



Tool 5.3 Reactive investigation

Overview

This tool introduces readers to reactive, victim-led investigations instigated as a result of a complaint from one or more victims.

A reactive investigation is often necessary, even if it does not always lead to a successful action in terms of the arrest and prosecution of offenders. In such cases, the need for an immediate intervention to protect the victims may afford little time to implement a proactive investigation to obtain independent evidence. The result is often that the investigators will be left with suspects but no viable evidence upon which to prosecute them.



Reactive investigations are triggered by victims' complaints.

In all cases where victims come to the attention of a law enforcement agency, the following responses may be applicable:

- Immediate intervention against the traffickers in order to rescue other victims and/or to prevent further potential victims from being entrapped and/or to secure evidence that may otherwise be lost
- Utilization of the intelligence or statement of the victim or third party as the basis for developing and conducting a proactive or disruptive investigation into the traffickers
- Utilization of the intelligence or statement as the basis for an in-depth, intelligence-gathering operation concerning the traffickers

Where the assessment of risks for the victims clearly indicates the need for immediate intervention, it is necessary to take prompt action.

Where the level of risk to remaining victims or the need to secure vital evidence demands an immediate intervention, the case must move to the arrest phase, where the following guidelines should be followed:

- Every suspect against whom there is sufficient evidence to justify the action should be arrested, no matter how minor or peripheral his or her role. The reason for this recommendation is that experience has shown that if arrest is delayed the major players in any network will often be warned and will take full precautionary measures to conceal their part in the crime. They will be extremely unlikely to retain possession of any incriminating documentation and are likely to remain silent throughout any interview process.

- There will always be a possibility in this type of case that an arrest will need to be implemented at very short notice, for example, following compromise of the surveillance or undercover officers or a sudden increase in the risk level to the victims. Therefore, it is advisable to have a skeleton arrest plan prepared and ready to be implemented from an early stage of an operation, a plan that can then be refined as the operation progresses.
- The arrest phase should be timed and coordinated so as to maximize the opportunity simultaneously to arrest as many of the suspects as possible and to rescue as many victims as possible. In addition, the objective is to execute the plan at a time that will offer the best prospect of securing further evidence as the arrests are made.

Where the intervention requires and time permits the raid of a premises, detailed planning of the raid should be carried out. It is worth considering deploying an undercover officer before launching the raid and proceeding with the arrest of the suspects. This will provide the opportunity for a reconnaissance of the premises to estimate the number of persons present and the layout of the premises, such as means of entry, the presence of reinforced doors or the number of rooms. The risks posed by the arrest operation and the resources required to overcome them can then be properly assessed.

For a variety of reasons, reactive investigations are often the least effective option for investigators. For instance, a victim may initially provide a statement and promise to testify in judicial proceedings and then withdraw his/her cooperation, with detrimental consequences for the ongoing investigation.

Recommended resources

Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking

(International Organization for Migration and the Austrian Federal Ministry of the Interior)

Chapter 3 of this resource book, on investigative methods, presents practical guidelines and good practice for combating child trafficking. The chapter mainly focuses on risk assessment (strategic and operational), investigative methods (proactive/intelligence-led investigation, reactive/victim-led investigation, disruptive investigation) and bilateral and international cooperation.



The Resource Book is available at:

www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=5787

Criminal Justice Assessment Toolkit

(United Nations Office on Drugs and Crime)

The UNODC Criminal Justice Assessment Toolkit offers some insight into law enforcement practices in its section on policing.



The Criminal Justice Assessment Toolkit is available at:
www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html