

INVESTIGATION OF TRAFFICKING IN PERSONS



Tool 5.1 Overview of challenges in investigating human trafficking

Overview

This tool summarizes a recent article written about the challenges of investigating human trafficking in the United States and the need for effective investigation to secure successful prosecution.

An effective law enforcement response to trafficking is not limited merely to the application of law in individual cases, but has relevance to all dimensions of the complicated facets of trafficking. Effective law enforcement response also depends on the participation of all levels of society, from local communities and non-governmental organizations to migration officials and prosecutors.

“Investigating human trafficking: challenges, lessons learned and best practices”

by **Kevin Bales and Steven Lize**

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(United States Department of Justice, Federal Bureau of Investigation)

In the context of the United States, the authors considered the question: “How can investigations and subsequent prosecutions of traffickers be effectively increased?” Their key findings and recommendations are of value to investigators of human trafficking everywhere.

General considerations

- Initial actions taken in investigation are crucial to the ultimate success of prosecutions.
- Human trafficking investigations require careful treatment of victims and witnesses, upon whose testimony the prosecution depends.
- The process of interviewing the victim, collecting corroborating evidence and investigating perpetrators is more effective when the victim has continued presence in the country and accesses care and protection from a service provider as early in the process as possible.
- Successful law enforcement intervention requires rapid, sustained response. After initial interviews of suspected victims, witnesses and where possible, perpetrators, investigators begin collecting information and corroborating evidence to build the charges and the case.

Victim and witness cooperation

- The most successful results involve agents with experience in human trafficking cases, who show more sensitivity to victims and their needs, and are aware of other sources of information to corroborate evidence.
- Gaining the cooperation of victims as witnesses can be challenging. Often, because of their distrust of police in their home countries, trafficking survivors fear law enforcement agencies and are concerned that they will be treated as criminals, incarcerated or deported. These fears must be overcome in order for victims to become cooperating witnesses.
- Human trafficking survivors often do not identify themselves as victims. Law enforcement agents may therefore have difficulty in identifying victims among detainees and separating them from perpetrators.
- Investigators and prosecutors can gain the trust and cooperation of victims and witnesses by showing compassion and making them feel comfortable.

Agency roles and challenges

- Human trafficking investigation requires cooperation among many agencies. Investigators must consider their questioning strategy to elicit information about captivity, forced work, coerced sexual acts and abuse by perpetrators.
- Investigators may consider working closely with prosecutors to secure corroborating testimony from trafficking victims and witnesses, and consult with specialist NGOs that provide services and advocacy to trafficked persons. Other agencies, such as those dealing with labour, can assist law enforcers in the process of investigating and prosecuting.

Evidence collection

- Where investigators know where to look, they can gather evidence and locate victims and perpetrators. Traffickers use ordinary methods of commerce for activities in support of their crimes; reviewing records can provide valuable evidence. Other investigative methods such as surveillance, analysis of trash and correspondence, undercover operations and reviews of wire transfer records (if applicable), can also reveal pertinent information.
- Investigators are often required to work in settings unfamiliar to them and in communities which distrust law enforcement authorities (such as ethnic neighbourhoods which are socially and culturally difficult for investigators to access). Organizations experienced in working with law enforcement agencies can be an important resource during investigations in settings where trafficking occurs. The nature of these crimes requires appropriate social and cultural orientation to effectively gather criminal intelligence and arrest perpetrators. Ethnic community groups, immigrants' and workers' rights NGOs can assist in gaining access to culturally insulated communities. Law enforcement agencies should seek only the assistance of organizations with a proven record of assisting trafficking victims and collaborating with investigating authorities.

Interviewing considerations

- Investigators should work together when interviewing victims and witnesses to avoid having multiple interviews on record with conflicting information.

- Even when an interview has established trust with victims and witnesses, they may never provide a full account in a single interview. Aside from the trauma they have suffered, other sociological and psychological barriers impede the process, including socio-cultural differences, language and gender.
- Gender issues significantly affect the interviewer's capacity to obtain information. Trafficked women and children frequently suffer sexual abuse and violence and may be reluctant to seek assistance because of the shame and stigmatization which may flow from disclosing their experiences. Men, particularly those from a culture with a traditional view of masculinity, may not want to admit their victimization because they fear that their disclosure of losing control of their lives may lead to perceptions of diminished masculinity. For these reasons, men and women may perhaps be more willing to talk to law enforcement personnel and service providers of the same gender.
- Investigators who are fluent in the language of the person they are interviewing and have cultural affinity with the person may have more success.



The full article is available at:

www.fbi.gov/publications/leb/2007/april2007/april2007leb.htm#page_24