Human Trafficking Investigations: a Victim-Centered Team Response

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Office for Victims of Crime

- Established by the 1984 Victims of Crime Act
- OVC mission: Justice for Victims - Justice for All
- The Crime Victims Fund has supported over $6 billion in resources for victim compensation and assistance
- State victim assistance
- Training and customized TA
- Scholarships for approved training events
  
  [www.ovc.gov](http://www.ovc.gov)

[www.ovcttac.gov](http://www.ovcttac.gov) for more information on training and TA
Presentation Overview

- Elements of a HT investigation
- Context of victimization
- Tips for strengthening LE-Victim Service Provider partnerships
- Interview considerations
- Victim-centered principles for investigations
- Immigration relief and other resources
Trafficking Basics

- Denial of freedom and personal choice
- Exploitation for sex or labor
- Irrespective of citizenship or immigration status- an investigation can involve U.S. citizen victims or foreign nationals
- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery

No one can consent to being enslaved
Reactive v Proactive Investigations

- **Reactive**
  - Trafficking is discovered while investigating other types of crime—e.g., smuggling, sexual assault, domestic violence, prostitution, etc. or when someone comes forward to report
  - Red flags arise indicating potential human trafficking

- **Proactive**
  - Investigating local businesses or suspicious scenarios where trafficking might be occurring and building a case covertly
  - Often involves extensive surveillance, cooperation of one or more witnesses
  - Focusing on businesses/practices where exploitation is rife: agricultural sites, massage parlors, garment industry, nail salons, restaurants, begging/panhandling, motels, strip clubs, truck stops and other places where prostitution may be common
Looking for Red Flags

- Restricted movement of occupants
- Transport to/from job site in groups
- Living at work site
- Reluctant to have contact with outsiders
- Company store
- Appearance of enforcers
- Fearful, guarded
- Signs of injury
- Fatigue
- Excessive surveillance equipment/monitoring
- Rarely seen alone
- Limited English proficiency except for one or two individuals, who speak for the group
- Large number of people living in a single dwelling
- Heavy foot traffic but occupants unseen
Investigative Techniques

- Surveillance
- Vehicle stops
- Review of financial records, lease agreements, property ownership
- Undercover operations/use of confidential informants
- Use of electronic monitoring/wiretap/pretext phone calls
Investigative Techniques

- Review of bank records
- Interviews of former employees
- Review of business licenses, employment records
- Cell phone records, text messages
- Review of border crossings, employment records, work visas (real or falsified)
- Coordination with DOL investigators on wage and hour violations
Reactive v Proactive Investigations

- In both types of investigations but particularly in proactive, it is critical for law enforcement to maintain the covert nature of the case until they have enough to move forward with enforcement actions.

- Traffickers are capable of tremendous resourcefulness - e.g., moving victims, changing their center of operations/locale, shifting business models/MO if they suspect law enforcement is investigating.

- All investigations benefit from a task force approach and the coordination of victim services prior to enforcement actions.

- Plan effectively for victim encounters - need to act swiftly if someone is in harm’s way.
**Task Force Model**

- Formal funded task forces through the Department of Justice (cooperative agreements) - can also receive other, non-federal sources of funding support

- Collaboration among local law enforcement, federal law enforcement, U.S. Attorney’s Offices, State’s Attorney’s Offices, victim service providers, and other disciplines such as Department of Labor wage and hour investigators

- Goal is to increase identification of trafficking, enhance prosecutorial efforts, and provide comprehensive, timely services to victims

- One of the keys to success is close, early involvement of law enforcement and prosecutor’s office - from the beginning of the investigation
Enhancing Partnerships

- Get to know law enforcement partners and other team members - don’t wait to meet until there is an active case

- Identify one or two primary POCs for law enforcement

- Define roles and expectations through a Memorandum of Understanding or other agreement

  - Law enforcement may have unrealistic or misinformed expectations about what a service provider can offer
  - Be realistic about what you can provide in-house or through partnerships
  - Is 24/7 response/availability realistic?
  - Language capacity?
  - Trauma specialists?
  - Housing options - type, duration, children, male victims?
LE/NGO Relationship – Who Needs What?

Service Provider needs....

- Enough information ahead of an enforcement action to prepare for victims’ needs
- A primary point of contact for follow up on a case
- Provision of short term immigration relief
- Law enforcement certification for long term immigration relief (T and U visas)
- Threat assessment and safety planning

LE needs....

- Victim services that support stabilizing victims
- A realistic assessment of their capacity to house and provide services to victims at any given time
- Cooperation
- Access to victim/witnesses for additional interviews once in care of the NGO
- Leads on potential new victims and/or cases
Preparation

- Both law enforcement and victim service providers must contribute to the contextual understanding and approach for each case (and each victim within that case)
- Context can come from the investigation or from informal discussions unrelated to the case
What the Victim Brings to the Table and the Impact on the Investigation
Critical Context

- Understanding family and prior victimization history
  - History of domestic violence and/or sexual abuse
  - Family needs (ongoing)
  - Health concerns

- Socioeconomic factors
  - Education
  - Poverty
  - Cultural norms from their home country
  - Political context
  - Bias based on gender, race or class
Impact of Coercion and Control

- Debt bondage
- Isolation—document removal; language barriers; social; unaware of rights and available assistance
- Use and threat of violence
- Witness to violence
- Threat of exposure
- Fear of law enforcement
- Use and threat of reprisals against loved ones
Understanding Recruitment

How was the victim recruited?

- Romantic lure
- Promise of a better life
- Legitimate work
- Legal or illegal entry
- Relationship between recruiter and victims family
- Status of recruiter in the victims community
Interview Considerations
Interviews - Interpreters

- Looking for more than just language fluency
- Ensure that interpreter does not know the target(s), victim(s), or anyone involved in the case
- Interview should be set up so that the interviewer and victim are engaged in a face-to-face discussion - the interpreter should not sit in between
- Interviewer directs questions to the victim, not the interpreter
- Pre-briefing is critical to ensure that interpreter understands his or her role, the nature of the case, expectations re: confidentiality
- Translation must be exact - no elaboration, euphemisms, side conversations
Consider:

- When was the victim rescued? Is he or she exhausted, hungry, fearful?
- What is the victim’s POV re: the trafficker? (remember possibility for romantic or familial relationship, traumatic bonding)
- Medically stable?
- Any known medical conditions or mental health issues?
Consider:

- Timing
- Most appropriate person to conduct the interview
- Physical environment - neutral, comfortable, distraction-free
- Confidentiality
- Placement of victim and interviewer
- Limiting those present/observing
- Need for separating witnesses
- Dress and demeanor of interviewer

Interviews - Setting it up
Forensic Interviews

*Minimize* the trauma of the investigation for the victim

*Minimize* all contamination of the victim’s memory of the event(s)

*Maximize* the information obtained from the victim about the alleged events

*Maintain* the integrity of the investigative process
Forensic Interviews

- Designed to elicit what happened in the victim’s own words, according to his or her developmental ability

- Central tenet: investigative interviews do not have to re-traumatize the victim

- One-on-one interview within a larger team context

- Not only for cases involving minors- often used in HT cases, in investigations in which there are victims of severe/chronic torture, and in cases with adult victims with developmental or other disabilities

- Can be done with the assistance of an interpreter
Who are Forensic Interviewers?

- Conduct the interview in consultation with and on behalf of the investigator
- May work for a Child Advocacy Center
- May work directly for a law enforcement agency
- Incorporate trauma informed principles throughout the interview
- Specially trained in research based forensic interview protocol(s)
- Receive ongoing training and peer review and typically conduct hundreds of interviews/year
Is a Child Advocacy Center (CAC) an option?
Forensic Interview Basics

- Forensic interviewer and victim in a one-on-one interview

- Case agent and prosecutor typically observe from a monitoring room

- Victim advocate often sits with parents/guardians in family waiting room to offer support, identify other needs and available victim services, explain process

- In multi-victim cases, advocates and Victim Witness Coordinators may be needed to coordinate and provide support to other victims
Common Challenges

- “Mega victim” cases
- Interviews that need to be conducted in the field
- Presenting evidence (e.g., chat logs, photos)
- Adolescent victims
- Victims in crisis/
- Evolving testimony
- Who should be present in an interview?
- Traumatic bonding
- International
- Disclosure is a process
- Cooperation - LEAs and NGOs
- Resources
- Family dynamics
- Victims all present differently
- Not all victims disclose
Each victim will respond differently, no two individuals are alike.

Victim’s Reality is Your Reality!
Victim Service Coordination and Resources
Guiding Victim-Centered Principles

- Victims need support and assistance to become effective witnesses.
- Feelings of safety and security are paramount for victim cooperation with the investigation.
- Victims have diverse needs but deserve the respect of the whole team and to be treated like a partner, not a pawn, in the criminal justice system process.
- Know your victim: no two victims will have the same priorities and motivations.
- Allow for questions and give honest answers without making promises.
- Don’t put too much pressure on victims- a strong investigation will not rest on the back of its victims but will also rely upon other evidence and testimony to corroborate the victim.
Important Roles for Service Providers

- Continually build rapport
- Help victim anticipate what comes next in the process
- Identify and continually reassess victim needs
- Reaffirm that the victim is not to blame
- Normalize reactions the victim may be having
- Develop a plan of action for support
- Coordinate closely with law enforcement Victim-Witness personnel
- Ongoing victim identification
Federal Victim Assistance Specialists

- Operational planning and assistance for law enforcement actions
- On-site emergency response
- Mobilization of community, NGO, and agency resources
- Assistance in building trust, rapport, and relationship with victims
- Immigration relief coordination
- Follow-up and information throughout case
Federal Emergency Assistance Funds

- Emergency housing, food, transportation to victim assistance services
- Emergency medical care or mental health assessments
- Payment of bill for sexual assault forensic exams
- Administered by HSI, FBI, DOJ HT Prosecution Unit, or EOUSA victim assistance programs

Federal Emergency Witness Assistance Program

- Safety issues, family relocation
- Transportation for case related needs
- Administered by U.S. Attorney’s Offices
- Intended to address short term, immediate safety needs
Immigration relief can help law enforcement counter these forms of control

- Threat of exposure
- Use and threat of reprisals against loved ones
- Debt bondage
- Isolation
## Short Term Immigration Relief

<table>
<thead>
<tr>
<th><strong>Continued Presence (CP)</strong></th>
<th><strong>Significant Public Benefit Parole (SPBP)</strong></th>
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<tbody>
<tr>
<td>- For all victims of trafficking that are potential witnesses</td>
<td>- For anyone needed for the case (e.g., non-victim witnesses)</td>
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<td>- One year (can be renewed)</td>
<td>- Length of time varies- requested by LE</td>
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<tr>
<td>- Requested by law enforcement</td>
<td>- Cooperation is required</td>
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<tr>
<td>- Cooperation is <strong>not</strong> a requirement</td>
<td>- Work permit only upon request, NO access to public benefits (fee associated with permit)</td>
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<tr>
<td>- Work authorization issued <strong>and</strong> access to public benefits if also cooperating with law enforcement (no fees)</td>
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Long Term Immigration Relief

T-Visa
Eligibility:
1) A victim of trafficking as defined by TVPA
2) Present in U.S. on account of the trafficking
3) Complied with reasonable requests for assistance in the investigation or prosecution (or is under 18 years old or extreme trauma)
4) Would suffer extreme hardship upon removal

Self-petitioning by the victim

Work authorization and access to public benefits

Family derivatives eligible

U-visa
Eligibility:
1) A victim of crime (28 types)
2) Has complied with reasonable requests for assistance in the investigation or prosecution (or is under 18 years old)
3) Would suffer extreme hardship upon removal

Self-petitioning by the victim

Provides work authorization but NO access to public benefits

Family derivatives eligible
Training and Technical Assistance Resources

- Customized training and technical assistance
  - In-person conferences and trainings
  - Monthly webinars
  - Peer to peer mentoring
  - Phone/email consultation
- Regional Training Forums
- Human Trafficking Task Force trainings
- OVC Human Trafficking Task Force e-Guide
  www.ovcttac.gov/taskforceguide

www.ovcttac.gov
Training and Technical Assistance Resources

- HSI Victim Assistance Program
- FBI Office for Victim Assistance
- DOJ Civil Rights Division, Human Trafficking and Prosecution Unit
- Local Child Advocacy Center
- Local Sexual Assault Response Team
- National Children’s Advocacy Center
  - [www.nationalcac.org](http://www.nationalcac.org)
Questions?

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