer should know to take note if he or she were to see evidence that suggests that persons are living or sleeping at a commercial establishment that is not ordinarily considered to be a residential premises.

For the foregoing reasons, it is appropriate to enhance and coordinate the State's efforts to identify, investigate, and prosecute this form of criminal activity. Accordingly, by virtue of the authority vested in me by the Constitution and the laws of this State, and in furtherance of securing the benefits of a uniform and efficient enforcement of the criminal law pursuant to N.J.S.A. 52:17B-97 et seq., I hereby promulgate the following DIRECTIVE to all law enforcement agencies and officers operating under the authority of the laws of this State:



I. GENERAL POLICY

It shall be the law enforcement policy of this State to fully and fairly investigate and prosecute violations of N.J.S.A. 2C:13-8 with a view toward deterring human trafficking violations to the greatest extent possible. All law enforcement agencies and officers shall be required: to promptly and thoroughly investigate possible violations of human trafficking; to keep State and county prosecution authorities apprised of human trafficking investigations to ensure that all investigative leads are pursued as appropriate; to make certain that all investigations are properly coordinated; to protect the immediate safety and security of human trafficking victims; and to respect and safeguard the rights of these victims.

II. HUMAN TRAFFICKING LIAISONS

Every County Prosecutor shall designate at least one detective/investigator and at least one assistant prosecutor to serve as the County Prosecutor's Office liaisons to the Division of Criminal Justice on human trafficking matters, and to facilitate and oversee the implementation and compliance with the policies, standards, and procedures set forth in this Directive and in the investigation standards and protocols promulgated by the Director of the Division of Criminal Justice pursuant to Section IV of this Directive. These designated Human Trafficking Liaisons will also serve as points of contact for police agencies for purposes of the notification, referral, and reporting requirements of this Directive.

Each County Prosecutor shall within 30 days of the effective date of this Directive provide to the Director, or his designee, the names and contact information of the designated detective(s)/investigator(s) and assistant prosecutor(s), and shall thereafter promptly notify the Director or his designee of any changes in the names or contact information of these liaisons. All designated liaisons will receive training pursuant to Section VI(B)(1) of this Directive.

III. REQUIREMENT TO CONDUCT PROMPT AND THOROUGH INVESTIGATIONS OR TO PROMPTLY REFER MATTERS FOR INVESTIGATION BY ANOTHER AGENCY

A. Investigation or Referral of Possible Human Trafficking Violations

Whenever a law enforcement officer: a) develops reasonable articulable suspicion to believe that the crime of human trafficking is being or has been committed; b) receives any information from an anonymous or confidential source concerning a possible human trafficking violation under circumstances where the information does not on its face constitute reasonable articulable suspicion; or c) determines, while in the course of investigating a prostitution-related offense pursuant to Section IV(B) of this Directive, that any of the relevant circumstances that are specified in the

investigation standards and protocols promulgated by the Director of the Division of Criminal Justice pursuant to paragraph (1) of Section IV(A) of this Directive exist; the officer or another member of the officer's agency shall either:

(1) promptly investigate the possible human trafficking violation in accordance with the provisions of this Directive; or

(2) promptly refer the matter to the appropriate County Prosecutor's Office, or to the Division of Criminal Justice, for investigation by the County Prosecutor or the Division.

B. Reports on Investigations Conducted By Police Departments

Where an officer or another member of the officer's agency pursues the investigation of a possible violation of N.J.S.A. 2C:13-8 without referring the matter to the County Prosecutor's Office or the Division of Criminal Justice for investigation by the County Prosecutor or Division, the agency shall, within 24 hours of initiating its investigation, notify the County Prosecutor's Human Trafficking Liaison that a human trafficking investigation has been initiated, the circumstances that prompted the investigation, and the results of the investigation to date. Unless and until the agency refers the matter for investigation by the County Prosecutor or Division, or unless and until the County Prosecutor or Division otherwise assumes responsibility for conducting the investigation, the agency or officer shall have a continuing obligation to report on a monthly basis to the County Prosecutor's Human Trafficking Liaison on the status of its investigation.

IV. INVESTIGATION STANDARDS

A. Promulgation of Investigation Standards and Protocols

The Director of the Division of Criminal Justice shall within sixty days of the effective date of this Directive develop and disseminate to all law enforcement agencies investigation standards and protocols to be used by law enforcement agencies and officers when investigating a possible human trafficking violation. These standards shall be designed to enhance the thoroughness, timeliness, quality, and coordination of human trafficking investigations and prosecutions, and shall include:

1. A detailed description of specific circumstances that are relevant to a possible violation of N.J.S.A. 2C:13-8, which specified relevant circumstances must be investigated to the extent feasible;
2. Guidelines on the specific questions to be posed during an investigation so as to obtain evidence or information concerning the relevant circumstances specified in the

investigation standards and protocols promulgated pursuant to paragraph (1) of this subsection; and

3. A detailed description of the methods of investigation to be used to ensure the integrity and effectiveness of the investigative process. Those investigative methods shall, among other things, specifically address the fear and intimidation that often silences victims of human trafficking. For example, whenever practical, all possible victims and witnesses should be interviewed separately, in the individual's same language, and well outside the presence of the individual's employer, landlord, or any other person who may intimidate or inappropriately influence the possible victim/witness.

B. Special Responsibilities When Investigating Prostitution Offenses

1. Whenever a law enforcement officer has probable cause to believe that a prostitution-related offense has been committed in violation of any provision of N.J.S.A. 2C:34-1, as part of the investigation and handling of the suspected prostitution offense, the officer or another member of the officer's agency shall, whenever feasible, pose questions or otherwise seek to obtain evidence concerning the relevant circumstances that are specified in the investigation standards and protocols promulgated by the Director of the Division of Criminal Justice pursuant to paragraph (1) of subsection A of this Section. If information learned during the course of the prostitution investigation indicates that any of those specified relevant circumstances exist, the agency conducting the prostitution investigation shall comply with the investigation, referral, and reporting requirements set forth in Section III (A) of this Directive.

2. Where the prostitution offense involves a "house of prostitution" as defined in N.J.S.A. 2C:34-1(a)(3) or is otherwise associated with a specific commercial premises (*e.g.*, a massage parlor, "strip club," bar, restaurant, etc.), the agency or officer shall, whenever feasible and lawful, examine the physical premises to determine whether it is being used for residential purposes. If the prostitution investigation reveals that persons may have used a commercial premises as a place of residence, the agency conducting the prostitution investigation shall comply with the investigation, referral, and reporting requirements set forth in Section III (A) of this Directive.

3. Nothing in this subsection should be construed to suggest that the obligation to be watchful for indications of human trafficking is limited to circumstances where an agency or officer is investigating the offense of prostitution. The training provided to law enforcement officers pursuant to Section VI of this Directive shall instruct officers to be watchful at all times for indicators of human trafficking activity, and especially whenever police go to places that, past experience has shown, are more frequently associated with human trafficking activity (*e.g.*, sexually oriented businesses, massage parlors, nail salons, etc.). The training shall also instruct officers to be watchful for the indicators of human trafficking activity when present at premises where

legitimate as well as illegitimate commercial activity is occurring, and when investigating other forms of unlawful activity, including but not limited to sexual assault, domestic violence, assault, and robbery, and fire/housing code and labor law violations.

C. Special Responsibilities When Interacting with Possible Victims

1. All law enforcement officers shall take appropriate actions as are necessary to protect the immediate safety and security of persons who may be the victims of human trafficking.
2. If a person reports to a law enforcement officer that he or she is a victim of human trafficking, or relates to a law enforcement officer facts that, if true, would make the person a victim of human trafficking, the law enforcement officer and other members of the officer's agency shall treat the person making the report or relating the information as a human trafficking victim for purposes of this Directive, notwithstanding that the person may have committed an offense (*e.g.*, prostitution), unless and until an investigation determines that any such report or information is false or unfounded.
3. Notwithstanding any other time period for notifying the County Prosecutor's Office or Division of Criminal Justice set forth in this Directive, a law enforcement officer, or another member of the officer's agency, shall notify the County Prosecutor's Human Trafficking Liaison as soon as practicable after receiving the report or information from the possible human trafficking victim so that the County Prosecutor's Office can arrange for any appropriate referrals for victim services.
4. Pursuant to the provisions of N.J.S.A. 52:4B-44.1, the Division of Criminal Justice, working in conjunction with the County Prosecutors, and in consultation with the Commissioner of the Department of Health and Senior Services, the Commissioner of the Department of Children and Families, the Superintendent of State Police, and representatives of providers of services to victims of human trafficking and sexually exploited minors, shall develop standards and protocols for providing information and services to these persons. Such standards and protocols shall include coordination of efforts with appropriate federal authorities pursuant to the "Trafficking Victims Protection Reauthorization Act of 2003," 22 U.S.C. Sec. 7101 *et seq.*
5. The training provided pursuant to Section VI of this Directive shall provide instruction on how to protect human trafficking victims, and on how to implement the provisions of this subsection so as to encourage possible victims to fully cooperate in human trafficking investigations. The training programs shall include instruction on the appropriate handling of possible human trafficking victims who may have committed an offense, including instruction on the affirmative defense to the offense of prostitution established in N.J.S.A. 2C:34-1(e). The training programs shall also include information concerning referrals for medical treatment, counseling and advocacy services, and housing/shelter.

D. Supplemental Investigation Standards

The Director of the Division of Criminal Justice may from time to time issue supplemental investigation standards or protocols to be followed by law enforcement agencies and officers to enhance the thoroughness, timeliness, quality, and coordination of human trafficking investigations and prosecutions.

V. **REPORTING REQUIREMENTS**

A. Reporting by Police Upon Arrest or Determination of Probable Cause

Notwithstanding any other time period for making notifications or reporting information set forth in this Directive, when a law enforcement officer makes an arrest or otherwise develops probable cause to believe that the crime of human trafficking has been or is being committed, the arresting officer or another member of the officer's agency shall immediately report the matter to the designated County Prosecutor's Office Human Trafficking Liaison, who shall as soon as practicable, but in no event later than 12 hours, report the matter to the Division of Criminal Justice.

B. Reporting by County Prosecutor of Existing Case Inventory

Each County Prosecutor shall within 60 days of the effective date of this Directive provide to the Director of the Division of Criminal Justice or his designee a listing of all currently pending cases or investigations involving a charge of human trafficking. This list shall include such information as shall be determined by the Director.

C. Reporting by County Prosecutor of Significant Case Events

It shall be the responsibility of the County Prosecutor to promptly notify the Division of Criminal Justice of the following events concerning the investigation or prosecution of a suspected violation of N.J.S.A. 2C:13-8:

1. application for or issuance of an arrest warrant;
2. filing of a criminal complaint;
3. indictment;
4. any disposition of pending charges;

5. application to the Department of Homeland Security for Continued Presence Status or a T Visa for a possible human trafficking victim; and
6. any referral of a human trafficking investigation or prosecution for handling by or in cooperation with the United States Attorneys Office or any federal law enforcement agency, or by a law enforcement or prosecuting agency in any other State.

Such notifications of significant case events to the Division shall be done in a manner as shall be prescribed by the Director.

D. Reports of Aggregate Data and Additional Information

In addition to the notification of significant case events pursuant to subsection C of this Section, each County Prosecutor shall provide to the Division of Criminal Justice such aggregate data and information about human trafficking enforcement activities and services as may be needed to prepare reports for the United States Department of Justice, Bureau of Justice Assistance, or for such other purposes as may be determined by the Director of the Division of Criminal Justice.

E. Implementation of Notification and Reporting Requirements

The Division of Criminal Justice, working in cooperation with the County Prosecutors, shall develop standardized forms and procedures to facilitate the efficient and uniform implementation by all law enforcement agencies of the notification and reporting requirements of this Directive.

VI. TRAINING

A. In-Service Training Program

The Division of Criminal Justice shall within ninety days of the effective date of this Directive develop human trafficking training programs for law enforcement officers and prosecutors. The Division shall to the extent feasible make the training programs available on-line through the NJLEARN system. The Division may from time to time develop additional human trafficking training programs and aids to facilitate implementation of this Directive and to achieve the goals of enhancing the thoroughness, timeliness, quality, and coordination of human trafficking investigations and prosecutions.

B. Selection of Officers to Receive In-Service Training

1. All Human Trafficking Liaisons designated pursuant to Section II of this Directive shall receive the training developed pursuant to subsection A of this Section, and such additional

training as the Director of the Division of Criminal Justice may from time to time prescribe.

2. The chief executive of every State, county and local law enforcement agency shall identify those sworn officers who would benefit from receiving training on human trafficking based upon their duty assignment, and shall within sixty days of the effective date of this Directive provide to the appropriate County Prosecutor and the Division of Criminal Justice a list of those officers to be trained. Those officers should complete the training, whether through the NJLEARN system or by other means, within ninety days of the training program being made available pursuant to subsection A of this Section. The chief executive of each department shall report to the County Prosecutor and the Division of Criminal Justice on the number of officers who have completed training. This reporting shall be done in a manner and at such times as shall be prescribed by the Director.

3. The Director of the Division of Criminal Justice shall report annually to the Attorney General on the number of officers who have completed human trafficking in-service training, and shall make recommendations as appropriate as to whether the Attorney General should require that additional officers receive in-service training. Nothing herein should be construed to prevent a County Prosecutor from requiring officers who are subject to his or her authority to receive the human trafficking training developed by the Division of Criminal Justice, or to receive additional training developed or approved by the County Prosecutor.

C. Pre-Service Training

1. The Division of Criminal Justice, working in cooperation with the County Prosecutors, shall develop curricula on the subject of human trafficking for use in the Basic Course for Police Officers and the Basic Course for Investigators. The Division shall submit this curricula to the Police Training Commission for use at all police academies that are subject to the jurisdiction of the Police Training Commission.

2. The Division of State Police shall include human trafficking curricula developed pursuant to paragraph (1) of this subsection in the pre-service training of Trooper recruits in the State Police Training Academy.

VII. AUTHORITY OF COUNTY PROSECUTOR

Nothing in this Directive shall be construed to prevent a County Prosecutor from issuing supplemental directives, procedures or standards governing the investigation and prosecution of human trafficking cases by law enforcement agencies that are subject to the County Prosecutor's authority, provided that those supplemental standards and procedures do not conflict with the standards and procedures set forth in this Directive.

VIII. QUESTIONS

Any questions concerning the interpretation or implementation of this Directive shall be directed to the Director of the Division of Criminal Justice, or his designee.

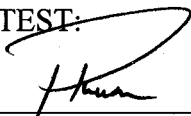
IX. EFFECTIVE DATE

This Directive shall take effect immediately and shall remain in full force and effect unless and until repealed, amended, or superseded by Order of the Attorney General.



Jeffrey S. Chiesa
Attorney General

ATTEST:



Phillip H. Kwon
First Assistant Attorney General

Dated: July 12, 2012