



Interviewing Labor Trafficking Victims

Victim-Centered Considerations for Law Enforcement Investigators



*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.*

Ensuring that human trafficking victims¹ feel comfortable, safe, and in control during interviews and throughout the investigative process is paramount. Law enforcement investigators interviewing labor trafficking survivors should be familiar with trauma and its effects on victims. Many of the victim-centered approaches to interviewing and supporting victims of domestic or sexual violence may be helpful when working with a victim of labor trafficking. Using these trauma-informed and victim-centered considerations when interacting with victims can help reduce retraumatization, increase the effectiveness and efficiency of interactions with victims by maximizing the chance of cooperation with law enforcement, and enhance prosecution through trauma-informed evidence presentation.² Victims are often the only ones who can explain the elements

of coercion and control present in human trafficking crimes, and victims need to feel safe and supported to be effective witnesses.³

A victim-centered approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.⁴

A trauma-informed approach recognizes the prevalence of trauma and the widespread impact of trauma on all individuals involved in a system, and incorporates knowledge about trauma into policies and practices.⁵

Labor trafficking victims may be unaware that they are victims or may be reluctant to self-identify as victims because of shame or fear. Victims of trafficking may have difficulty trusting—they have experienced betrayal and broken promises. Their attitudes and behaviors can be confusing, but they are a result of trauma or trafficking experience. Differing cultural norms and expectations also may contribute to confusion, shame, and fear.

This resource will provide investigators with practical considerations and promising practices on interviewing victims throughout labor trafficking investigations.

1. "Victim" and "survivor" are used interchangeably throughout this resource.
2. OVC, "Using a Trauma-Informed Approach."

3. OVC, "Victim-Centered Investigations."

4. OVC, "Victim-Centered Approach."

5. OVC, "Using a Trauma-Informed Approach."



Pre-Interview Considerations

- Labor trafficking often intersects with other types of crime and victimization, such as domestic violence, sexual assault, substance abuse or drug trafficking, isolation, threatening of family members, restriction of movement, or withholding of documents. Using trauma-informed law enforcement principles helps avoid further victimization of the survivor.
- Use victim advocate or attorney conference room spaces, family justice centers (or similar facilities), or “soft” locations such as a private room in a library or other non-law enforcement-heavy facilities and wear plain clothes while interviewing when possible.
- Accommodate the victim’s schedule when determining the time of the interview when possible. Provide a few options or time windows.
- Some investigators may find it helpful to prepare a set of questions to ask potential victims prior to the interview.
- Be aware of the “enforcement” or “command” presence of law enforcement and the potential negative effects for victims (e.g., fear, mistrust). Victims are often taught to fear law enforcement and may be coached on answers. Victims may have negative perceptions of law enforcement from their home countries or previous circumstances.
- A victim may not self-identify as such. Engage in interviewing through “storytelling,” e.g., asking about victims’ experiences with open-ended questions. Expect that responses may change and evolve over time because of lack of trust, safety concerns, misunderstandings about the legal system, and trauma. More details may emerge throughout the interview and in follow-up interviews.
- Victims may prefer to have an interpreter of a particular gender; investigators should attempt to meet this request if possible.
- Check in with the victim throughout the interview to determine whether breaks are needed. Some may prefer to get through the interview as quickly as possible, while others may need breaks. Let the victim know that the interview can be continued on another day if the interview becomes too overwhelming to conduct in one sitting.
- In some cases, victims may not feel comfortable discussing details of the circumstances out loud and may prefer to write information down.
- Questions should be simple. Avoid jargon, abstract concepts, multifaceted questions, and directive or suggestive questions.
- Some victims may prefer to have an attorney or victim advocate present in the room or may request that a support person or advocate be outside the interview room for additional support. This should not be perceived as the client being noncompliant or defensive. Victims of labor trafficking are often mistrustful of law enforcement and other service providers. Victims may feel safer communicating if the attorney is present. Attorneys can often reassure victims of their rights.





During the Interview

- Allow victims to choose where to sit. If you have items to put on the table during the interview (e.g., water bottle, coffee, cell phone, keys, pamphlets), place the items down after everyone has been seated to avoid the perception that a seat is already occupied.
- Interview the victim away from anyone he or she might know (e.g., trafficker, other victims or coworkers, family members) if possible, and provide access to a qualified, court-certified interpreter when necessary. If an interpreter is used, the interpreter should not be associated with the victim, the trafficker, or any aspect of the case in any way. The interpreter should be fluent in both languages to be interpreted and should have a cultural understanding of the languages, including nonverbal cues. Investigators should consult state directories of court-certified interpreters if needed. The interpreter should be briefed before and after the interview about the importance of confidentiality and the sensitive subject matter.⁶
- The interviewer should provide introductions to all parties involved before asking any questions and explain the roles of each individual participating in the interview (e.g., counselor, victim advocate, attorney). All individuals present should be notified at the beginning of the interview if the interview will be recorded (based on agency protocol).
- Emphasize to the victim that anything discussed during the interview is confidential. Explain any exceptions to the confidentiality.
- Avoid labels such as “delinquent” or “prostitute” and victim-blaming questions such as “why didn’t you just leave?” These may make the victim feel judged or defensive. Be patient and nonjudgmental. Consider posing questions that start with phrases such as “What led to . . . ?”
- Do not immediately or directly ask about abuse or immigration or legal status.
- Maintain a neutral attitude and tone regarding the trafficker, and avoid demonizing or criticizing the trafficker. Condemning the trafficker may make the victim defensive or withdrawn. It is helpful to use language that reflects what the client says in order to establish rapport. For example, if the client refers to the trafficker as “mother-in-law,” you might find it helpful to also use “mother-in-law” rather than “trafficker.”
- The interviewer should answer all questions that the victim may have as clearly and thoroughly as possible.
- Do not make any promises.

6. For more information on working with interpreters, please see the “Working With Interpreters: Considerations for Law Enforcement Investigators” handout developed as part of this **Partnerships to Address Labor Trafficking** project.





Sample Interview Questions

- Tell me about a typical day at work.
- How did you learn about the job?
- What were you told your job responsibilities would be?
- What are your actual job responsibilities?
- Where is your identification/passport kept?
- Does someone hold it for you?
- How do you feel about your job/employer?
- Do you know how much your employer is supposed to pay you?
- Is someone keeping all or part of your paycheck?
- Can you leave your job/situation if you want?
- Are you allowed to take reasonable breaks for the restroom, food, and water during work hours?
- Have you ever seen a doctor?
- Have you experienced other forms of abuse?
- Have you been threatened if you try to leave?
- What are your working conditions like?
- Where do you sleep and eat?
- Who do you live with?
- What are your living conditions like?
- Where do you keep your belongings?
- How often do you communicate with your family?
- Has anyone threatened you or your family?
- Has someone told you what to say about the work you do?





Sources and Additional Resources

International Association of Chiefs of Police. The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation. Washington, DC: Office on Violence against Women. <https://www.theiacp.org/sites/default/files/2018-07/CompleteHTGuide.pdf>.

National Human Trafficking Training and Technical Assistance Center. Adult Human Trafficking Screening Tool and Guide. Washington, DC: U.S. Department of Health and Human Services, 2018. https://www.acf.hhs.gov/sites/default/files/otip/adult_human_trafficking_screening_tool_and_guide.pdf.

National Sexual Violence Resource Center. "Trafficking and Exploitation." Accessed March 16, 2020. <https://www.nsvrc.org/resource-topics/trafficking-and-exploitation?page=1>.

OVC (Office for Victims of Crime). "Victim-Centered Approach." Human Trafficking Task Force e-Guide. Accessed March 16, 2020. <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>.

OVC. "Using a Trauma-Informed Approach." Human Trafficking Task Force e-Guide. Accessed March 16, 2020. <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/41-using-a-trauma-informed-approach/>.

OVC. "Victim-Centered Investigations." Human Trafficking Task Force e-Guide. Accessed March 16, 2020. <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/51-victim-centered-investigations/>.

Trauma Center at Justice Resource Institute. Utilizing Trauma-Informed Approaches to Trafficking-Related Work. Brookline, MA: Trauma Center at Justice Resource Institute, 2014. http://www.traumacenter.org/resources/H-O%20Trauma-Informed%20Case%20Study_final_2.pdf.



About IIR

The **Institute for Intergovernmental Research (IIR)** is a Florida-based, not-for-profit corporation specializing in research, training, and technical assistance for criminal justice, homeland security, and juvenile justice issues. IIR has a proven history of successful service delivery of federal programs to state, local, and tribal law enforcement agencies and homeland security partners.

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IIR is one of the technical assistance providers for the U.S. Department of Justice, Office of Community Oriented Policing Services Critical Response Initiative and Collaborative Reform Initiative for Technical Assistance.

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This handout provides practical recommendations for conducting interviews with victims to ensure a safe and comfortable environment, including sample questions for investigators and considerations in working with interpreters, victim advocates, and attorneys. This resource reviews considerations of the interview environment and victim safety importance; similarities in investigating domestic violence cases to labor trafficking cases; understanding the impact of trauma, both physical and psychological; pre-interview considerations and example questions to gather information during interviews; and understanding that these cases are heavily reliant on victim statements and that victims may change their stories over time as they build trust with the investigator.

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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. 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.



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