

# Checklist for Prosecutors and Investigators

## Securing Labor Trafficking Convictions



*This resource was developed as part of the **Partnerships to Address Labor Trafficking** project, designed to improve the awareness, responsiveness, and accountability among law enforcement, businesses, communities, and other stakeholders on labor trafficking. This project is a collaborative effort between the Office of Community Oriented Policing Services and the Institute for Intergovernmental Research. For more information and additional resources, visit [https://cops.usdoj.gov/labor\\_trafficking](https://cops.usdoj.gov/labor_trafficking).*

Human trafficking is a crime that involves exploiting a person for labor, services, or commercial sex. Unlike sex trafficking, labor trafficking often takes place within legal businesses and enterprises, which makes it difficult to detect and even more difficult to investigate and prosecute.

Successful labor trafficking convictions require detection of the crime, investigation, prosecution, and provision of appropriate services to the victims.<sup>1</sup> Collaboration among local, state, and federal law enforcement and prosecutorial partners is critical throughout all stages of the case to promote successful outcomes. This may be done by creating a specific unit dedicated to labor trafficking cases or establishing a task force that includes multidisciplinary partners, such as local and federal law enforcement, prosecutors, and victim service providers. This resource will provide a practical checklist and considerations for prosecutors to use during labor trafficking prosecution investigations.

The most important thing when working with a potential victim is to ensure that the victim feels safe and is in a physically safe place. Trafficking survivors have noted that personal safety constituted the most immediate need they had after being extracted from a situation of exploitation.

1. Office for Victims of Crime, "Building Strong Cases," Office of Justice Programs, accessed March 13, 2020, <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/>.



**Receive consent to interview victims and/or witnesses.**

**Ensure that victims' advocates are present.**

Consider embedding trauma-informed victims' advocates in your agencies who are trained on the unique needs of human trafficking victims. The victim should have the right to ensure that his or her victim's advocate is with him or her at all times through the investigative process.

**Separate victims from family members or potential suspects.**

Talk to victims one on one without family members or other acquaintances (e.g., employers or coworkers) present. Throughout the victim/witness interview process, it may be determined that family members are involved in the victimization or trafficking case.

**Address victim-related needs, the victim's rights, and issues of concern first.**

Victims must be stabilized both mentally and physically and must feel safe before investigators can begin in-depth interviews. It could take a few meetings before a client is fully ready to begin an in-depth interview. In-depth interviews also may occur over a series of meetings. Needs and issues of concern may include child custody, emergency shelter and housing, and culturally appropriate services. Victims with cognitive or physical disabilities also may require special accommodations.

**Provide interpreters to address language barriers.**

Interpreters may be necessary during interviews of labor trafficking victims, witnesses, and suspects. Prosecutors should work with local law enforcement and other partners to identify and obtain court-certified interpreters throughout the prosecution of a case as needed. Interpreters are a valuable resource that can provide relevant cultural dynamics that may impact communication with victims and help them feel more comfortable throughout the case.

**Build a rapport.**

Asking questions about the victim's life, career, and family life before further exploring the case may put them at ease. Be transparent about your role, responsibilities, processes, and limits to confidentiality. Make it clear to the potential victim that you are engaged in an interview rather than an interrogation.

**Be patient.**

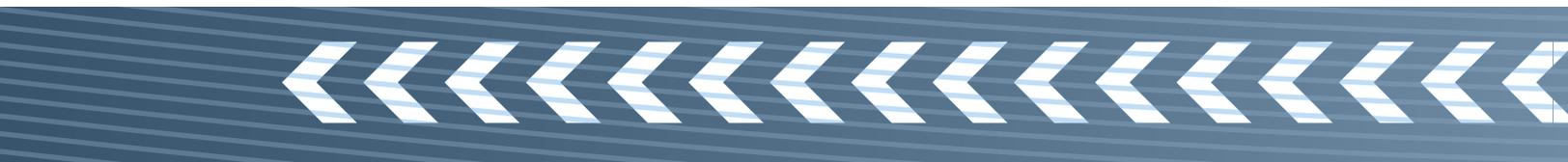
Victims may not have the ability to recall events in a linear fashion and may tell fragmented stories as they process memories. This should not be used to assess credibility. In addition, it may be difficult for victims to remember everything you tell them. You may find that you need to repeat information, re-explain processes, or clarify information about your role, processes, and legal rights. Trauma counselors should be used as expert witnesses to corroborate how victims process trauma.

**Establish victim/witness corroboration.**

Corroboration from a single victim can lead to multiple victims, which may make a case more likely to be eligible for prosecution. However, victims and witnesses may decide not to testify in criminal cases later. Prosecutors can use the information provided during an investigation to focus on other related crimes and criminal enterprises.

**Consider immigration issues.**

Immigration status may be especially relevant for foreign national victims. Immigration legal advocates are key partners for U.S. law enforcement in securing immigration remedies for trafficking victims.



### Collect evidence to prepare for testimony.

If a trafficking case is hard to make, sometimes there are other charges that can either be an addition or a replacement to a trafficking charge, based on the evidence provided (e.g., child pornography, kidnapping, sexual assault, intimate partner violence, smuggling, transporting or harboring undocumented immigrants, extortion charges, felon in possession of a firearm, or racketeering). Additional charges against traffickers may include sale of unlicensed or uninspected goods, tax evasion, workers' comp violations, Occupational Safety and Health Administration violations, or theft of benefits such as social security or disability.

### Examples of physical evidence

- Legal and financial documentation, such as employment records, visas, or pay stubs
- Video surveillance

### Examples of corroborative evidence

- Call logs
- Cell phone records
- Contracts
- Drug ledgers
- Electronic surveillance
- Photos
- Recruitment correspondence
- Social media
- Text messages
- Weapons

## Resources

Aequitas. *Investigating and Prosecuting Labor Trafficking: Exploitation for the Sake of the Bottom Line*. Webinar, March 7, 2014. <https://aequitasresource.org/resources/>.

Clawson, Heather J., Nicole Dutch, Susan Lopez, and Suzanna Tiapula. *Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices*. Executive Summary. Washington, DC: National Institute of Justice, 2008. <https://www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf>.

Office for Victims of Crime. "Human Trafficking Task Force e-Guide." Office of Justice Programs. Accessed March 13, 2020. <https://www.ovcttac.gov/taskforceguide/eguide/>.

Owens, Colleen, Meredith Dank, Amy Farrell, Justin Breaux, Isela Banuelos, Rebecca Pfeffer, Ryan Heitsmith, Katie Bright, and Jack McDevitt. *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*. Washington, DC: Urban Institute, 2014. [https://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states/view/full\\_report](https://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states/view/full_report).



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## About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology,

support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.
- The COPS Office also sponsors conferences, round tables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, [www.cops.usdoj.gov](http://www.cops.usdoj.gov). This website is also the grant application portal, providing access to online application forms.



Labor trafficking is a crime that involves compelling or coercing a person to provide labor or services and affects persons of all ages, races, genders, and nationalities. Labor traffickers often prey on those with vulnerable life circumstances and economic hardships. Labor trafficking victims can be found in legal and illegal labor industries, as well as hidden behind closed doors and in plain view. This toolkit provides resources for law enforcement, businesses, communities, and other stakeholders to identify, respond to, and address labor trafficking and to support its victims and survivors.



**COPS**

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U.S. Department of Justice

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