



## **Law Enforcement Best Practice Manual For Fighting Against Trafficking of Human Beings**



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## **EXECUTIVE SUMMARY**

The Executive Summary is based on Manual's version agreed upon by the Project Review Group composed of Centre for Legal Resources, SECI Regional Centre and IOM delegates. Do not make any copies, in any possible way or format, without prior authorization from UNDP - Country Office Romania.  
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## **Background**

In the summer of 2001, representatives of the USAID programme in Romania held consultations with law enforcement officers, governmental and inter-governmental officials within the Balkan region on the subject of trafficking in human beings.

One of the prime concerns of the consultation process was to identify a method by which the ability of law enforcement officers and prosecutors to investigate human trafficking crime and to work and co-operate internationally with each other could be enhanced.

As a result of this process, the USAID programme invited the United Nations Development Programme office in Romania, that in close cooperation with the Romanian Ministry of Interior, to prepare a project to research and publish a regional law enforcement anti-trafficking manual for the use of law enforcement officers and prosecutors in the Balkan region.

The overall objective is as follows:

**'To create a practical, user friendly, multi-lingual regional manual of law enforcement best practice in the field of counter-trafficking that is based upon a commitment to a 'victim first' human rights philosophy'**

The manual contains three parts; the first part consists of five sections and forms the 'best practice' part of the guide; the second section consists of two sections and forms an 'easy-reference' review of relevant international and national legislation and procedures; part three consists of a short, country-by-country counter-trafficking briefing and contact directory of law enforcement and other multi-agency partners.

The national partners covered by this manual are:

**Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Federal Republic of Yugoslavia (including UN Administered Territory of Kosovo), Former Yugoslav Republic of Macedonia, Republic of Moldova, Romania, Slovenia, Turkey and Ukraine.**

### ***Scope of the Manual***

#### *Human Trafficking or People Smuggling?*

This manual deals with the subject of trafficking in human beings and it is vitally important for the reader to be able to make the distinction between trafficking in human beings and people smuggling.

Whilst there are many similar components within the two types of crime, the distinction is a simple one;

***Trafficking in human beings differs from people smuggling because the intention of the trafficker is to exploit the victim after the illegal entry has been accomplished - during the course of a long term, exploitative and coercive relationship, whereas, in the vast majority of cases, the smuggler's relationship with the victim normally concludes once the illegal entry has been achieved.***

In practical terms, the most important reason why it is vital to distinguish between the two concepts is the issue of the treatment of the victims. Smuggled victims are exploited by a combination of their own desire for economic improvement abroad and the presence and ability of criminal people smugglers to charge them exorbitant sums of money to achieve an illegal entry into the country of choice. In the most instances, the money has to be paid in advance and the relationship between the exploited victim and the smuggler terminates at the point of illegal entry.

For smuggled victims, there is no element of coercion or deception about the illegal objective of their relationship with the criminal smuggler; they are not likely to be physically or sexually abused or to be deprived of their liberty or freedom of movement; they are not likely to be ruthless exploited over a significant period of time in the sex industry of illegal labour markets or other illegal activity.

All or a combination of these factors will be the fate of trafficked victims and, as a consequence, they are extremely vulnerable individuals who have very acute and complex needs if they are to be rescued by law enforcement officers and helped towards eventual recovery by specialist support agencies.

#### *Trafficking for Sexual Exploitation*

Whilst victims are trafficked for a number of exploitative purposes, the principal focus of this manual will be placed upon trafficking for the purposes of sexual exploitation. The reason for this is simple; trafficking for sexual exploitation remains the single largest category of exploitative trafficking crime in South Eastern and Eastern Europe, as indeed it does throughout the world.

It not only makes sense to concentrate on this form of the crime because it is the largest sector but also because it provides the most complex challenges in respect of the victims of the crime. It is young women and girls that are the most prevalent type of victims and they require highly specialised responses from law enforcement officers and prosecutors.

Whilst the manual will focus on trafficking for sexual exploitation, the best practice advice contained herein can be applied to all the component forms of trafficking crime and the investigation and prosecution of those that commit it.

#### *Countries of Origin, Transit or Destination*

The modus operandi of trafficking crime will always usually involve the three phases of origin, transit and destination countries. The normal reaction when this factor is being considered is to make the assumption that the origin and transit phases will apply to South Eastern Europe and the destination phase refers to the countries of the European Union and beyond.

In fact, that assumption should not be made in relation to South Eastern Europe because each of the trafficking phases can be found in one or more of the thirteen countries covered by this manual. Moreover, experience shows that the situation is constantly evolving and that a country of transit today may become a country of destination tomorrow.

For these reasons, this manual provides best practice advice on each of the three phases because it may or will be relevant to investigators from across the region. The investigative focus is placed more on the destination phase in relation to sexual exploitation for the simple reason that more opportunities for effective pro-active investigation occur in the destination countries because this is where the cycle of exploitation is implemented and managed.

### *Female and Male Trafficked Victims*

Moreover, whilst this manual will focus upon the trafficking and sexual exploitation of women and girls, this does not mean that the advice cannot be applied to male victims, especially boys. The exploitation of boys within the sex industry, the illegal labour market and as criminal agents of adult exploiters is becoming established in the region and this best practice guidance can be equally applied to investigations involving them.

### *Investigation not Prosecution*

The manual is an *investigative* guide that can be utilised by law enforcement officers and prosecutors who are fulfilling an investigative role. The emphasis is deliberately placed upon the word 'investigative' because the guidance focuses solely on that function, irrespective of whether a police officer or prosecutor exercises it.

The scope of this manual is the investigation of trafficking crime up to the 'door of the courtroom'. Other than in the context of the use of trafficked victims as witnesses in criminal trial proceedings, the manual does not address the legal conduct of a criminal prosecution within the courts. The conduct of a trial is the highly technical business of trained prosecutors and cannot be incorporated within the scope of this investigator's guide.

### ***Limitations of the Manual***

#### *Regional Diversity*

From the beginning of the task, the manual has sought to achieve a number of competing objectives that have proved to be extremely challenging to reconcile.

The overall objective has been to prepare a concise, practical and user-friendly manual that contains 'best practice' principles and specific investigative advice on the subject of counter-trafficking investigations. It has been a question of attempting to balance the need to keep the size of the manual down to manageable proportions against the objective of setting out the key points of guidance that are relevant to investigators operating within the parameters of thirteen different criminal codes and procedures within thirteen different national jurisdictions.

The regional diversity of the legislation, procedure and investigative practice on the subject has meant that the advice has on many occasions had to be limited to broad principles and general points of ‘best practice’ advice. To attempt to go into more specific detail in some areas such as specific national procedures or the use of undercover tactics for example, would run the twin risks of creating potentially dangerous confusion and of producing a manual that was too large to be user-friendly.

#### *Range of Investigative Experience*

Another of the agreed objectives was to write the manual for a readership that, whilst possibly experienced in their own investigative fields, had no specific knowledge of trafficking crime or of the investigation of it. Indeed, experience has shown that there is a very limited range of knowledge amongst law enforcement agencies in many areas on this subject.

Here again, because of the anticipated scope of the potential readership and the differing levels of investigative skill and experience, the manual includes advice on many topics at a level that more experienced investigators might regard as patronising. This not the intention of the manual and the more experienced investigative readers are asked to take this into account.

#### *Selection of Options and Resource Restrictions*

The point to note is that the manual is ‘best practice’ guidance – based upon investigative experience to date and set out as a tool to aid the investigator. It is for each investigator to select those parts of it that are most applicable to the investigation that he or she is conducting.

The manual outlines strategic and tactical options and advice that should be considered when undertaking trafficking investigations. However, there will be many instances when the advice will neither be possible, applicable or appropriate. There are many possible reasons for this; legislative or procedural restrictions; a lack of resources or capability or simply the circumstances of the particular case under consideration.

The issue of investigative capacity and resources is particularly relevant in the context of South Eastern Europe and has been the source of much reflection in the preparation of this manual. The issue is this; it is a fact that human, investigative and technical resources are limited and that the region is still in the early stages of formulating and enacting its’ investigative response to trafficking.

It would normally follow from this that it makes little sense to set out detailed practical guidance that requires human and or technical resources that may currently be beyond the reach of one or more of the countries this manual is designed for. This would initially seem not only to be illogical but also to run the real risk of alienating the investigative reader who would understandably become frustrated at digesting tactical guidance that could not be implemented within his or her jurisdiction because of lack of resources.

However, this lack of resources does not inhibit the ability of the investigator in every respect and the resource issue will eventually be remedied in any event. Therefore, it does make sense to include for the reader the whole range of techniques and practices that are available and proven to work in this field so that the investigator can include them in the counter-trafficking response as and when he or she is able to do so.

There is a further dimension to this rationale; it makes sense to set out in this manual the whole range of investigative techniques and the tactical thinking behind them because it is now recognised that one of the critical strategies for combating trafficking is the development of joint international co-operation so that the investigative effort can reflect the international characteristics of the criminals. Consequently, it will be of assistance to investigators across the region to have an insight into the techniques being used by international colleagues and to be able to understand their methodologies.

#### *Assumption of Strict Legal and Ethical Compliance*

The manual includes a range of investigative options and tactics such as witness protection programmes, evidence recording formats, human and technical surveillance and the deployment of undercover techniques, all of which are normally strictly regulated by law.

- ***The manual is set out on the assumption that the implementation of all of these investigative tactics and options will always be in strict legal and ethical compliance with the laws and procedures that apply in the location in which the measures are being implemented***
- ***Failure to adhere in both the spirit and to the letter of the law will not only result in the collapse and ultimate failure of the counter-trafficking investigative strategy but will severely damage public confidence in the entire criminal justice system.***
- ***There can be no room for malpractice of any description.***

## **Section One** **The Critical Concepts**

This section of the manual reviews and discusses the following issues:

### **Human Risks**

- Murder
- Abduction
- Imprisonment
- Physical, sexual and psychological health
- 21<sup>st</sup> Century slavery

### **Strategic Risks**

Principal risks:

- De-stabilisation of existing sex and labour markets
- Growth and diversification of organised crime
- Economic de-stabilisation through growth of money laundering
- Demographic de-stabilisation
- Growth of public sector corruption
- De-stabilisation of economic inward investment

### **Two Critical Concepts**

- The victims of this type of crime are unlikely be available either as complainants or witnesses.
- It may never be possible to successfully investigate and prosecute the key players in any given network.

### **Trafficking Methodology – An overview**

#### **Three principal elements**

- Within the origin countries, a seemingly endless supply of victims remain available for exploitation
- Within the destination countries, constantly growing sex markets maintain a seemingly endless demand for the services of the victims
- Organised criminal networks have taken control of this economic ‘supply and demand’ situation to traffic and exploit the victims in order to generate enormous profits for themselves.

#### **Who are the victims?**

- Estimated 170,000 victims trafficked in Balkan region per year
- Series of push and pull factors within the economic framework of the crime
- Push factors: characterised by economic hardship, feminisation of poverty, lack of opportunity, gender and labour discrimination, domestic violence and conflict situations
- Pull factors: continuous demand and role of ethnic appearance – globalisation of crime

***Who are the traffickers?***

- Trafficking is mainly controlled and exploited by organised criminal groups.
- Includes smaller, groups that affiliate when it is mutually beneficial to do so - these groups may specialise in different links of the chain such as personal recruitment, transportation, brothel management etc.
- May be ethnically or nationally homogenous or multi-ethnic and national structures
- Traffickers inter-relate with other forms of organised crime such as drugs and weapons trafficking

***What are the crimes?***

- Murder
- Abduction
- Rape, sexual and physical violence
- Unlawful detention and enslavement
- ‘Pimping’ crimes
- Labour exploitation crime
- Production and possession of forged or false documents

***What is the modus operandi?***

The Recruitment Stage - Abduction, full or partial deception, debt bondage

Transportation Stage – aircraft, ferry, train, road and on foot – overtly or covertly – may or may not include a transit phase

Exploitation Stage:

- Immediate physical and or sexual abuse
- Seizure and retention of travel and identity documents
- Detention and constant supervision in the brothels and ‘safe houses’ without the possibility of normal social contact with others
- Constant moving of locations and personnel to prevent the victims from establishing any form of relationship with other victims or gaining detailed knowledge of the trafficking operation
- Placing them in fear of seeking police assistance
- The use or threats of physical and sexual violence towards them or their loved ones in their country of origin

***Counter-trafficking Legislation – an Overview***

*International Conventions*

*“United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.”*

*The Three Key Components of Palermo*

- **Activity** – recruitment, transfer, receipt of persons etc
- **Means** – use or threat of force, fraud, deception, or abuse of power etc
- **Exploitative purpose** – prostitution, forced labour etc.

## **Section Two**

### ***The Investigative Principles***

This section of the manual reviews and discusses the following issues:

#### ***General Investigative Principles***

The investigative options must reflect the geographical, structural and commercial components of:

- *Country of origin* – recruitment and export
- *Country of transit* – transportation
- *Country of destination* – reception and exploitation
- *Advertising* – as part of the recruitment or exploitation process
- *Renting of premises* – ‘safe houses’ and/or brothels
- *Transportation* – identity and travel documents – transit process
- *Communications* – organising the recruitment and exploitation
- *Financial transactions* – applicable to all of the above

#### ***The Investigative Options***

Three counter-trafficking investigative options:

- Re-active investigation – victim led
- Pro-active investigation – intelligence generated, police led
- Disruptive investigation – a multi-agency alternative option

#### ***Re-active Victim Led Investigative Option***

##### *‘Best practice’ principles*

The principles upon which this humanitarian approach is based are as follows:

- Genuine trafficked victims should be treated as victims of serious crime and must not be re-victimised and criminalised by law enforcement agencies
- That the safety of the victims and their families and loved ones is the paramount consideration at all times and the direct responsibility of the investigator
- That the investigator has a clear duty to conduct a continuous process of risk assessment in respect of the safety and welfare of the victims and their families at every stage of the investigative and judicial process and beyond.
- That the investigator has a clear duty to be open and honest at all times with the victims so that they are made fully aware of the issues, responsibilities and potential consequences and risks attached to any decision that they may be called upon to make.
- That the investigator has a clear duty to ensure that the victims are made fully aware of all available support measures and services that exist to help them overcome their ordeal and that the victims are enabled to establish initial contact with them.

### ***Pro-active investigative option***

*What is the pro-active option and why use it?*

- The investigation, arrest and successful prosecution of traffickers without having to rely upon the co-operation and testimony of the victims.

*The ‘Achilles Heel’ of the Traffickers*

- Traffickers cannot operate without advertising the availability of prostitute victims to potential buyers. This commercial imperative creates the ‘Achilles Heel’ of all traffickers and they cannot escape it.
- Provided an investigator knows where to look, the prostitution that is the basic foundation stone of the crime can always be identified and located
- If the clients can locate the prostitutes, so can the investigators and if you can locate the prostitution you can locate the traffickers.

### ***Parallel financial investigation***

*Critical importance because:*

- The crime itself is all about money; the initial investment to create the infrastructure and deliver the personnel to provide the prostitution; the on-going management of the proceeds of the prostitution and, finally, the laundering and movement of the profits.
- Trafficking for sexual exploitation is a crime that takes time to establish and develop – therefore it becomes a ‘lifestyle’ crime. Such lifestyle topics such as the mode of travel; expenditure on luxury items such as cars and jewellery; leisure activities such as restaurants and casinos etc all require means and methods of purchase.

*The ‘Golden Rules’:*

- Trace and follow the money to find the trafficker
- Investigators get double value from the same evidence
- The ability of law enforcement agencies to identify, investigate, sequester and confiscate the assets derived from trafficking sends a powerful and symbolic message to the criminals

### ***Disruptive Investigative Option***

*General principles*

- Where the level of risk to the victims demands an immediate response that precludes the pro-active option but may require an immediate intervention and disruption thereafter.
- Where the pro-active option is not viable for operational reasons, such as where geographical and/or topographical features make surveillance on target premises impracticable, or where it is impossible to achieve undercover penetration of the network.
- Where legislative, procedural or resource implications preclude the use of pro-active tactics

- Where the disruptive option provides a faster response to specific complaints from local residents or other interested groups.

*Key points*

- Disruption is simply that; it may temporarily relieve the situation - it does not provide a solution and will only displace the problem to another location.
- The key to success with the disruptive option is the use of creative and innovative multi-agency tactics to create so many daily problems as to make it virtually impossible for the traffickers to continue to operate in their current format and location.

**Section Three**  
***Intelligence Gathering and Exchange***  
**&**  
***International Co-operation***

This section of the manual reviews and discusses the following issues:

Realisation of the potential of law enforcement officers to combat trafficking by ensuring that:

- They are informed about trafficking crime
- Recognise suspected trafficked victims and traffickers when they see them
- Maximise their intelligence gathering capacity during their daily patrolling activity
- Know how to record, evaluate and disseminate the intelligence to colleagues

***Intelligence Gathering and Exchange***

***Methodology***

The intelligence gathering activity is based upon the premise that it would be virtually impossible to establish and manage an organised trafficking network without creating audit trails in one or more of the following areas:

- Advertisement
- Rentals
- Transportation
- Communications
- Financial transactions

***Philosophy***

- 'Intelligence is power'
- The better the quality of the intelligence gathered and exchanged, the greater the power.

***Type of intelligence that is required and how it can be obtained***

*Thematic Strategic Intelligence*

- Socio-economic
- Cultural
- Historical or linguistic
- Routes and profiling

*Tactical Intelligence*

- *Recruitment methods* – deceptive or abduction
- *Advertising mediums* – ‘word of mouth’, printed media, Internet
- *Forged identity documentation* - preparation and acquisition
- *False visa entitlements* - preparation and acquisition
- *Travel documents* - payment methods used and location of agents
- *Travel routes and means* – routes followed, mode of travel
- *‘Safe house’ accommodation* – location and provision
- *Means of exploitation* – brothels, red-light areas, ‘sweatshops’ etc
- *Means of communication* – email, mobile phones, fax machines etc
- *Financial intelligence* – transactions in respect of all of the above

***Intelligence Gathering – The Structural Basis***

- Marketing – ensure that everybody is aware of specialist squads
- Networking – develop the network of key partners and agencies
- Development and gathering of raw and in-depth intelligence

***Classification, evaluation and dissemination of intelligence***

- The source of the intelligence
- The intelligence itself
- The extent to which the intelligence can be disseminated
- Trafficking is an international crime and the intelligence gathering effort and the analysis of it should reflect this fact.

***How intelligence should be exchanged.***

Four categories arise here in both the national and international context:

- Law enforcement agencies and prosecution agencies
- Other relevant agencies such as Foreign Ministries and Immigration Services
- Inter-governmental and non-governmental organisations
- The Exchange of Intelligence with Inter-governmental and Non-governmental Organisations – Formal Protocols of Exchange

***International Co-operation***

*Philosophy*

- To successfully combat international organised crime, it is essential that law enforcement agencies co-operate with each other on the international stage
- It is crucial that investigators do not adopt a parochial approach to the investigation of international criminal operators
- The importance and value of joint operations is referred to below in this manual as a prime example of international co-operation.

The following international instruments of mutual legal assistance are the most relevant and applicable to the majority of the partner States to this manual:

- European Convention on Extradition (1957)
- Additional Protocol to the European Convention of Extradition (1975)
- European Convention on Mutual Legal Assistance in Criminal Matters (1959)
- Additional Protocol to the above Convention (1978)
- Second Additional Protocol to the above Convention (2001)

#### ***Different Forms of International Co-operation***

1. Extradition applications
2. The application for and execution of Letters of Request under the provisions of the various mutual legal assistance provisions to carry out activity such as search premises on warrant and seize evidence, interview witnesses, obtain documentary evidence etc.
3. Law enforcement agency to law enforcement agency requests to establish the existence or otherwise of evidential facts prior to the application for formal Letters of Request
4. Law enforcement agency to law enforcement agency requests for operational assistance such as surveillance, controlled deliveries, intercepts etc

#### ***Future Importance of Joint pro-active operations***

- Traffickers commit the crime in more than one jurisdiction and joint investigations reflect that situation.
- Joint operations allow for the collection of evidence in each of the jurisdictions involved in the crime.
- Whilst traffickers are more vulnerable whilst present in the countries of destination, they also tend to be surveillance conscious and more cautious in their activities whilst they are present in the destination country.
- They are often less concerned to conceal and protect themselves from investigation in the countries of origin or transit because they feel safer because they are distant from the exploitation phase
- Joint international operations mean that investigators in the origin, transit and destination countries can exploit these evidential opportunities and gather valuable corroborative evidence of the recruitment, transportation and exploitation phases of the crime.
- Joint pro-active operations increase the ability of law enforcement agencies to combat traffickers because they allow the investigators to agree in advance the overall strategy best suited to deliver the objective of convicting the suspects.
- This includes not only agreement as to where the main investigative effort is to be focused but also decisions as to the method of co-ordination, the tactics to be employed to collect the evidence, the offences being targeted and the best location for the prosecution that will arise from the investigation.

## **Section Four**

### ***The Victim and the Victim as a Witness***

This section of the manual reviews and discusses the following issues:

#### ***Key Points***

- Potentially, trafficked victims are the most valuable assets of the counter-trafficking response of the South Eastern European region.
- The challenge for the law enforcement response is to create the trust and conditions within which the victims can feel able to co-operate with the criminal justice system.

#### ***The Victim***

##### ***The initial response***

- All law enforcement officers have a clear duty to respond as soon as possible when a trafficked victim comes to notice or when a victim or third party informant provides intelligence or evidence concerning trafficking in women.
- The need for a response may be triggered in a number of ways:

##### ***Trafficked Victim or Offender?***

- International humanitarian principles and standards are quite specific that genuine trafficked victims should not be re-victimised and criminalised by the law enforcement process and this must be avoided wherever possible.

United Nations High Commissioner for Human Rights – Trafficking Principles:

##### ***The Primacy of Human Rights – Paragraph 3:***

- ‘Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those that have been trafficked, and of migrants, internally displaced persons, refugees and asylum seekers’.

##### ***Protection and Assistance – Paragraph 7***

- ‘Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons’.

#### ***The principles and process of continuous risk assessment***

- First principles and legal and humanitarian duty
- Categories of Victim
- The Risk Levels
- The Six Critical Questions
- The Victim’s Response

### ***The Victim as a Witness***

Issues addressed:

- Accessing the victims and reflection periods
- Victim agreement - structural best practice
- The obtaining of the evidence
- The next steps – planning
- Arresting the suspect
- Where victim allegations include non-historic sexual and/or physical assault, immediate forensic medical examination with her permission
- The current and on-going status of the victim in the country concerned
- Victim credibility and corroboration
- On-going security and witness protection issues
- On-going welfare needs such as accommodation, financial support and counselling
- The trial process and testimony
- Post-trial issues

### ***The Three Key Concerns for the Trafficked Victim***

- Her own personal safety and that of her family
- Where applicable, that her involvement in prostitution will not be disclosed to her family, the media or public at large during the course of or as a result of the criminal proceedings
- That she will not have to testify in the physical presence of the trafficker or be in the presence of him or his associates at any stage of the criminal investigation or criminal proceedings

### ***Obtaining the victim-witness's evidence***

#### ***The Philosophy and Principles***

The philosophy underlying the best practice in the treatment of the victim-witness is based upon three principles:

- The duty of the investigator is to treat the victim-witness sensitively and professionally and with full respect to her human rights.
- The objective of the investigator is to create the optimum conditions within which the victim can provide her evidence and give her testimony in a manner that minimises the inevitable trauma that the process will entail.
- The investigator should embrace this philosophy not only as a matter of humanitarian and professional duty but also because such treatment will maximise the potential of the victim to give her account during a trial process and thereby convict the perpetrators of her suffering.

#### ***General best practice points***

- Selection of the interviewer and the interview conditions
- The interview methodology
- The recording format - pseudonym statements and video recording
- Immunity from judicial disclosure
- Specific investigative points

- The two objectives of the interview:
- To use the facts to corroborate the victim's story and establish her credibility as a witness of truth.
- To use the evidence to identify, arrest and successfully prosecute the traffickers.
- Use and design of interview checklists
- *Activity* – recruitment, transportation, transfer, harbouring or receipt of persons
- *Means* – by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person
- *Exploitative purpose* – prostitution of others or other forms of sexual exploitation, forced labour, or services, slavery or practices similar to slavery, servitude or the removal of organs
- *Consent* - of crucial relevance under Article 3(b)
- *Age* - proof age in relation to being over or under eighteen years under the terms of Article 3(c) and (d).

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**Part A – The Full Story**

- Country of origin – recruitment and departure
- Country of transit – transportation
- Country of destination – reception and exploitation

**Part B – Specific detail**

Advertising, renting, transportation, communications & finance

**Part C – The abuse**

Physical, sexual and psychological Abuse

**Post Witness Interview - The Next Steps**

- Initial Case Conference and Planning
- Arresting the suspect(s) and securing the evidence
- The immediate investigative needs in relation to medical forensic evidence – investigator's responsibility and victim choice and consent
- The status of the victim in relation to any disclosed offences she may have committed or temporary residency status in the case of a foreign victim
- The direction of the preliminary investigation – corroborative evidence etc
- Medical examinations by IGO-NGO shelter staff
- Medical authorities and reports
- Transparency and documentation

**Victim credibility and corroboration**

- Tracking the story back
- Identifying the factual corroboration
- Physical corroboration
- Descriptive corroboration – photographic exhibiting

- Documentary corroboration – primary sources
- Documentary corroboration – secondary sources
- Miscellaneous sources of corroboration
- Multi-agency sourcing for corroboration

***Witness protection and on-going security issues***

- Two types of Witness Protection
- Basic principles
- Strategic Consequences of Failure to Provide Protective Measures
- Personal responsibility of the victim
- Composite Schemes

***Other victim-witness best practice points***

- Continuity - the Specially Assigned Investigator
- Records of Contact
- Integrity Issues

***Trial process and 'live' testimony***

- Options for provision of testimony – live, screened, video link – defendant removed etc.

***Other Victim Support Measures***

- Pre-trial court visits
- Court escorts
- Court entry system and privacy
- Refreshing the memory
- Post-trial issues – safety and residency issues

**Section Five**  
**Specialist Investigative Techniques**

This section of the manual reviews and discusses the following issues:

***Pro-active investigation – intelligence led***

***The Pre-arrest Phase - Getting Started - Objective***

- The objective is to use the most effective and lawful range of pro-active investigative techniques in order to secure sufficient, sustainable evidence to arrest and successfully prosecute the trafficker, and, where possible, to identify, sequestrate and confiscate his assets.

***The Co-ordination, Planning and Management of Pro-Active Operations***

- Law enforcement and prosecution agencies to co-ordinate and co-operate with each other from the start of pro-active operations and consider the following points:
- Operational objective
- Strategy and tactics that are going to be used to deliver the objective
- Risk assessment in respect of the victim(s)

- Risk assessment in respect of the operation
- The risk management plan
- Final Go-Ahead and Continuity of Review
- Decision logging

### ***Implementation of the Pro-active tactics***

#### ***Five Areas of Continuous Enquiry***

- Advertising
- Rental of premises
- Transportation
- Communications
- Financial transactions

### ***Specific evidence gathering techniques***

#### ***Step-by-Step Approach***

- Step One – Static Surveillance - Key Evidential Points
- Step two – static and mobile surveillance - Key Evidential Points
- Step Three – mobile surveillance on the main suspects – key evidential points

#### ***Surveillance corroboration***

- *Surveillance Corroboration - Sources*
- *Video recording of the surveillance operation*
- *Local authority or commercial CCTV systems located in the street*
- *Internal CCTV systems*
- *Documentary corroboration*

#### ***Other pre-arrest evidence gathering techniques***

- Intrusive technical surveillance
- The deployment of undercover and ‘test purchase’ resources
- The use of undercover officers who are specifically tasked to penetrate the criminal conspiracy
- The use of test purchase undercover officers tasked to establish the availability of certain evidential categories.
- In every instance, the overriding issue and overarching responsibility of the investigator in charge of the deployment is one of safety.
- Controlled payments – cash, cheques and credit cards
- Controlled deliveries

#### ***The Arrest Phase***

- Timing
- Objectives:
- Co-ordination Factors
- Resources
- Evidential importance of the ‘minor players’
- The Arrest Operation – tactical points of best practice
- Search and seizure
- The Golden Rule

- Video or photographic filming
- Evidential items sought
- Keys and seizure of computers and IT equipment

### ***The Interrogation of the Suspects***

- Interrogation Structure
- Phase One – Evidential Administration
- Phase Two – History and General Outline
- Phase Three – Specific Detailed Questioning

### ***The Post Arrest Phase Enquiries***

#### ***Objective:***

- Adduce evidence that will support the prosecution of the suspect(s) for any of the relevant offences: trafficking, physical and sexual abuse, living on the earnings of prostitution, the facilitation of illegal immigration, production and possession of forged or stolen documents

Three primary source areas for this evidence:

- Evidence gathered during the pre-arrest surveillance phase and undercover deployments
- Documentary and other exhibits obtained during the pre-arrest and arrest phases of the operation
- Information provided by the victims or suspects during their interviews.

Evidence within the five core components of the crime:

- Advertisement, rental, transportation, communication and financial transaction.
- The objective is to independently corroborate as much of the evidence as possible in order to construct an unassailable case against the traffickers.

### ***Post Arrest Evidential Sources***

- Advertisements
- Rentals
- Transportation
- Identification documents
- Travel documents
- Communications
- Financial transactions

## ***Section Six***

### ***Non-arrest, disruptive or dissuasive investigation methods***

This section of the manual reviews and discusses the following points:

#### ***Key factors associated with the disruptive option:***

- It will not provide a solution to trafficking crime
- It will not result in the conviction and imprisonment of the traffickers
- It will probably only result in the displacement of the problem to another location

***The Multi-agency approach - objective***

- The objective is to analyse the intelligence so as to target the disruptive tactics at the weakest points in the trafficking structure where they are likely to be most effective and then select the agencies best placed to carry out the disruption.
- Multi-Agency Partners
- Best Practice Points
- Focus of Disruption Activity
- Advertising
- Rentals
- Transportation

***Other disruptive measures***

- Overt police activity
- Education and Awareness-Raising Campaigns