

1. Trafficking Modus Operandi (1.3.5).

2. Counter-Trafficking Legislation – International Conventions (1.4.1 and 1.4.2).

3. Reactive Victim Led Investigative Option – Best Practice Principles (2.3.1)

4. Pro-active Option – What is it and why use it and the ‘Achilles Heel’. (2.4.1 and 2.4.2).

5. Parallel Financial Investigation – Importance and benefits (2.5.1 to 2.5.3).

6. Child Victims of Trafficking (3.2.1).

7. Trafficked Victim or Offender (3.4.1 to 3.4.5).

8. Principles and Process of Risk Assessment (3.5; 3.5.1).

9. Access to Shelter Victims – Procedure at meetings (3.12.3(ii) to 3.12.3(v)).

10. *The Interview Conditions and the Interviewer (3.15.3).*

11. *The Interview Methodology (3.15.4).*

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14. *Current and On-going status of the Victim (3.19; 3,19,1 and 3.19.2).*

15. *Victim Credibility and Corroboration (3.20; 3,20.1 to 3.20.6).*

16. *Victim-Witness in IGO-NGO Shelter – Immediate Risk Assessment (3.21.11)*

17. *Protocol Agreements between CTUs and IGO-NGO Shelters (3.21.12)*

18. *Other Victim Support Measures (3.24.1 to 3.24.4).*

19. *Post Trial Issues (3.25; 3.25.1 to 3.25.4).*

20. What type of intelligence is required (4.4.1 to 4.4.3).

21. The Exchange of Intelligence with IGO and NGOs and Formal Protocols of Exchange (4.9.1; 4.9.2).

22. Mutual Legal Assistance – Letters of Request – Best Practice Points (5.3; 5.3.1)

23. Joint Pro-Active Operations – Best Practice – Golden Rules (5.5; 5.5.1 to 5.5.2)

24. Pro-Active Operations – Pre-arrest phase – getting started (6.3; 6.3.1 to 6.3.3).

25. Step Three – Mobile surveillance on the main suspects and surveillance corroboration (6.5.9 to 6.5.12).

26. The Deployment of Undercover and Test Purchase resources – best practice points and method of recording the evidence (6.8; 6.8.1 to 6.8.2).

27. Controlled Deliveries (6.9; 6.9.1 to 6.9.5).

28. The Arrest Phase – Co-ordination Factors (6.10; 6.10.1. to 6.10.3).

29. Search and Seizure (6.12; 6.12.1. to 6.12.4).

30. Post Arrest Enquiries (6.14; 6.14.1. to 6.14.2).

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Presentation Topics

Key content points for the assessors.

1. Trafficking Modus Operandi (1.3.5).

Key Points:

Recruitment phase – abduction; recruiting via the media or personal contacts; role or partial or full deception and debt bondage

Transportation phase – means of carriage; overt or covert entry; legal and illegal; possibility of no transit country in the transportation phase; key Balkan routes; role of false documentation

Exploitation phase – venues; working conditions; control mechanisms

2. Counter-Trafficking Legislation – International Conventions (1.4.1 and 1.4.2).

Key points:

Palermo Protocol as part of the Trans-national Organised Crime Convention
Article 2 and 3 of Palermo; three key components of activity – means – purpose

Convention on the Rights of a Child – Articles 1 and 2

3. Reactive Victim Led Investigative Option – Best Practice Principles (2.3.1)

Key Points:

All of the below are the direct responsibility of the investigator.

No re-victimisation or criminalisation; need to identify trafficked victims; safety of victim and family is paramount; continuous risk assessment at every stage of investigative and judicial process and beyond; openness and honesty at all times; informed as to available support opportunities and provided with access facilities

4. Pro-active Option – What is it and why use it and the ‘Achilles Heel’. (2.4.1 and 2.4.2).

Key points:

Victim free prosecution; combination of intelligence, intrusive human and technical surveillance and basic investigation; acknowledgement of reality and confronts ‘to do nothing is not an option; resource expensive but justified by the gravity of the crime; Achilles Heel exploits the geographic and commercial

imperatives of the crime of the need to market the product – if the client can find the victim so can the police - find the victim – find the trafficker

5. *Parallel Financial Investigation – Importance and benefits (2.5.1 to 2.5.3).*

Key points:

Crime is about money and lifestyle; track the money to find the trafficker; co-ordination with pro-active, pre-arrest phase; double value from same evidence; symbolism of successful confiscation

6. *Child Victims of Trafficking (3.2.1).*

Key points:

Acute vulnerability of children; vulnerability creates additional responsibilities; provisions of Article 6 of Palermo; Article 8 of Convention on Rights of a Child; Principle 10 of UNHCHR Principles and Guidelines

7. *Trafficked Victim or Offender (3.4.1 to 3.4.5).*

Key Points:

International Standards; UNHCHR Principles and Guidelines 1, 2, 6 and 8; need for proper identification; dilemma between enforcing the protection of borders versus criminalisation of victims; solution in timing of determination; accept claim at 'face value'; difficulties faced if victim says nothing; humanitarian approach

8. *Principles and Process of Risk Assessment (3.5; 3.5.1).*

Key Points:

Continuous and applicable to all investigative options; principles – humanitarian and legal duty – existing and potential victims; conducted as soon as possible and then continuous; categories of current, outstanding and potential victims; existing level of risk and additional risks subject to police reaction; six critical questions as per 3.5.1(iii).

9. *Access to Shelter Victims – Procedure at meetings (3.12.3(ii) to 3.12.3(v).*

Key points;

Plain clothes; neutral venue; counsellor present; victim not identified; verbal and written explanation of conditions of co-operation with criminal justice system; core points as per 3.12.3(iii); complete honesty; information to the victim of disclosure to the defendant; concluding remarks and warning re delay in decision making

10. The Interview Conditions and the Interviewer (3.15.3).

Key points:

Empathy and rapport; counsellor present; professional and non-judgemental; not over familiar; correct language; no profanity; same gender; sound knowledge; continuity; informal surroundings; independent counsellor for children as legal requirement; fine detail; break every two hours as a minimum; consider the trauma; psychological advice if available.

11. The Interview Methodology (3.15.4).

Key points:

Sequential and logical; challenging task; use of trigger notes; impact of prejudice and chauvinism; prostitutes incapable of the truth creates need for corroboration; fine detail; laborious process; explain the purpose; necessity for complete truth; explanation of rigorous investigation and examination; chronology; important dates

12. Video recorded evidence (3.16.7).

Key points:

Depends upon jurisdiction; quicker process; more natural in own words; reduces stress on victim and interviewer; may be possible to substitute video for testimony; focus only on victim, no other faces on camera; risk of only one opportunity; record the trigger questions; inform victim that tape will go to the defendant; still consider pseudonym identity to prevent media disclosure; warn witnesses not to disclose personal data or habits on the tape; security of tapes and any copies.

13. Immediate forensic medical examination – Investigator's responsibility (3.18.3 to 3.18.7).

Key points:

Historic or recent abuse; prostitution activities may negate value of examination but must still be assessed; choice of the victim and written consent; choice if available; written consent for access to medical records; need for experienced examiner; directed to evidence of abuse; photographed and recorded; risk of cross-contamination; victims and suspects not in the same vehicles or rooms; no assumption of access to IGO-NGO medical examination history; create all reports and consents in any chosen pseudonym.

14. Current and On-going status of the Victim (3.19; 3.19.1 and 3.19.2).

Key points:

Status as a possible offender as an illegal migrant – committed as part of the trafficking process; status as a temporary resident; issues must be resolved; malicious defence allegations of collusion for testimony; early and transparent liaison with the prosecutor and immigration services; appropriateness of no further action in respect of such crimes; compliance with UNHCHR Principles and Guidelines; full documentation of the decisions taken and the reasoning; remember the need for pseudonym identity use.

15. Victim Credibility and Corroboration (3.20; 3,20.1 to 3.20.6).

Key points:

Establish credibility as a witness of truth; rebut common prejudice that prostitutes are incapable of telling the truth; independent corroboration of the facts in the deposition; track the story backwards; identify the factual corroborative opportunities; physical corroboration – marks, scars etc; descriptive corroboration – photography etc; primary documentary sources – diaries, tickets, adverts etc; secondary documentary corroboration – in countries of origin, transit and destination

16. Victim-Witness in IGO-NGO Shelter – Immediate Risk Assessment (3.21.11)

Key points:

Increase in risk assessment victim agrees to become a witness; more complex process because shelter residents and staff come into the equation; notification from shelter to CTU of preparedness of a victim to become a witness should trigger immediate risk assessment review; within 24 hours between CTU and Shelter Manager; generic risks; specific risks in respect of the victim-witness and the suspects; level of risk to other residents, staff etc; review of measures; re-location – physical guarding – can victim be allowed to continue to co-operate.

17. Protocol Agreements between CTUs and IGO-NGO Shelters (3.21.12)

Key Points:

Need for clarity in understanding of competing responsibilities; signed mutual agreements; point of tension between NGOs and law enforcement; points of basic agreement and the steps to be taken by each side as set out in the module.

18. Other Victim Support Measures (3.24.1 to 3.24.4).

Key points:

Pre-trial court visits; accompanied by counsellor; court escorts; recognition of the stress on the victim; range of her fears; need for reassurance; pre-agreed collection points; defence lawyers tactics; information to the victim; continuity of support officers and risk of allegation; court entry system – separate entrance and private waiting room; removes risk of media; location at nearby café etc; refreshing the memory of large amount of data - if allowed under the rules.

19. Post Trial Issues (3.25; 3.25.1 to 3.25.4).

Key points:

Investigator's responsibility does not terminate at the conclusion of the trial; increased risk factors; need for risk assessment; strategic dimension of failing to protect co-operating victims; extension of security provisions; victim's wishes; repatriation of foreign witnesses; two conditions; wishes to and or safe to do so; access to leave to remain in country if risk assessment is high; investigator's duty to assist in this process; victim de-brief – value for law enforcement

20. What type of intelligence is required (4.4.1 to 4.4.3).

Key points:

Thematic intelligence; socio-economic; cultural; historical or linguistic; routes and profiling; tactical intelligence; recruitment; advertising; documentation; travel routes and means; accommodation; communication; exploitation; financial intelligence; subscribers details; ownership or rental agreements; financial transactions etc.

21. The Exchange of Intelligence with IGO and NGOs and Formal Protocols of Exchange (4.9.1; 4.9.2).

Key Points:

Fundamental need for multi-agency co-operation; common goals and logic to exchange; natural tensions in the relationship; risks to either side; acceptance of the 'quid pro quo'; need to create an exchange mechanism that meets the concerns of both sides; formal protocols; general statement of purpose; clarity of roles and responsibilities; compliance with data protection requirements; appointed post-holders in each side; review mechanisms; thematic and specific exchange; only with written agreement of the victim; no exchange of personal data without express permission of the victim; preparation of victim proforma.

22. Mutual Legal Assistance – Letters of Request – Best Practice Points (5.3; 5.3.1)

Key Points:

Definition; pan-European and bi-lateral agreements; complexity and need for best practice; identify the objectives; plan ahead; establish early liaison with relevant experts; case-by-case approach; incorporate as much detail as possible; avoid the need for supplementary requests; be aware of potential limitations; awareness of consequences of non-compliance – immediate consultation with relevant experts

23. Joint Pro-Active Operations – Best Practice – Golden Rules (5.5; 5.5.1 to 5.5.2)

Key points:

List of the logic points behind this option; reflects geography and structure of the crime; evidential collection; vulnerability; law enforcement sets the agenda; flexibility of the option; identify secure counterpart; operational security risks; capacity of the counterpart; legal provisions available for extradition and mutual legal assistance; strategy and tactics identified and agreed; review mechanism; communications; close co-ordination from the outset; pre-operational meetings with the prosecutor; early liaison with counterparts; liaison before action; value of liaison officers

24. Pro-Active Operations – Pre-arrest phase – getting started (6.3; 6.3.1 to 6.3.3).

Key Points:

Secure conviction and confiscation; close co-ordination and co-operation between investigators and prosecutors from the outset; consultation and planning; logic of co-operation; supervisory role of the prosecutor; complex, resource intensive operations; complementary skills; full and frank review of options and plans

25. Step Three – Mobile surveillance on the main suspects and surveillance corroboration (6.5.9 to 6.5.12).

Key Points:

Establish lifestyle; suspects do not work or have legitimate forms of income; spending money in excess of any legitimate source; prompt the question 'where does the money come from?'; association between suspects and victims; presence at key premises and venues; need for corroboration; risk of compromise; sources; video recording; CCTV; documentary sources

26. The Deployment of Undercover and Test Purchase resources – best practice points and method of recording the evidence (6.8; 6.8.1 to 6.8.2).

Key points:

Safety is overarching responsibility of investigator in charge; cannot eliminate risk entirely; dangerous technique; need for experienced officers; two forms of use – penetration of organisation and availability of service; review of objectives; does officer and supervisor possess requisite level of skill and experience; introduction structure; operational area and instructions; jurisdiction; method of recording the evidence; risks and management plan; who has overall responsibility for the undercover operation; range of recording methods; safety remains paramount

27. *Controlled Deliveries (6.9; 6.9.1 to 6.9.5).*

Key Points:

Complex and sensitive; value of the tactic; acute risks and risk assessment; risk of losing control of the controlled delivery; if risks cannot be managed, no delivery; value of intervention point and flexibility of option; need for legality; compliance in each jurisdiction; full risk management plan; all foreseeable contingencies; liaison with all concerned agencies subject to security risks; full records; separate process for each delivery; need for corroboration; CCTV; ANPR; route pointers; documentary corroboration; carriers and airline systems; issue of speed of retrieval

28. *The Arrest Phase – Co-ordination Factors (6.10; 6.10.1. to 6.10.3).*

Key Points:

Timing once sufficient evidence is available to justify the action; need for immediate response plan following compromise; simultaneous arrest of as many suspects as possible; effect rescue of as many victims as possible; to secure best possible evidence; co-ordinate with controlled delivery, TP deployment or undercover deployment; with movements of known main suspects and victims; co-ordinate with international partners; select the optimum time; resources – interpreters; cameramen; specialist search; forensics; technical support; sufficient numbers to control the operation.

29. *Search and Seizure (6.12; 6.12.1. to 6.12.4).*

Key points:

Critical importance of professional search and seizure; seize everything – can always give it back later; allow sufficient time for thorough searching; include addresses of minor players; value and use of filming the process; corroboration, proof of conduct of officers; filming of specific seizures and questions; evidential items sought; documents, cash and transactions; payment records; travel documents; passports, visa, contracts; management of prostitution and premises; communication equipment; items of expenditure.

30. *Post Arrest Enquiries (6.14; 6.14.1. to 6.14.2).*

Key points:

Objective is support the prosecution; part of the Al Capone theory; three primary sources; pre-arrest evidence; evidence seized during the pre-arrest and arrest phase; evidence obtained from suspect and victim interviews; advertising, rentals; transportation; communications and financial transactions; objective to obtain independent corroboration to construct unassailable case; sources in the five categories above.