

METHODS OF LAW ENFORCEMENT COOPERATION



Tool 4.7 International law enforcement cooperation

Overview

This tool discusses aspects of international law enforcement cooperation:

- *Channels of law enforcement cooperation*
- *Direct bilateral or multilateral contact*
- *Cooperation on information-sharing*
- *Expanding contacts between investigators*
- *Cooperation during investigations*

Investigations of human trafficking networks and offences can be quite complex, particularly given that they must often be conducted across borders. Ensuring effective cooperation between law enforcement agencies in different States must therefore be part of any strategy to address the problem of human trafficking.

Channels of law enforcement cooperation

In the majority of jurisdictions, it is possible to rely on two channels of international law enforcement cooperation:

- International cooperation involving operational police assistance prior to any judicial proceedings being in place. In these instances, the necessary arrangements can usually be made between the relevant police agencies without reference to mutual legal assistance laws.
- International cooperation based upon formal “letters of request” made after judicial proceedings have been commenced or where an official investigation is under way.

With regard to the first channel, it may be necessary to understand who has the authority to consider the request that is being made and to authorize the activity required to provide assistance, e.g. the deployment of surveillance resources or use of interception techniques. It may or may not be within the authority of the head of the relevant investigative unit to authorize such activity. In many instances, the activity may still require the consent of the relevant prosecutor or examining magistrate.

As far as the second channel is concerned, the request may address the need for a warrant to enter and search premises or the desire to interview witnesses, secure and exhibit documents or interview a prisoner. In this type of case, the procedure is regulated by the letter of request system.

Direct bilateral or multilateral contacts

In many jurisdictions, direct contacts between investigators are not encouraged or even permitted. This is often because of a desire to centralize and standardize the response through a central point, usually located within some form of national criminal intelligence agency.

Direct bilateral or multilateral contacts between investigators allow them to speak directly to colleagues who are engaged in the same type of work. Such contacts allow for the conduct of enquiries in real time and enable the investigator to establish the existence of facts before seeking formal access to evidence by way of letters of request.

However, there are also some potential drawbacks to this approach. Jurisdictional breaches of procedure can occur, other operations may inadvertently be compromised by an informal request and the ability of the agencies concerned to identify some broader crime patterns may be diminished.

In the case of particularly urgent enquiries or requests, law enforcement contacts can be established through the normal INTERPOL channels. Urgent cases are generally those where there is serious risk:

- To the safety of an existing or potential victim or that person's family
- That the suspect(s) will escape justice
- That vital evidence will be irretrievably lost
- That the ability to identify and sequester criminal assets will be irretrievably compromised

In each such case, the requesting investigator would have to be able to demonstrate to the INTERPOL National Central Bureau staff why any of the risks listed above were present. In these cases, the enquiries or requests would be recorded and disseminated in the normal way.

Cooperation on information-sharing

Collecting, exchanging and analysing information on organized criminal networks is a fruitful approach to addressing trafficking in persons. Article 10 of the Trafficking in Persons Protocol lays down the general obligation to cooperate with other States parties, which requires the sharing of information about a range of relevant matters, including:

- Identification of possible victims and/or traffickers in transit
- Information about the various means used by offenders, including the misuse of travel or identity documents

As with similar elements of the Organized Crime Convention (art. 28), the sharing of information raises some concerns about confidentiality. The obligation to share is limited to such sharing as is in accordance with domestic law. States that receive information are obliged to comply with any restrictions placed on the use of the information by the sending State party. Generally, this may include both restrictions on the cases or types of case in which the information could be used as evidence, and more general restrictions intended to prevent disclosure to the public or potential criminal suspects.

To initiate the process of information-sharing, law enforcement agencies should find relevant partners in other States and start joint analytical projects on the criminal groups involved in trafficking. This is a good way to build trust between law enforcement agencies that may have little experience in working together. By exchanging targeted information within a predetermined time frame and then attempting to identify criminal groups that can be the object of more focused intelligence exchange or investigative measures, law enforcement agencies can work to unravel criminal networks while building up contacts and increasing the level of mutual trust. A key recommendation is to limit the scope of the project at the start and gradually increase the scope of the information gathering and analysis as cooperation develops. When results start appearing, it will be time for discussions on future responsibilities and division of work.

Expanding contacts between investigators

States must take steps to allow their law enforcement officers to communicate with and meet partners in other States. Several international, regional or multilateral organizations are now putting a strong focus on trafficking crimes and are bringing together practitioners to discuss common problems.

At the global level, INTERPOL has established the Expert Working Group on Trafficking in Women for Sexual Exploitation. This group is open to law enforcement representatives from any of the 186 member States of INTERPOL. The aim of the group is to promote law enforcement cooperation, raise awareness and develop best practices concerning crimes linked to trafficking in women for sexual exploitation. During meetings of the group, attended by participants from around 50 States, presentations are given on specific cases being investigated and on recent developments concerning legislation, victim protection and police methods. Valuable contacts between investigators are established through the work of the group.

The European Police Office (Europol) and other law enforcement agencies also organize meetings to discuss trends in and methods of trafficking. It is in the interests of States to ensure that they are represented at relevant meetings.

Cooperation during investigations

The need for assistance from law enforcement agencies in other States arises in the majority of investigations into trafficking in persons. There is frequently a need to identify and take evidence from victims living or staying in other States or to gather information to verify and support statements taken from witnesses. Conditions must, therefore, be generated that allow investigators to take a broad approach to trafficking investigations, using all possible ways of gaining assistance from other States. Investigators must be encouraged to develop contacts with other States.

Requests for assistance can always be channelled through the INTERPOL communications system. The 186 member States of INTERPOL are linked through their National Central Bureaux. These departments are set up in each State to serve as the permanent focal point for international police cooperation. Local law enforcement agencies pass their requests to their Bureau, which transmits them in a secure and rapid way to the relevant State.

Requests for cooperation in trafficking cases can concern all aspects of the crime, typically the identity, whereabouts and activities of persons involved as suspects, victims or witnesses. Specific requests might concern checks on vehicles, telephone numbers, addresses and passports or other documents used by persons involved. The results of such information exchange can lay the foundation for later formal requests for legal assistance.



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Promising practice

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The INTERPOL “I-24/7” global communications system is a promising cooperative practice. For more information about this and other initiatives, see Tool 4.10.