

# SAFVIC ON THE SCENE

## HUMAN TRAFFICKING MODERN DAY SLAVERY

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### 4<sup>th</sup> Annual SAFVIC Instructor Summit

We would like to thank everyone who attended the 4th Annual SAFVIC Instructor Summit in San Antonio! We have a great group of trainers, and we hope the Summit gave everyone an opportunity to meet, swap stories and techniques, and take an active role in the growth of SAFVIC. The SAFVIC Team sincerely appreciates all your hard work!

*-Tom, Jeff, Jennifer,  
Brooke & Nicole*

The age old business of slavery has a new name: **Human Trafficking**. Trafficking in persons is a crime in the United States and it is considered a form of modern-day slavery. It is the criminal trade of human beings that involves recruiting, transporting or harboring individuals for unlawful, forced performance of labor or services. Forced labor in human trafficking can involve either sex trafficking or labor trafficking. Examples of sex trafficking include forced prostitution associated with brothels, strip clubs, massage parlors, adult bookstores, modeling studios or escort services. Examples of labor trafficking include domestic labor, agricultural or field labor, servile marriage and work in "sweatshops." Victims may be forced to work through the use of physical violence, threats against them or their loved ones, sexual violence, debt bondage, or coercion. Victims often fear for their lives and may be faced with language limitations, little understanding of the legal and social service system and few resources.

There is often confusion on the differences between migrant smuggling and human trafficking. The mere facilitation of illegal entry into or through a country is not, on its own, trafficking in persons. However, migrant smuggling may be part of a trafficking operation or turn into a trafficking situation. Trafficking victims, as they are being moved through transit countries, may not know that they will be forced into prostitution or labor when they arrive in the destination country. In other words, human smuggling can turn into human trafficking if a willing migrant is defrauded into believing that he/she will be free upon arrival, but then forced into trafficking.

Human trafficking is a crime under U.S. Federal Law, the Trafficking Victims Protection Act (TVPA) of 2000. The TVPA is the first federal law directly addressing human trafficking and is the largest anti-slavery law that the U.S. has adopted since 1865. The act defines human trafficking and takes a three-pronged approach to combating trafficking, including: prevention, prosecution, and protection. For the first time, the Violence Against Women Act of 2005 set aside money for the training of state and local law enforcement to identify and protect victims of trafficking, to prosecute trafficking cases, and to develop state and local laws that prohibit trafficking.

Human trafficking has become a global epidemic. It is an \$8 – 9 billion per year business, involving the trafficking of 700,000 - 900,000 people worldwide annually. In the United States, between 18,000 and 20,000 people are brought in illegally every year for the purposes of human trafficking. Most victims brought to Texas have originally resided in Mexico or Central American countries, or in East Asia. However, victims in the United States can come from any part of the world, including from within the United States itself.

Victims of Human Trafficking have options, even if they don't have proper immigration papers. They may be eligible to:

- **Stay in the United States**, particularly if they assist law enforcement
- Apply for the **T Visa**
- Apply for and receive **government benefits**
- Apply for a **work permit**
- Apply for the **U Visa**

To coordinate with federal law enforcement, contact your local FBI office or the National Human Trafficking and Worker Exploitation Hotline at 1-888-428-7581. Additionally, the Department of Health and Human Services has a national hotline that provides information about local resources for both immediate and long-term need of victims. The 24-hour number is 1-888-373-7888. For assistance with language interpretation, call the AT&T Language Line at 1-800-528-5888.



*This information has been taken from the new SAFVIC Curriculum - Human Trafficking Support Material, written by Theresa Segovia of the Houston Police Department, Human Relations Unit.*

#### Sources

Comparison of VAWA 1994, VAWA 200 and VAWA 2005 Reauthorization Bill, NCASV Public Policy Office, January 16, 2006.

Project REACH, "Psychological Trauma and Human Trafficking," 2005, <http://www.traumacenter.org/projectreach/>

YMCA International Services, Trafficked Persons Assistance Programs: *For Victims of Modern Day Slavery Brochure*



**Tom Gaylor**  
Deputy Executive Director

## DIRECTOR'S CORNER

### Georgia V Randolph

The recent Supreme Court decision in Georgia vs. Randolph startled me slightly as I was reading over the dissenting opinion. In fact, it startled me greatly.

The case headlines and most of the early discussion opined that the Supreme Court had limited the ability of an occupant of a residence to provide consent to law enforcement if they were cohabitating with another. After reading the case more closely I see that the opinion is far more specific and narrow than that.

The case dealt with a situation where officers obtained consent to search a house from one of the two occupants of the house. The court's decision basically said that the consent of one of the two occupants is not enough to overcome the 4<sup>th</sup> prohibition to "unreasonable" search and seizure. The caveat is that this only applies when the other occupant is present and has not consented to the search or entry. Furthermore, it does not restrict an officer's ability under exigent circumstances to enter a residence to check the welfare of an occupant.

So what does it do and how might it effect law enforcement? Most officers are well aware of the 4<sup>th</sup> Amendment to the U.S. Constitution.

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

But in reality we often get caught up in the exceptions to the rule and not the rule. Interestingly enough, the exception is not provided for in the rule. The key word in the 4<sup>th</sup> Amendment is "unreasonable" and by placing that word in the text, the drafters provided the courts with an opportunity to interpret the scope of the amendment. Since 1921, the court has recognized that a search conducted with the consent of the owner or person in custody is reasonable.

The problem arises when a person may not have the authority to provide consent or shares that authority with another. Such is the case with Georgia v. Randolph. The real snag is that Randolph was present and denied the officer's request to enter and search the house. The court said that had he not been present, he would have no expectation of privacy to the common areas and a search based on his wife's consent would have been reasonable. Therefore, officers finding themselves in a situation where two occupants are present should make efforts to obtain consent from both parties. However, if officers have obtained consent from a person who cohabitates with another and the other person is not present, a search would be reasonable, but it may serve to note that in the report.

This ruling does not effect the other exceptions to the 4<sup>th</sup> Amendment such as imminent danger, plain view, vehicle searches and others. Officers should articulate the circumstances that allowed for the warrantless search. For example, an officer entered in response to a domestic call and feared for the safety of the victim, he/she must articulate why. Keeping these tools in mind, using them appropriately, and reporting them accurately will ensure that evidence and arrests that result from consent searches will be admitted into court and support criminal convictions.

1. Language taken from <http://caselaw.lp.findlaw.com/data/constitution/amendment04/> on 5/5/06.

## DISABILITY SERVICES ASAP

### A Safety Awareness Program of SafePlace

Victimization against persons with disabilities is a serious problem. Researchers estimate that children and adults with disabilities experience violence and abuse at least twice as often as people without disabilities. Oftentimes, persons with disabilities have multiple perpetrations of abuse during their lifetime.

Do you have questions about most effectively respond to cases involving crime victims with disabilities? Do you know how the Americans with Disabilities Act applies to law enforcement agencies? Are you aware of strategies to ensure that your agency is accessible to persons with disabilities?

SafePlace is offering free on-site consultations to law enforcement departments, prosecutors' offices, and court systems in Texas on ensuring accessible response to crime victims and witnesses with disabilities. A common request has been to provide information on the various types of disabilities; how to effectively communicate with people with disabilities; the various types of accessibility; as well as exploring resources on their jurisdiction; etc. For more information, or to schedule an on-site consultation, please contact Cema Mastroleo at 512-356-1588 or [cmastroleo@austinsafeplace.org](mailto:cmastroleo@austinsafeplace.org).

SafePlace is a non-profit resource center for survivors of domestic and sexual violence based in Austin, Texas. In 2002, through a grant from the U.S. Department of Justice, SafePlace's Disability Services ASAP (A Safety Awareness Program) started the Accessible Justice Project. Since then, the project staff has been working with criminal justice professionals to raise their awareness of the high incidence of abuse and violent crimes against individuals with disabilities, the barriers that the survivors face when pursuing justice, and strategies to enhance the accessibility of the criminal justice system.

*Written by Cema Mastroleo and Wendie Abramson of SafePlace.*

## Featured Book:

### Drug Facilitated Sexual Assault A Forensic Handbook

By: Marc A. Lebeau



*"You are already at a disadvantage if you don't have this book."*

Detective B.J. Watkins  
Dallas Police  
Department

## CONGRATULATIONS TO SAFVIC INSTRUCTOR **DON GALLION** FOR RECEIVING THE SAN ANGELO POLICE DEPARTMENT'S **SUPPORT SERVICES OFFICER OF THE YEAR AWARD!**

*YOUR COMMUNITY  
AND  
THE SAFVIC TEAM  
APPRECIATES ALL YOUR  
HARD WORK!*

## VAWA 2005 Amendments & Provisions

The passage of the Violence Against Women Act (VAWA) of 2005, signed into law on January 5, 2006, presents new opportunities for program funding and justice for survivors. The amount of money allocated under VAWA 2005 is \$3.935 billion over 5 years from 2007-2011. The remaining funds for Fiscal Year 2006 amount to \$565 million. Key technical changes have been made to better serve the victims and survivors of violence against women.

The Services and Training for Officers and Prosecutors (STOP) Grant funds increase from \$185 million per year for the Fiscal Year '01- Fiscal Year '05 to \$225 million per year for FY '07 - FY '11. STOP programs are required to maintain core victim services and criminal justice initiatives while supporting complementary new initiatives and emergency services for victims and their families. When STOP funding is used to pay for forensic medical examinations, the victim cannot seek reimbursement from insurance carriers. In addition, victims will not be required to participate in criminal justice investigations when STOP funds are used for the forensic medical examination. States have three years to certify that they do not require victims to undergo polygraph or other truth telling devices as a condition for proceeding with an investigation.

This certification must state that no law enforcement officer, prosecuting officer or other government official asked or required a victim to submit to a polygraph or any other truth telling device as a condition for continuing an investigation. States that do not make such certification will not be eligible for STOP grants.

The Sexual Assault Services Program (SASP) is dedicated entirely for funding direct services for victims of sexual violence. This funding will assist in providing intervention, advocacy, accompaniment, support services and other related assistance for adult and minor victims of sexual assault, as well as to their family and household members. SASP funds can also be used to provide training and technical assistance relating to sexual assault for various organizations, including governments, law enforcement, courts, nonprofit organizations, faith-based organizations, and professionals working in legal services, social services and health care. SASP has set aside \$50 million per fiscal year. Of this money that is set aside for services for victims of sexual assault, 10% will be distributed to culturally specific community-based organizations (on a competitive basis) providing services in response to violence against women.

*See VAWA Amendments & Provision, next page.*

*"This class has really opened up a lot of avenues and will assist me in my everyday duties as a police officer. The information I learned will assist me in handling both sexual assault cases as well as family violence. Great job."*

**March 2006**

## FEATURED AGENCY:

**Putting an End to Abuse through Community Efforts Initiative** is a coalition of 48 agencies, organizations and individuals working collaboratively to end violence in families. The mission of the P.E.A.C.E. Initiative is to educate the public about the extent, and often-deadly consequences of domestic violence and to respond effectively through collaborative efforts.

The P.E.A.C.E. Initiative provides community education to neighborhood associations, community groups, schools and other identified groups on domestic violence, teen dating violence, dynamics of an abusive relationship, resources available and safety planning in English and Spanish.

Activities of the P.E.A.C.E. Initiative include:

- Education and Training on domestic violence issues
- Coalition Building
- Community Organizing
- Advocacy
- Outreach
- Systems change work with the media, artists, policy makers, survivors, community leaders, ect.

Their services consist of:

1. Conduct neighborhood association meetings regarding domestic violence, safety planning, and community resources.
2. Conduct focus groups with young adults on strategies for education, awareness, safety and access to services regarding healthy dating relationships.

3. Conduct and facilitate systems-change networking sessions
4. Coordinate activities and events of each October, National Domestic Violence Awareness Month in coordination with P.E.A.C.E. members focusing on raising awareness of the problem and involving people in dialogues about effective responses to domestic violence.
5. Train community members to be actively involved in educating government about the expanding impact of family violence on other types of community crime.
6. Train community leaders to serve on a media community action team that responds to issues regarding family violence in their neighborhoods.
7. Teach survivors how to become recognized, credible, reliable community resources on the local speaker's bureau.
8. Organize non-violent men to serve as role models for men and young adults and to take a stand against violence against women and children in the family.
9. Distribute domestic violence literature and resources at community, health and educational fairs throughout the community.
10. Provide presentations and workshops to identified groups (i.e. victims and survivors of domestic violence, young adults, medical community, law enforcement, child protective services workers, school counselors, ect.) on domestic violence issues, resources available, culturally relevant interventions, appropriate case management, and safety planning.

For more information about P.E.A.C.E. Initiative, visit [www.thepeaceinitiative.net](http://www.thepeaceinitiative.net).

*This article was provided by Patricia S. Castillo, the Executive Director of The P.E.A.C.E.\* Initiative.*



### P.E.A.C.E. Initiative

**Putting an  
End to  
Abuse through  
Community  
Efforts  
Initiative**

[www.thepeaceinitiative.net](http://www.thepeaceinitiative.net)

*To nominate a  
Victim Service Agency for the  
next issue of  
SAFVIC on the Scene,  
contact Nicole Martinez  
at  
nicole.martinez@tampa.org*

## Sexual Assault Family Violence Investigators Course

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We're on the Web at  
[www.safvic.org](http://www.safvic.org)

## SAVE THE DATE...

Texas Council on Family Violence Presents



Standing Up  
For Change

Statewide Family  
Violence Conference

The 2006 Statewide Texas Council on Family Violence (TCFV) Annual Conference, Standing Up for Change, is scheduled for October 3-5, 2006, at the Renaissance Hotel Austin. This multi-day conference attracts hundreds of domestic violence service providers, allied professionals and victim service advocates from around the state to participate in education, dialogue, networking and celebration. The conference will offer more than 50 diverse workshops, general sessions, and roundtable discussion opportunities for both new and seasoned advocates.

In Texas, more than 2 abusive men kill their female partners each week. On April 1, 1997, TCFV created an exhibit and debut of 160 Silent Witnesses at the State Capitol in Austin with a march, a memorial, and a three-day exhibit in the capitol building. Each Texas Silent Witness bears the name and the story of a Texas woman killed as a result of family violence. Participants of the TCFV Conference will have the opportunity to show their support of the work to end domestic violence by participating in a walk to the State Capitol that will culminate in TCFV's annual Silent Witness event. For details on the different workshops or to register for the conference, log on to [www.tcfv.org](http://www.tcfv.org) or contact TCFV at 512-794-1133.

## BATTERER'S BROCHURE

In 2003, the Governor's Commission for Women surveyed 1,139 law enforcement agencies to assess the prevalence of domestic violence and ascertain the resources needed within each department. Those surveyed included city police, county sheriffs and large campus police departments. The agencies cited a need for material to give to the alleged perpetrator when responding to a domestic disturbance call.

The Commission collaborated with the Texas Council on Family Violence, the Collin County Council on Family Violence and the Texas Municipal Police Association to create a brochure for the batterer. Please visit our web site at [www.safvic.org](http://www.safvic.org) located under "Breaking News and Helpful Links" or visit [www.governor.state.tx.us/divisions/women](http://www.governor.state.tx.us/divisions/women) for more information.

### *VAWA Amendments & Provisions from page 3*

This is the first time that a discretionary grant program for nonprofit organizations focuses primarily on culturally specific communities. VAWA 2005 will enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. This new grant program will provide resources to racial and ethnic community-based organizations to work directly with their own communities to develop or maintain outreach and victims services.

Amendments to the rural VAWA programs will expand proposed areas to include community collaboration projects in rural areas that will increase the safety and well-being of women and children. These programs will respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence and stalking in rural communities. Other amendments to VAWA address stalking on a federal level. The federal criminal code provision, 18 U.S.C. 2261A, was amended to broaden the law in three ways: the actions covered, the stalker's intentions, and the victim's resulting fear.

Stalking now includes placing someone under surveillance or using an interactive computer service. Under the amended law, the stalker must intend to kill, injure, harass, or intimidate, or to cause substantial emotional distress in order for it to be considered stalking.

Clearly, major efforts are underway to address the issue of sexual assault and violence against women and to better protect and assist the victims of such crimes. Availability of these funds will help in providing appropriate attention to victims of domestic violence, sexual assault, dating violence and stalking of all ages. For additional information or further details regarding these programs and funds contact the National Coalition Against Domestic Violence Public (VCADV) Policy Office at 202-745-1211.

Language taken from the Violence Against Women Act (VAWA) and Department of Justice Reauthorization Act of 2005, HR 3402 and from the National Coalition Against Domestic Violence, Comparison of VAWA 1994, VAWA 2000 and VAWA 2005 Reauthorization Bill, 1/16/06.