



The WARNATH GROUP



# **PRACTICAL RECOMMENDATIONS**

## **ON POSITIVE INTERACTIONS AND INTERVIEWS WITH CHILD VICTIMS AND WITNESSES OF TRAFFICKING AND OTHER CRIMES**



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## ACRONYMS

CISOCA	CENTRE FOR THE INVESTIGATION OF SEXUAL OFFENCES AND CHILD ABUSE
CPFSA	CHILD PROTECTION AND FAMILY SERVICES AGENCY
JCF	JAMAICA CONSTABULARY FORCE
OCA	OFFICE OF THE CHILDREN'S ADVOCATE

## DEFINITIONS

CHILD PROTECTION SPECIALIST	An institution or individual such as a shelter manager, social worker, Child Protection and Family Service Agency (CPFSA) staff member, medical and legal professional, Non-Governmental Organization (NGO), or international organization involved in the provision of advocacy and protective services from identification through reintegration.
CHILD	A person under the age of eighteen (18) years. <sup>1</sup>
CHILD-FRIENDLY	Any behaviour, conduct, practice, process, attitude, environment, or treatment that is humane, considerate and in the best interests of the child.
CHILD-FRIENDLY SPACE	An environment designed to help children feel safe, calm, and comfortable while they are interacting with practitioners (such as professionals conducting forensic interviews or providing medical and psycho-social care to child victims of abuse and trafficking).
CHILD-SENSITIVE	An approach which reflects awareness of the special needs of children and gives primary consideration to a child's individual needs, maturity, abilities, and views. <sup>2</sup>
CHILD SPECIALIST POLICE OFFICER	A police officer trained in the proper treatment and handling of children who may come into contact with the child justice system and one who has been sensitized about the basic human rights to which all children are entitled.
CHILD VICTIMS AND WITNESSES OF TRAFFICKING AND OTHER CRIMES	Children and adolescents, under the age of 18, who are victims or witnesses of the crime of trafficking in persons or other crimes.
EVOLVING CAPACITY	The unique development of each child's capacity to make decisions, which increases with maturity.
PRESUMED VICTIM OF TRAFFICKING	A person who is suspected to be a victim of trafficking but who has not yet been officially categorized as such by the authorized agencies.
VICTIM CENTRED APPROACH	An approach that respects the dignity of the victim and adapts, wherever possible, to meet the needs and wishes of the victim.

<sup>1</sup> Section 2 of the Child Care and Protection Act (2004)

<sup>2</sup> JCF Child Interaction and Procedures Policy (2017), Definitions, p. 2

# INTRODUCTION

## INTRODUCTION

These Recommendations are intended to assist law enforcement and other officials who encounter child victims of trafficking and other crimes and abuses to engage and interact positively with them using a child-sensitive, victim-centred approach and trauma-informed techniques grounded in Jamaican and international good practices.

The Recommendations are divided into two Parts. Part A focuses on child-friendly interactions with child victims of trafficking and Part B focuses on interviewing child trafficking victims.

Content for the Recommendations is informed by and drawn from the following sources:

1. **The Child Care and Protection Act (2004)**
2. **OCA Child Justice Guidelines (2004)** – Issued by the Office of the Children's Advocate (OCA)<sup>3</sup> pursuant to the First Schedule Paragraph 11(2) of the Child Care and Protection Act (CCPA) (2004). The Guidelines recommend protocols that aim to enhance the quality of service that is provided for children who must interface with the justice system. They reflect international conventions on child rights such as the Convention on the Rights of the Child (CRC), local best practices and Jamaican laws such as the Charter of Rights, the Child Care and Protection Act and the Bail Act.
3. **The Human Trafficking Survivors' Handbook (A Guide to Rights and Support Services in Jamaica)** – Issued by the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) in 2019 to educate survivors of human trafficking about their human rights and the network of services offered by the government of Jamaica and non-governmental organizations to assist with their recovery.
4. **The Jamaica Constabulary Force (JCF) Child Interaction Policy and Procedures (2017)** – Issued under JCF Force Orders,<sup>4</sup> the Policy establishes guidelines and protocols to manage how JCF members interact with children, being persons below the age of eighteen years.<sup>5</sup> The Policy is grounded in the principles outlined in the Child Care and Protection Act, other relevant laws of Jamaica, the OCA Child Justice Guidelines, the Convention on the Rights of the Child and other international agreements on child rights to which Jamaica is a party.
5. **The National Referral Mechanism (2020)** – The National Referral Mechanism sets out the roles and responsibilities of various government actors and relevant non-governmental organizations (NGOs) to a suspected incident of child trafficking.
6. **Recommendations on National Minimum Standards of Care for Child Trafficking Victims in Jamaica (2020)** – The National Minimum Standards of Care for Child Trafficking Victims in Jamaica seeks to ensure that all services for child victims of trafficking in Jamaica are harmonized to enable standardized quality and effective services.

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<sup>3</sup> The OCA is a Commission of Parliament mandated to, inter alia, issue guidance on best practice in relation to any matter concerning the rights or best interests of children.

<sup>4</sup> The JCF Child Interaction Policy and Procedures (2017) is Appendix A to Force Orders No. 3573 dated Nov. 26, 2015.

<sup>5</sup> s. 2, Child Care and Protection Act (2004)



7. **United Nations Office on Drugs and Crime (UNODC) Anti-Human Trafficking Manual for Criminal Justice Practitioners (2009)** – A manual that is in line with the Trafficking in Persons Protocol supplementing the United Nations Organized Crime Convention and which aims to support criminal justice practitioners in the prevention of human trafficking, the protection of its victims, the prosecution of perpetrators. The manual is the result of a global cooperative process in which expert representatives from academia, NGOs, international organizations, law enforcement officers, prosecutors, and judges from all over the world contributed their expertise and experiences.
8. **Assisting and Interviewing Child Victims of Trafficking: A Guide for Law Enforcement, Immigration and Border Officials** – This guide was produced by the Bali Process, a forum for policy dialogue, information sharing and practical cooperation to help the Asia-Pacific region address the consequences of trafficking in persons and related crime. Its membership includes several countries with similar contexts and challenges, the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Office of Drugs and Crime (UNODC) and the International Labour Organization (ILO).
9. **PEACE Model of Investigative Interviewing<sup>6</sup>** – An internationally accepted method of conducting investigative interviews which has been widely adopted by numerous law enforcement, regulatory agencies, and private and public sectors throughout the world.
10. **ASEAN Skills Course on Trafficking in Persons** – A comprehensive anti-trafficking training program for prosecutors specializing in the investigation and prosecution of human trafficking cases. This program was prepared by international experts under the auspices of the Australian Government and endorsed by ASEAN as the recommended training program for prosecutors in the ten ASEAN member states.

## PURPOSE

Drawing from Jamaican and international good practices and documents on interacting with child victims and witnesses, these Recommendations are designed to accompany and amplify the Child Justice Guidelines of the Office of the Children's Advocate (OCA) and the Child Interaction Policy and Procedures of the Jamaica Constabulary Force (JCF). They provide consolidated guidance to law enforcement in their day-to-day interactions with child victims and child witnesses. The Recommendations highlight accepted practices and guidelines for conducting child-sensitive, victim-centred, and trauma-informed interactions and interviews.

## OBJECTIVES

The objectives of these Recommendations are to:

- a. Foster a child-friendly environment within agencies where the sensitive needs and well-being of children are respected.
- b. Protect and safeguard children's rights in interactions and interviews with children.
- c. Build the capacity of service providers to support the best interests of children.
- d. Facilitate and enhance the protection of the rights of children within the justice system and reduce or eliminate the chances of re-victimisation.

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<sup>6</sup> Forensic Interview Solutions (2009) *The Science of Interviewing: P.E.A.C.E. A Different Approach to Investigative Interviewing*.



# SCOPE

- A. These Recommendations are intended to aid:
  - i. Interactions with child victims of trafficking and other crimes once they are referred to designated law enforcement agencies for support.
  - ii. Interviews of child victims of trafficking when trafficking in persons is alleged or suspected.
  - iii. Agencies and officials who have been trained on interviewing and supporting child victims and witnesses of crimes such as the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA), the Child Protection and Family Services Agency (CPFSA), the Victim Services Division (VSD), child specialist police officers,<sup>7</sup> and other child protection specialists and officials.
  - iv. Other law enforcement and non-law enforcement officials who must respond and engage at some point with child victims of trafficking and other crimes while they navigate the criminal justice process.
- B. Please also refer to the National Referral Mechanism for Child Trafficking in Jamaica for guidance on the roles and responsibilities of various government actors and relevant non-governmental organizations (NGOs), through the five phases of response to a suspected incident of child trafficking.

<sup>7</sup> OCA Child Justice Guidelines (2004), Definitions, p. 3 - ‘A child specialist police officer means a police officer trained in the proper treatment and handling of children who may come into contact with the child justice system and one who has been sensitized about the basic human rights to which all children are entitled’

## **TRAFFICKING IN PERSONS:**

- Is a crime in Jamaica under the Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007
- Is also known as Human Trafficking or Modern-Day Slavery

## **A VICTIM OF TRAFFICKING IS:**

- A person who is exploited by another for the purposes of sexual exploitation, forced labor or servitude

## **VICTIMS OF TRAFFICKING CAN BE:**

- Men, women, boys, girls, including persons from the LGBTQ community
- Of all ages and ethnicities
- Whether citizens or foreign-born

## **A CHILD VICTIM OF TRAFFICKING IS:**

- Any person under the age of 18
- Who has been recruited, or received, or transported, or transferred, or harbored
- For the purpose of exploitation or abuse

## **NO MOVEMENT REQUIRED**

- A victim does not have to be moved or transported from one location to another for trafficking to occur
- Trafficking can occur in homes and communities

## **CONSENT NOT A FACTOR**

- It does not matter whether illegal means have been used or not, or if the child consented
- As long as the purpose is exploitation, the child is considered a victim of trafficking



# PART A

## CHILD-FRIENDLY INTERACTIONS WITH CHILD VICTIMS AND WITNESSES OF TRAFFICKING AND OTHER CRIMES



# PRIORITIES

Interactions with child victims and witnesses of trafficking in persons should prioritize the following:

A. THE BEST INTERESTS OF THE CHILD:

- All child victims and witnesses must be treated without discrimination on account of age, class, gender, disability, language, religion, race, ethnicity, or nationality.
- All potential victims of child trafficking and other crimes must receive the help, protection and support that is appropriate for their age and stage of development.
- If the age of the suspected child victim cannot be verified at the time of intervention, that victim must be treated as a child and given the same help, protection, and support as if he or she is under the age of 18, until evidence conclusively establishes otherwise.

B. SAFETY AND SENSE OF COMFORT OF THE CHILD:

- Ensure that the child is safe, protected from immediate danger, and their immediate needs (such as water, food, shelter, clothing, toilet access, medical care, and rest) are attended to. **(See Building Rapport and Trust)**

C. PRIVACY AND CONFIDENTIALITY:

- The privacy of child victims and other child witnesses must be protected as a matter of high importance. For example, records pertaining to the victim (for example registration and case files) should never be left unattended or in plain sight; storage cabinets containing victim files should be locked when not in use and only designated persons entrusted with the keys; computers containing digital records of victims should be password protected.
- Information relating to a child’s involvement in the justice process should be strictly protected. The child’s name or any information that may lead to identification of the child should not be included in documents or materials, except as required by law or necessary to conduct internal operations. Such information must be closely held and not be accessible to the media or the public.
- The highest standards in the appropriate use, storage, sharing and disposal of records relating to all children should be pursued.<sup>8</sup>
- Statements given to the police and child protection specialist specialists should be shared as authorized and on a need-to-know basis.<sup>9</sup> This means that such statements must be regarded as secret and confidential and shared among care providers only as required in carrying out their respective roles and duties. Care providers include the agencies collaborating on investigating and addressing the welfare of child victims of trafficking and other forms of abuse **(See Referral of Victims (c) (i) (ii))**

D. ASSESSMENT OF THE CHILD:

Every child victim should go through a standard assessment process to determine the nature of intervention and/or referral (if any) that may be required.<sup>10</sup> This assessment is carried out by the Child Protection and Family Services Agency (CPFSA)

<sup>8</sup> JCF Child Interaction Policy and Procedures (2017) s. VI (K)

<sup>9</sup> OCA Child Justice Guidelines (2004) s. 33 (6)

<sup>10</sup> bid Section 33 (2)



in collaboration with other related Government agencies (**See 3. Referral of Victims below**) The assessment will typically cover the physical and mental health of the child, as well as identify any needs that require immediate attention, such as shelter, food, and clothing.

#### Psychological Assessment:

- The child victim will be examined by a counsellor to determine whether, and the extent to which, the victim is suffering from psychological damage as a result of the trafficking experience.
- The victim will be provided appropriate treatment and support as needed.
- The age and mental development of the child victim and the impact of any trauma suffered by the victim, will inform officials if, when and how to interview the victim. Investigators should closely consult with counsellors before engaging with the victim.

#### Medical Assessment:

- **Immediate Assessment** – Child victims should be immediately assessed to determine if they need medical attention. For example, practitioners should look out for children:
  - with visible signs of injury or malnutrition; or
  - who appear to be a threat to themselves or others; or
  - who, upon being interviewed, complain of pain, discomfort, or illness.

If medical attention is needed, then the child is to be taken, without delay, to the nearest health facility or seen by a medical health professional.<sup>11</sup>

- **Sexual and other crimes** – Victims of sexual crimes and other forms of assault and battery should always be seen by a medical health professional and a referral made to the Victim Services Division (VSD)<sup>12</sup> and CISOCA.<sup>13</sup> A medical examination by medical health professionals not only supports the victim's right to medical care but can also establish material corroboration for the victim's account.
- While a child victim of trafficking or other forms of abuse should participate in all decisions regarding physical and mental health interventions,<sup>14</sup> a child victim whose case has been referred to the Victim Services Division, and who, upon assessment, is suspected of having been sexually abused, must undergo a medical examination. If the child, parent, or guardian objects to a medical examination being done, the matter must be referred to the Office of the Children's Advocate (OCA), the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) and the Office of the Director of Public Prosecutions (ODPP).

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<sup>11</sup> Ibid Section 32 (1)

<sup>12</sup> OCA Child Justice Guidelines (2004) s. 32 (1)

<sup>13</sup> JCF Child Interaction Policy and Procedures (2017) s. VIII E (2)

<sup>14</sup> Recommendations on National Minimum Standards of Care for Child Trafficking Victims in Jamaica, p. 23

# BUILDING RAPPORT AND TRUST

Any professional who first comes into contact with a child victim or presumed child victim of trafficking and other crimes should build rapport with the child from the moment of initial interaction.

## A. Gaining Trust is Difficult

It should be expected that victims of trafficking will have difficulty trusting officials. Bear in mind also that the longer a victim's ordeal may have lasted, the deeper and more ingrained the trauma or potential emotional bonds to a trafficker may be. It might be confusing to listen to a victim speak of their abuser in loving or endearing terms.

Distrust of law enforcement can be quite common in many cultures and communities, and victims may not trust or believe that they and their families will be protected from retaliation if they provide information about their abuser or crimes which they themselves may have committed while being trafficked. Victims encountered in a commercial sex situation may be concerned about law enforcement taking them to jail, making them reluctant to cooperate with the police. Foreign nationals without proper documentation may be in constant fear of being deported by the authorities. This too may cause mistrust and an unwillingness to cooperate.

## B. Victim Centred Methods to Gain Trust: General Principles

Gaining the trust of a potential victim can therefore be an extremely slow process. Victims who can eventually develop a trust in law enforcement and come to recognize that law enforcement is helping them, will generally be more candid and provide a full and truthful account of their trafficking ordeal.

Using a victim centred strategy in which the needs and concerns of the victim are recognized and, to the extent possible, accommodated, is an effective way to gain the confidence and trust of the victim. Anyone interacting with a child trafficking victim should employ a victim centred approach, which includes:

- i. Being patient when dealing with a child victim;
- ii. Using a welcoming and friendly demeanour and tone of voice;
- iii. Keeping an open mind. Do not assume facts or judge the victim;
- iv. Engaging in an informal conversation with the victim;
- v. Explaining who you are and your purpose in talking with the victim;
- vi. Letting the victim talk. Do not interrupt. Listen carefully and respectfully. Maintain eye contact with the victim;
- vii. Asking open ended questions to elicit further details on relevant points;
- viii. Stopping or pausing the interview if the victim states or it appears that he or she is uncomfortable or there are signs of distress;
- ix. Showing concern for the victim as a human being. Ask the victim about his or her welfare and well-being;
- x. Identifying issues that concern the victim and addressing them honestly;
- xi. Encouraging the victim to ask questions and answering them directly and honestly;
- xii. Maintaining frequent contact with the victim throughout the criminal justice process to make sure they are receiving the support needed, to keep them notified of progress in the case, and to address any concerns that they may have.



- xiii. Recognizing that there are no magic words and that certain phrases like *“you’re safe now”* and *“I will protect you”* may not be believed by the victim who may have been given these same reassurances by the traffickers. Address security concerns directly and honestly by discussing with the victim practical, realistic strategies.

#### C. Victim Centred Method: Focus on the Child’s Safety and Sense of Comfort

- i. First, ensure that the child is comfortable, and their basic needs are met. For example, ask if they need anything, such as water, a snack, bathroom facilities or anything else that you can offer them to make them comfortable.
- ii. Make the child feel safe by being friendly and letting them know that you and your agency or the police are there to serve and help them.
- iii. Start by asking about their interests or likes. Listen and allow the child to talk uninterrupted.
- iv. The interviewer or other care provider should not mention the alleged offence or directly related topics in this rapport-building phase. Instead, discuss “neutral” events in the child’s life such as interests, hobbies, sports, or spending time with friends, etc.
- v. Be careful when talking about extended family: it may cause distress due to long separation or fears about what they may say if the victim is returned.
- vi. All child victims must be treated fairly and should not discriminated against on account of age, class, gender, disability, language, religion, race, ethnicity, or nationality.
- vii. All potential victims of child trafficking and other crimes must receive the help, protection and support that is appropriate for their age and stage of development.

If the crime of trafficking is suspected during and after initial interaction with a child victim or witness, the case must be referred for investigation and the child victim or witness referred for appropriate care. Victims and witnesses of trafficking should be offered information about the referral process and support that will be provided. They will then be referred to the appropriate service agency where help and support can be obtained. Law enforcement officers and child protection specialists should become familiar with how to make these referrals to assist the victim in the best way possible to access such support.

## REFERRAL OF VICTIMS

#### A. The National Referral Mechanism

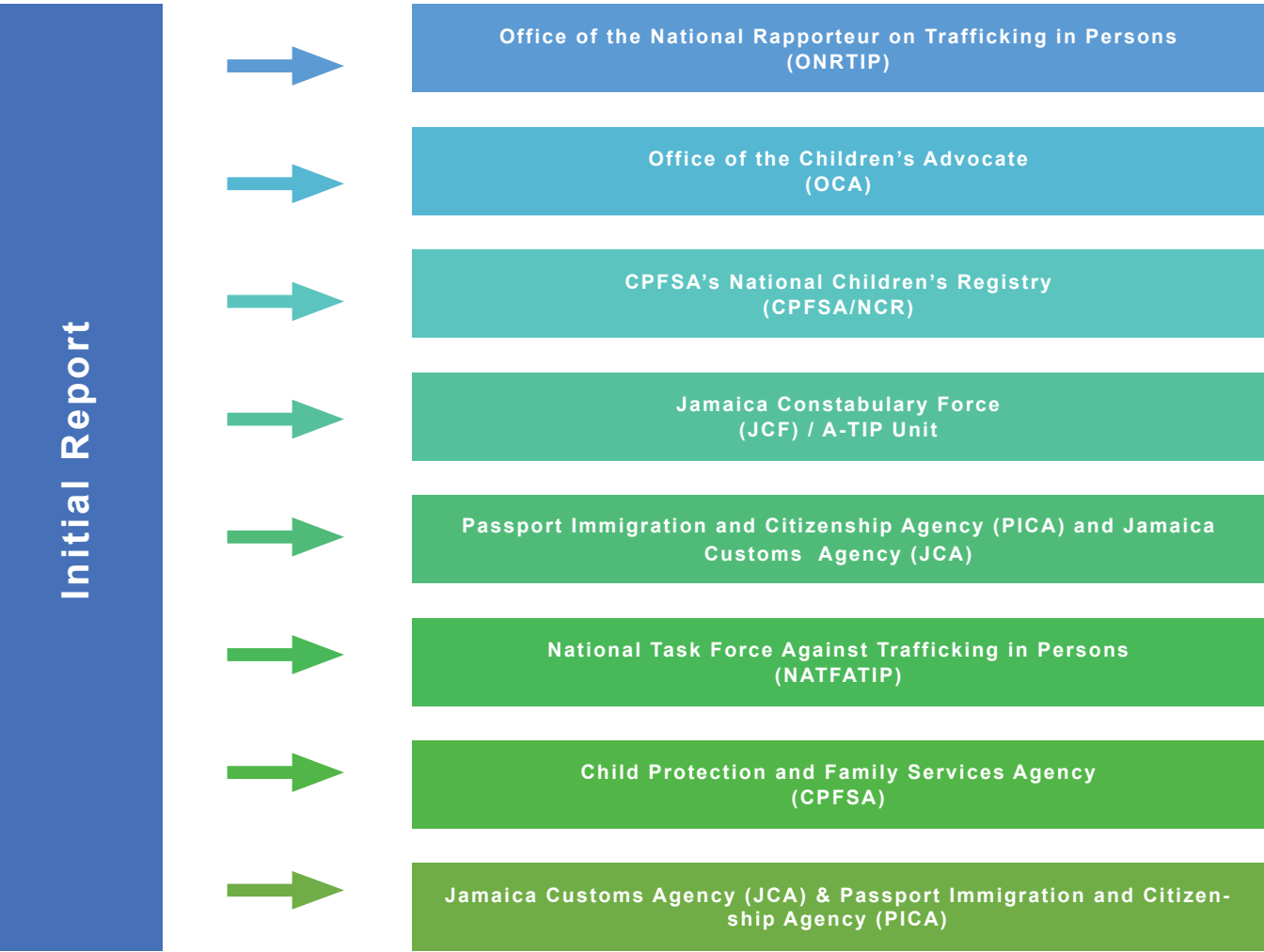
Jamaica’s National Referral Mechanism (NRM) for Child Trafficking relates to all presumed child victims of trafficking in Jamaica, including Jamaican children experiencing trafficking within and outside of Jamaica, and foreign national children trafficked in Jamaica. A “presumed victim of trafficking” refers to a person who is suspected to be a victim of trafficking but who has not yet been officially categorized as such by the authorized agencies (JCF, NATFATIP or CPFSA)

The NRM sets out the roles and responsibilities of various government actors and relevant non-governmental organizations (NGOs), through the five phases of response to a suspected incident of child trafficking:



B. Intake Agencies – Receiving Reports on Presumed Victims of Trafficking

The following agencies can receive reports of suspected cases of trafficking:



The official receiving a report in any of these agencies evaluates whether the case should be referred for further investigation as a trafficking case and for provision of victim services. If a report **DOES appear to be a child trafficking case**, it must be referred for investigation and formal identification of the case as presumed child trafficking.

C. Roles of Related Agencies

A variety of different Jamaican government agencies play roles relating to pursuing justice for and addressing the needs of victims of trafficking. Key agencies collaborate on investigations/enforcement of legal frameworks and victim welfare:

INVESTIGATIONS

LEAD AGENCY					
1. Anti-Trafficking in Persons Vice Squad Unit (A-TIP Unit)					
Other Agencies for Enforcement of Legal Frameworks					
2. Ministry of National Security (MNS)	3. Office of the Director of Public Prosecutions (ODPP)	4. Passport Immigration and Citizenship Agency (PICA)	5. Ministry of Labor and Social Services (MLSS)	6. Ministry of Foreign Affairs and Foreign Trade (MOFAFT)	



## VICTIM WELFARE

LEAD AGENCY		
<b>The Child Protection and Family Services Agency (CPFSA)</b> Takes a leading role in addressing the welfare of child victims of trafficking and other crimes.		
Other Agencies		
1. CPFSA/National Children's Registry (NCR)	2. Office of the National Rapporteur on Traf- ficking in Persons (ONRTIP)	3. Office of the Children's Advocate (OCA)
4. National Task Force Against Trafficking in Persons (NATFATIP)	5. Victim Services Division (VSD)	6. Ministry of Education, Youth and Information (MOEYI)
	7. Ministry of Health (MOH)	

### D. Needs Assessment and Referral for Urgent Support and Protective Services

It is paramount that the needs of a presumed child victim of trafficking be met as quickly as possible. Urgent care may include but is not limited to shelter/residential care, medical assistance, food, clothing, counselling and/or safety and security. "Needs assessment" refers to an evaluation of the needs of a trafficking victim for various forms of support and protection and the development of an individualized care plan for the coordination of support services.

The CPFSA conducts needs assessments and coordinates immediate support and protective services with supplemental support from NATFATIP and advice on security measures from JCF-CTOC. The CPFSA consults with the OCA in the event of any issues relating to the best interests of a child or child rights.

#### Procedural Steps:

- i. As part of its official reporting mandate, the CPFSA/NCR logs the case reported and shares a copy of the report with the OCA and CPFSA (Investigation Unit), while respecting the child's right to confidentiality and privacy. ONRTIP would also be informed.
- ii. CPFSA, in consultation with JCF C-TOC and NATFATIP, conducts a rapid assessment to ensure that the child's emergency needs are met. These may include, but are not limited to:
  - Medical care
  - Clothing
  - Food
  - Shelter
  - Family Tracing
  - Family Assessment



Further investigation and interviews with the child would only be conducted after the child is ready and emergency needs have been met. A CPFSA social worker should be present in all interviews with the child to ensure a victim-centered approach that remains alert to any potential for inadvertent re-traumatization of the child. If the child speaks a foreign language, CPFSA ensures that a translator/interpreter is available.

- iii. C-TOC (A-TIP Unit) conducts a security risk assessment to determine if there are any immediate safety risks to the child or others around him/her. The security risk assessment informs plans for future care of the child trafficking victim and whether the child can be reunited with their family.
- iv. The child may need residential care. CPFSA is responsible for the placement of the child in a shelter or in foster care. Placement is made in consultation with C-TOC and NATFATIP to ensure that any security concerns for the child or to others around them are addressed. If significant security concerns remain, or if witness protection is required, MNS can also be consulted on the placement of the child.
- v. CPFSA will develop a care plan and corresponding case file for support services. The care plan should be tailored to the unique needs of the child and include long-term plans for reintegration. A CPFSA investigator will also assess any risks to the family or community.
- vi. CPFSA develops and maintains a protective services case file which must include individualized short, medium, and long-term care plans for the child. CPFSA should consult with NAFTATIP and C-TOC regarding security or other concerns associated with the provision of protective services to the child trafficking victim. To the extent possible, the child should be consulted in decisions about their care.
- vii. C-TOC will develop and manage a corresponding case file for the investigation process.

## **E. Support and Protective Services**

Once the child's immediate needs have been met, CPFSA will develop a plan to coordinate the provision of services while C-TOC leads investigation efforts. This is to ensure that the child receives the care and protection through a collaborative approach with various stakeholders each playing a role.

CPFSA will liaise with external service providers to ensure all needs are supported and protection needs are met and will update the child's case file accordingly.

### **Procedural Steps:**

- i. CPFSA will assign a case manager to oversee the care and protection of a child trafficking victim. The case manager should be trained to understand the unique needs of a child trafficking victim and should always be mindful of the potential for inadvertent re-traumatization. The case manager should remain the same throughout the life of the case and have the successful reintegration of the child as the ultimate objective.
- ii. CPFSA will develop an individualized care plan for each child and coordinate with the agencies below to provide services to the child trafficking victim.

## TRAFFICKING IN PERSONS DIRECTORY OF SERVICE PROVIDERS

This Trafficking in Persons Directory of Service Providers is a useful tool for understanding who the service providers are, the range of services they offer and how they can be contacted. Once contact is made, victims are provided with the necessary support and guidance to obtain the services they need.

NAME OF SERVICE PROVIDER	SERVICES OFFERED	CONTACT INFORMATION
<b>The Anti-Trafficking in Persons &amp; Intellectual Property Vice Squad (JCF A-TIP Unit)</b>	<ul style="list-style-type: none"> <li>» Monitor and provide security</li> <li>» Risk Assessment</li> <li>» Investigations and arrests</li> <li>» Case Management</li> </ul>	<p>Tel: (876) 967-1389  Email: tip.ocid@jcf.gov.jm  Address: 45 East Queen Street, Kingston</p>
<b>Child Protection and Family Services Agency (CPFSA)</b>	<ul style="list-style-type: none"> <li>» Report Intake</li> <li>» Psychological support and counselling</li> <li>» Residential housing and care for minors</li> <li>» Coordination of translators as needed</li> <li>» Reintegration support</li> <li>» Case management</li> </ul>	<p>Tel: (876) 948-6678 / (876) 948-2841-2  Email: info@childprotection.gov.jm  Address: 48 Duke Street, Kingston</p>
<b>The Office of the Children's Advocate (OCA)</b>	<ul style="list-style-type: none"> <li>» Legal support</li> <li>» Advice</li> <li>» Protects children's best interests</li> </ul>	<p>Tel: (876) 948-1293  Email: info@oca.gov.jm  Address: 72 Harbour Street, Air Jamaica Building, 11th floor, Kingston</p>
<b>The Office of the Director of Public Prosecutions (ODPP)</b>	<ul style="list-style-type: none"> <li>» Legal Support and Advice</li> <li>» Case Management</li> <li>» Prosecution of Traffickers</li> </ul>	<p>Tel: (876) 922-6321  Email: dpp@dpp.gov.jm  Address: Public Building West, King Street, Kingston CSO</p>
<b>Ministry of Education Youth &amp; Information (MOEYI)</b>	<ul style="list-style-type: none"> <li>» Educational support according to the needs of the child</li> <li>» Skills training (HEART Trust)</li> </ul>	<p>Tel: (876) 922-1400  Email: webmaster@moec.gov.jm  Address: 2a National Hero Circle, Kingston 4</p>
<b>Ministry of Health (MOH)</b>	<ul style="list-style-type: none"> <li>» Medical examination and care</li> <li>» Dental examination and care</li> <li>» Psychological support and counselling</li> </ul>	<p>Tel: (876) 633-7433  Address: Chelsea Avenue, Kingston</p>
<b>Ministry of Labor and Social Security (MLSS)</b>	<ul style="list-style-type: none"> <li>» Welfare Assistance</li> <li>» Support to the child and/or their family (Public Assistance)</li> <li>» Employment programs for family members</li> </ul>	<p>Tel: (876) 922-9500  Email: mlssps@mlss.gov.jm  Address: 14 National Heroes Circle, Kingston 4</p>
<b>Ministry of National Security (MNS)</b>	<ul style="list-style-type: none"> <li>» Witness protection</li> <li>» Assistance with shelter placement</li> </ul>	<p>Tel: (876) 906-4908  Email: information@mns.gov.jm  Address: North Tower, 2 Oxford Road, Kingston 5</p>
<b>National Task Force Against Trafficking in Persons (NATFATIP)</b>	<ul style="list-style-type: none"> <li>» Coordinates, implements, monitors, and evaluates the national response to trafficking in persons</li> </ul>	<p>Tel: (876) 906-4908 - 21  Email: natfatip@mns.gov.jm  Address: 2 Oxford Road, Kingston 5</p>



<b>Passport Immigration &amp; Citizenship Agency (PICA) / Ministry of Foreign Affairs &amp; Foreign Trade (MOFAFT)</b>	<ul style="list-style-type: none"><li>» Immigration</li><li>» Relief</li><li>» Citizenship</li><li>» Permanent Residence</li><li>» Repatriation to or from overseas</li><li>» Assistance obtaining temporary or long-term legal resident status</li><li>» Support for non-Jamaican nationals</li></ul>	<p>Tel: (876) 754-7522 Email: <a href="mailto:info@pica.gov.jm">info@pica.gov.jm</a> Address: 25 Constant Spring Road, Kingston 10</p>
<b>The Theodora Skills Training Centre</b>	<ul style="list-style-type: none"><li>» Skills Training and Certification</li><li>» Job Placement</li><li>» Accommodation</li></ul>	<p>Tel: (876) 957-5495 Email: <a href="mailto:audrey.theodora@gmail.com">audrey.theodora@gmail.com</a> Address: Archer Rd, Northwest Region, P.O. Box 3097, Negril, Westmoreland</p>
<b>The Victims Services Division (VSD)</b>	<ul style="list-style-type: none"><li>» Counselling</li><li>» Psycho-social Support</li><li>» Court Support</li><li>» Counselling to help the child prepare to testify in court</li><li>» Advise the court on whether the child is ready to testify and advocate for child-friendly measures, such as remote or video testimony</li></ul>	<p>Tel: (876) 922-6321 Email: <a href="mailto:dpp@dpp.gov.jm">dpp@dpp.gov.jm</a> Address: Public Building West, King Street, Kingston CSO</p>
<b>Woman Incorporated: Crisis Centre</b>	<ul style="list-style-type: none"><li>» Emergency Shelter for Battered Women</li><li>» Counselling</li><li>» Meals</li><li>» Clothing</li><li>» Toiletries</li></ul>	<p>Tel: (876) 929-2997 (24-hour hotline) / (876) 929-9038  Email: <a href="mailto:wicrisiscentre@yahoo.com">wicrisiscentre@yahoo.com</a> Address: 4 Ellesmere Road, Kingston 10</p>





# PART B

## INTERVIEWING CHILD VICTIMS AND WITNESSES OF TRAFFICKING AND OTHER CRIMES



# THE FORMAL INTERVIEW

This Part focuses on the formal evidentiary interview of the child victim. This type of interview is usually conducted by a law enforcement official engaged in the investigation of a suspected human trafficking case. The purpose of this interview is to ascertain as many facts and details as possible about the victim’s trafficking experience from recruitment to exploitation.

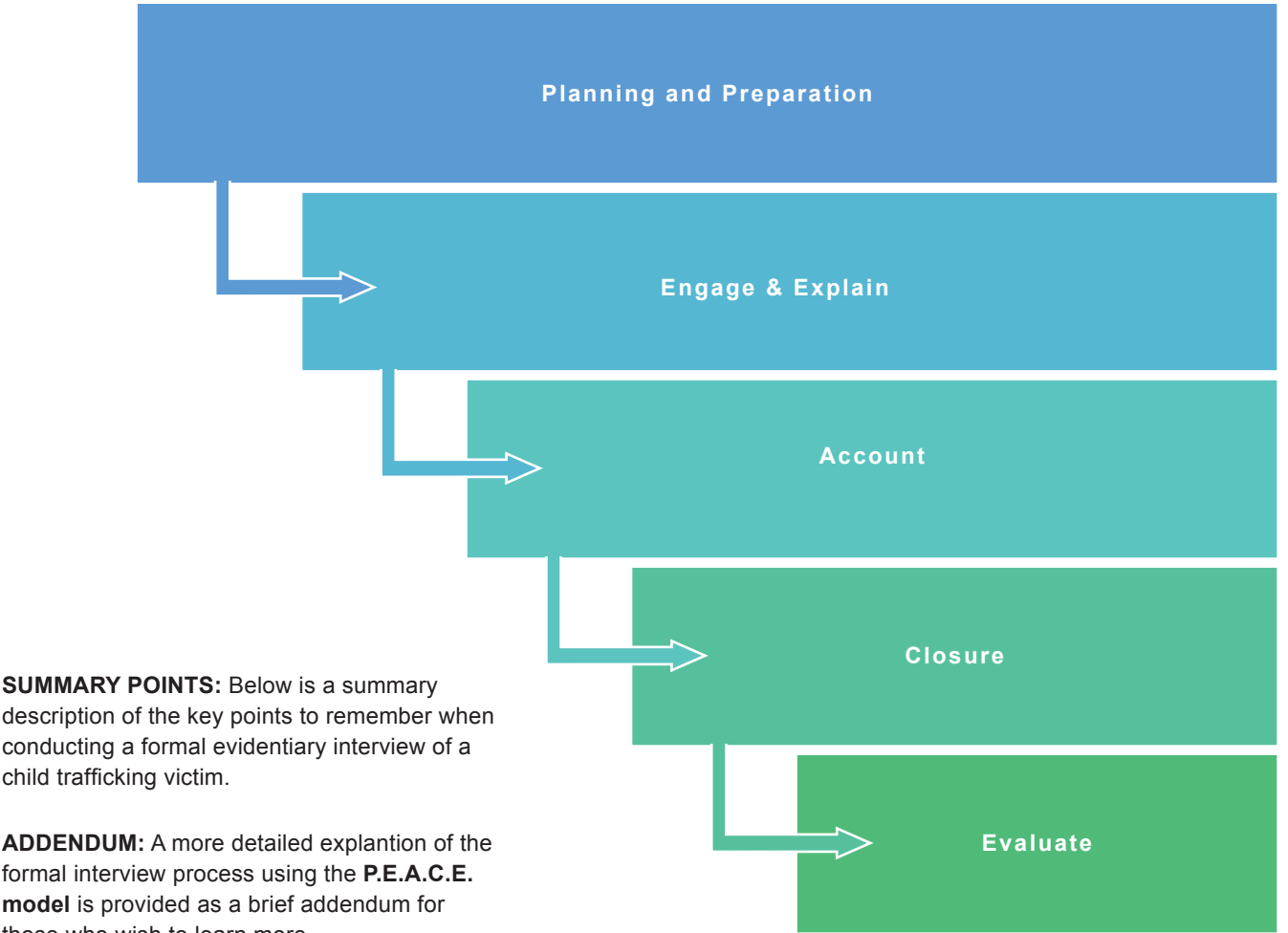
The official conducting the interview may have previously engaged with the victim and developed a level of rapport that will make the formal interview process easier. On the other hand, the interviewing official may be meeting the victim for the first time at the formal interview. If so, the interviewer is well advised to take the time necessary to engage with the victim initially to develop trust and to address any concerns that may prevent open and honest communication.

Under either scenario, the interviewer is encouraged to approach the formal interview using the P.E.A.C.E model.

## THE P.E.A.C.E. MODEL

The **P.E.A.C.E. model**, is a tool used in various countries around the world to guide formal investigative interviews. The acronym summarizes the five stages of the interview process and is particularly useful when conducting investigative interviews of child victims of trafficking and other crimes. Those five stages are: **P**repare for the interview; **E**ngage with the victim to build rapport; **E**xplain to the victim the purpose and ground rules of the interview; secure a full and coherent **A**ccount of what happened to the victim while being trafficked; **C**lose the interview by summarizing important points and explaining next steps; and **E**valuate information obtained during the interview to inform the investigation going forward.

The **P.E.A.C.E. model** can be visualized in the chart below:





# PLANNING AND PREPARATIONS

## BE PREPARED

Interviewing children requires careful preparation. Interviewing child victims of serious crimes such as trafficking is likely to be complex due to the nature of the trafficking process, the number of people and locations that may be referred to and the effect of victimization on the witness. To ensure that the interview is focused and productive, it is imperative that the interviewer is fully prepared before the interview starts. It is a mistake to “wing it.”

A properly prepared interviewer should, at the very least, do the following:

- a. Review the elements of the crime of trafficking to make sure you understand what must be proven to establish a violation of the law. This will help focus the interview on developing relevant facts.

Remember, the law only requires proof of two elements when the victim of trafficking is a person under the age of 18: 1. an Act (Recruitment; Transportation; Transfer; Receipt; or Harbouring); and 2. an Exploitative Purpose, such as labour or sexual exploitation.

While “means” is not required to be proven if the victim is a child, in some cases it is advisable to establish evidence of “means,” such as threats of force, coercion, deception, or abuse of vulnerability, where the evidence of age is uncertain or where it is useful to impact sentencing.

- b. Review the investigative file and become familiar with the facts previously developed. Pay particular attention to any prior statements made by the victim. Make note of any areas that may need clarification or further explanation from the victim.
- c. List the key points to be covered in the interview to help maintain focus and avoid the likelihood of becoming lost in details. In the interview, make sure that questions are aimed at revealing the elements of the crime of child trafficking.
- d. Determine who should participate in the interview and what role each person should play. It may be useful for a person other than the interviewer to act as a note-taker to avoid interrupting the child, delaying their story and to avoid losing eye contact.
- e. The lead interviewer should be chosen with due consideration to the particular circumstances of the child victim. See below.
- f. Be sensitive to the victim's likely reaction to numbers of persons in the room and to the seating arrangement. Maximize the environment in the interview room to encourage the victim's comfort and sense of security and to avoid confusion and interference during the interview. If possible, chose a child friendly space in which to conduct the interview. See below.

- g.** Make sure that all materials necessary for the interview are at hand, such as any documents or photographs that may need to be shown to the victim. If the interview is to be recorded, the equipment should be in place and tested in advance.
- h.** If an interpreter is needed, make sure the interpreter has no connection to, or interest in, anyone in the case and is properly briefed on his or her limited role before the interview begins.
- i.** Children are likely to need more breaks than adults and this should be factored into the length of time or number of days scheduled for the interview.

## INTERVIEW LOCATION – CHILD-FRIENDLY SPACE / ROOM

- a.** Interviews should never be conducted at the location of exploitation or where the child was found.
- b.** Child victims and witnesses should be taken to a private, comfortable, and child-friendly room/place.<sup>15</sup>
- c.** Arrangements should be made to transport the child and any accompanying person(s) to and from the interview location.
- d.** The room or space should ideally allow supervision of personnel or support persons.
- e.** The decoration and furnishing of the interview room should be welcoming. At a minimum, it should have two comfortable chairs set up in a way where the child is most comfortable. The room and furniture should preferably be neutral shades. Avoid having distracting photos or materials laying around or anything that might overstimulate the child. You want them paying attention to the questions.
- f.** Age and gender appropriate toys and coloured crayons and paper can be provided in waiting areas. Carefully weigh the pros and cons of having toys available during an interview — some toys may improve the child's response (for example, toys that a child can squeeze to alleviate stress) but too many might be distracting.
- g.** Technical office equipment should be limited to that required for the interview such as recording equipment.
- h.** Each police station/facility should have a directory of the relevant agencies for the purpose of referrals and have such information prominently displayed.<sup>16</sup>

## THE LEAD INTERVIEWER

- a.** Child victims and witnesses should, if possible, be interviewed by a child specialist police officer trained in the prevention and investigation of crimes allegedly committed by and against children. A child protection specialist should also attend the interview.<sup>17</sup>
- b.** Arrangements should be made to ensure, as far as possible, that the same interviewer and interpreter will be available for the duration of the interview and for any subsequent follow-up interviews that may be necessary. Changes in personnel interacting with the victim are likely to confuse or scare the child.
- c.** Consider the gender of the child and what the most appropriate gender of the interviewers should be.

<sup>15</sup> OCA Child Justice Guidelines (2004) s. 33 (3)

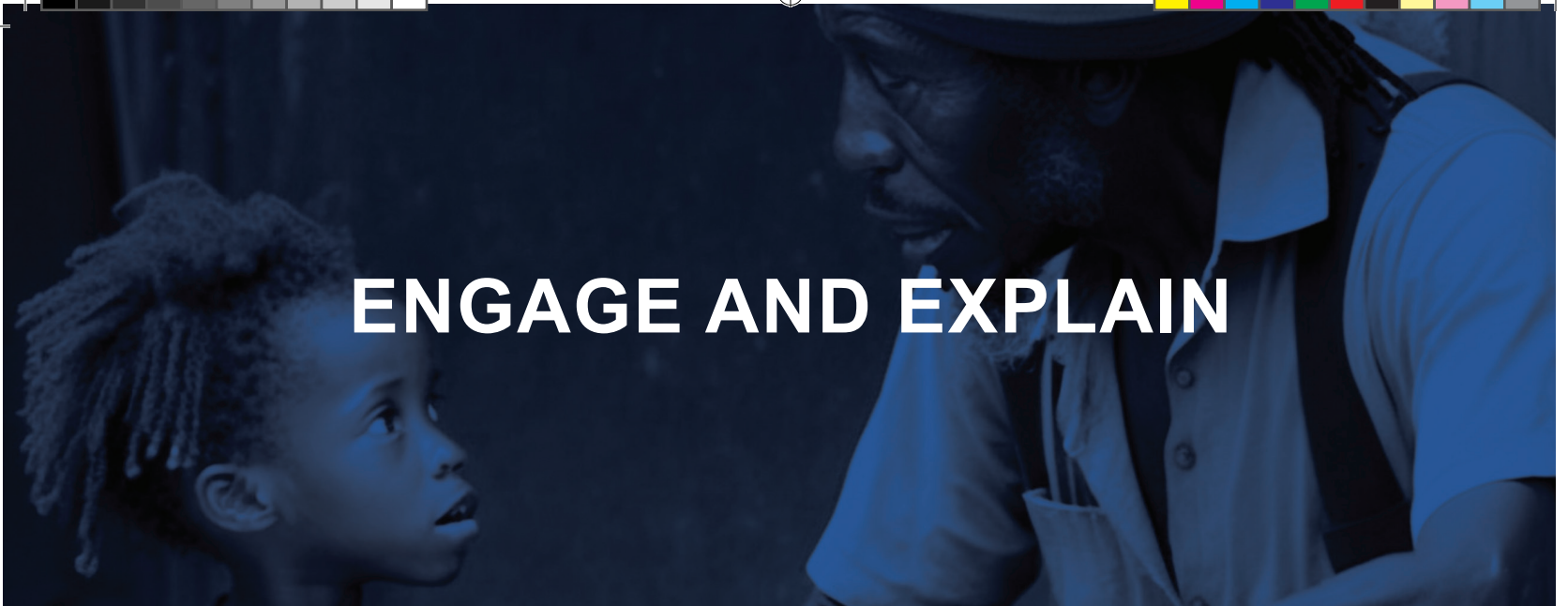
<sup>16</sup> OCA Child Justice Guidelines (2004) s. 33 (6)

<sup>17</sup> Ibid s. 33 (3)

# VICTIM SUPPORT

- a. All statements must be taken in the presence of a parent or guardian or legal representative **except** where it is alleged or suspected that a parent or guardian is the offender or may be complicit.<sup>18</sup>
- b. In such a case, the CPFSA should be contacted to ensure that the child is placed in State care and that the investigation/interview is conducted under the supervision of a child protection specialist.
- c. Where someone presents themselves as a relative to the child victim, that person should not automatically be allowed to enter the interview room. This may be an attempt to intimidate or influence the victim. To determine whether this person qualifies to be present during the interview, check all relevant information to verify relationship and ascertain possible involvement, directly or indirectly, in the alleged crime.
- d. In circumstances where there is no specialist child interviewer available, try to use a member of staff who has previously interviewed child witnesses successfully.

<sup>18</sup> JCF Child Interaction Policy and Procedures (2017) s. VIII E (4)



# ENGAGE AND EXPLAIN

## ENGAGE: BUILDING RAPPORT AND TRUST

For child victims of trafficking and other crimes who are interacting with law enforcement and other officials, the skills of the interviewer will be crucial to both putting the child at ease and getting an accurate account of what happened. Interviewers should build rapport with the child from the moment of initial interaction and should not proceed with an interview until the child feels comfortable and rapport has been built:

## ENGAGE: CONNECT WITH THE VICTIM AT THE BEGINNING OF THE INTERVIEW

### Gaining Trust Is Essential

It should be expected that victims of trafficking will have difficulty trusting officials. Bear in mind also that the longer a victim's ordeal may have lasted, the deeper and more ingrained the trauma or emotional connection to a trafficker may be. A child may have come to rely on the trafficker for economic as well as emotional support. It is not surprising to hear a child victim speak of their abuser in loving or endearing terms. This does not necessarily mean that the child is not a victim of trafficking.

Distrust of law enforcement can be quite common in many cultures and communities; hence victims may not trust or believe that they can or will be protected from retaliation if they provide information about their abuser or other crimes. They may be concerned about being sent to jail for crimes they think they may have committed while trafficked or deported because they do not have proper documentation or illegally entered the country.

They may be ashamed for what they have been forced to do by the trafficker and do not want to share their story for fear that it will be disclosed, and they will be ridiculed or even ostracized by friends and family.

These are only some of the reasons why a child victim may be reluctant to provide information to a law enforcement official. It is up to the interviewer to identify barriers to cooperation and address them with the victim before trying to question the victim about the facts of the case.

#### VICTIM DISTRUST FACTORS

- They have experienced betrayal and broken promises
- They have experienced trauma, fear, or shame
- They may fear they could be sent to jail or deported
- They may feel that talking to you puts them in danger
- They may feel loyalty to, or even affection for, the trafficker





Gaining some level of rapport with the victim at the beginning of the interview before questions about the facts of the case are asked is crucial for the ultimate success of the interview. Unless the victim has confidence and trust in the interviewer and their concerns have been acknowledged and addressed, it is unlikely that a full and complete account of what happened will be disclosed.

How best to engage with a child victim will depend on the particular circumstances and state of mind of each victim. There are no magic formulas here. However, there are a few rules of thumb the interviewer should keep in mind:

- a. Do not begin the interview by launching into the facts of the case. Instead, enter into an informal conversation with the victim, focusing on neutral subjects the victim can talk about easily, such as personal interests, favourite activities, family life, and school experiences. Obviously, the more you know about the victim's background before going into the interview the more you can tailor this discussion to the victim's interests.
- b. Listen carefully to what the victim says and do not interrupt.
- c. Show interest by maintaining eye contact and nodding at appropriate times. If the opportunity arises, ask questions, or share personal experiences showing that you are listening and interested in what the victim has to say.
- d. Treat the victim as a human being. Do not prejudge the victim or use pejorative terms in reference to the victim.
- e. Ask if the victim needs anything, such as water, a snack or anything else that can be offered to make them comfortable. Bathroom facilities should be accessible.
- f. Ask the victim about their welfare and well-being. Respond to any concerns expressed by the victim with practical and realistic suggestions. Be honest and forthright with the victim. Do not make promises that cannot be kept.
- g. Know that there are no magic words and that certain phrases like *"you're safe now"* and *"I will protect you"* may have been used by traffickers to deceive the victim into a false sense of security.
- h. Be aware of your tone and appearance. Do not look or sound intimidating. This is not an interrogation, but an informal conversation. Place yourself at the victim's level. Do not stand over him or her. Speak softly and in a friendly manner.
- i. Above all, be patient.

## EXPLAIN: PROVIDE INFORMATION TO THE VICTIM

As part of the engagement process, the interviewer must be prepared to provide basic information about the interview to the victim. In this way, the interviewer not only helps the victim understand the purpose of the interview and the rules and limitations of that process, but also demonstrates a willingness to be open and transparent with the victim, which is, in itself, an important building block for establishing trust.

The interviewer should, at a minimum, provide the following information to the victim:

- Introduce yourself. If there are other persons in the room, have them introduce themselves also.
- Explain the purpose for the interview.
- Reassure the victim that they have done nothing wrong and is not in any trouble.
- Explain that their only obligation in the interview is to tell the truth.
- Let the victim know that if a question is not understood, they should feel free to say so and to ask that the question be repeated or restated more clearly.
- Let the victim know that everything is being done in their best interest and that everything will be done to prevent any harm coming to them.
- Reassure the victim that their privacy is protected by law and that nothing discussed during the interview will be divulged to others except as required by law.





- Reassure the victim that they can ask for a break in the questioning at any time.
- Do not make promises that cannot be kept, or predictions about the likely outcome of the interview.
- Ask whether the victim has any questions and answer them openly and honestly.
- Ask the victim whether they agree to be interviewed.
- If the session is being recorded, inform the victim and if possible, show the recording equipment to the victim. If the victim does not want the session to be recorded, take notes instead.

It is important that the interviewer uses language appropriate for the child victim's age, experience, cultural background, and maturity level. Explanations should be clear and direct. Jargon, complex or legal terms should be avoided.

Consider delaying and rescheduling the interview if the victim is so severely traumatized that continuing would seriously affect their mental health.



## ACCOUNT, CLARIFICATION, CHALLENGE

### SECURING THE VICTIM'S ACCOUNT

After a connection of trust with the child victim has been established, the interview can progress to the next phase, which focuses on the facts of the case and is intended to secure a full and coherent account of what happened to the victim before, during, and after they were trafficked.

The most important source of evidence in most trafficking investigations is the victim's account. This is because only the victim is in a position to narrate the full story of their trafficking ordeal from beginning to end, from recruitment through exploitation to escape or rescue. The victim is in the unique position of being able to provide evidence on each element of the crime of trafficking. In addition, only the victim can give a human dimension to the ordeal experienced by describing the physical and emotional impact of the crime. Finally, the victim's account can provide a road map for additional investigation to identify new witnesses and evidence supporting the victim's story and establishing the elements of the crime. It is, therefore, crucial that the factual interview of the victim be conducted properly to secure a full and coherent account of events.

#### Objectives of the Interview

The main objectives of this phase of the formal interview process are clear:

- To use the facts provided by the victim as a guide for further investigation to corroborate the account and uncover additional evidence to establish the elements of the crime.





- To secure a comprehensive description of what happened to the victim before, during, and after the trafficking ordeal.<sup>19</sup>
- To use the evidence to identify, arrest and successfully prosecute offenders.

In addition, the interview may uncover potential and ongoing risks to the victim and his or her family, allowing law enforcement to take precautionary action to mitigate that danger.

### Structure of the Interview

The factual interview is conducted in two stages:

- The first part of the interview should begin with the victim providing an uninterrupted narrative of events.
- The interviewer will then seek clarification through open ended questioning of the victim.

### First Part of the Factual Interview: Victim Narrative

The interviewer should begin by inviting the victim to recount events in their own words. During the victim's narrative, the interviewer should refrain from interrupting and listen carefully to the victim's story. The interviewer may want to note areas of the victim's account that will need to be more fully explored later.

Permitting the victim free range to describe their experience at the beginning of the factual interview without interference or direction is important because this non-directive process may allow facts to emerge that might not otherwise have been revealed.

### Second Part of the Factual Interview: Follow-up Questioning

Once the victim has completed the narrative account, the interviewer will want to focus the victim on certain parts of that account that need additional detail or further explanation. The interviewer should draw the victim's attention to that particular statement or fact, and, using open ended questioning, seek clarification.

It is important that the questions used during this phase of the factual interview do not suggest the answer. This is particularly important when dealing with children who are especially susceptible to influence from adults. The questions should invite an explanation rather than a one-word response. Open ended questions asking the victim to explain what happened next or to describe how he or she felt or what he or she saw or heard are preferable to suggestive or leading questions that invite a yes or no answer.

In deciding on which areas of the victim's narrative to address when seeking further details or explanation, the interviewer should keep in mind the elements of the crime and address facts that need to be established to prove trafficking. Thus, any mention by the victim of recruitment or transportation or exploitation or use of force, coercion, threats of force, abuse, or deception, should be topics that the interviewer will want to focus on.

## GENERAL CONSIDERATIONS WHEN CONDUCTING THE FACTUAL INTERVIEW

### Active Listening

One of the most difficult skills to develop when conducting a formal interview is the ability to listen carefully to the victim at all times. This requires patience and discipline. The interviewer should practice active listening techniques. This means focusing full attention, not only on the victim's words, but also on body language and tone of voice. It also entails not being distracted by other concerns or allowing attention to drift.

### Avoid an Interrogatory Style of Questioning

No interviews with vulnerable victims should be viewed as interrogations, since the purpose of the interview is to help the

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<sup>19</sup> OCA Child Justice Guidelines (2004) s. 33 (3)



the child disclose information to contribute to the investigation. Do not interrogate the child as you would a target or hostile witness. Use a friendly, welcoming tone, ask open ended questions, let the child explain things in their own words, and do not interrupt.

**Pace the Interview**

Child victims may require the interview to be taken at a slow pace. The interviewer may find it necessary to slow down the questioning to allow extra time for the victim to take in what has just been said. The interviewer should be patient if the victim responds slowly. The interview should occur at the pace established by the victim.

**Parental or Guardianship Consent or Presence**

Parental or guardian consent/permission to interview a child trafficking victim is not required, especially if there is reason to suspect that the parent/guardian may compromise the investigation or may even be involved in the commission of the offence. Where a parent or guardian is excluded from an interview for these reasons, an officer from the CPFSA must be present to safeguard the interests of the child.

**Recording Formal Statements from a Child**

Formal statements from the child must be recorded with a parent or guardian present in the room **except** where it is alleged or suspected that the parent or guardian is the offender or may be complicit (**JCF Child Interaction Policy and Procedure (2017), Section VIII(E)**)



CLOSURE

**CLOSING THE INTERVIEW**

Once the substantive portion of the interview is completed, the victim should not be abruptly dismissed. That will undermine any trust built up during the interview and reduce the possibility of cooperation in the future. Rather, the interview must be properly ended. This means that the content of the interview is summarized to give the victim an opportunity to confirm or amend the statement. In addition, the interviewer should discuss with the victim, answer any questions the victim may have, and provide the victim with contact details of the interviewer so that the victim and interviewer can maintain contact throughout the investigation.

**Practice Pointers**

- Use simple language to summarize the main points of evidence in the child’s statement. Check that you understand what you have been told.
- This is a rare instance when the interviewer may use leading questions, repeating back information already provided by



the victim for clarification and accuracy.

- Ask if there is anything the child victim wants to ask or say.
- Answer any questions in language appropriate to the child honestly and realistically.
- Tell the child what will happen next, including future meetings and the possibility of needing to tell their story more than once. But do not make any promises about future developments. Particular care should be taken to avoid making promises that a victim will not have to give evidence or that someone will be charged.
- Thank the child for their time and effort. Show you have taken their account seriously. For example, say, “Thank you so much for your information and being here.” The child should leave the interview feeling as positive as possible.
- Give the victim a contact name and telephone number in case they later decide that they have further matters to discuss with the interviewer. In fact, the interviewer should encourage the victim to call if any concerns or questions arise.
- If the victim is at risk from the trafficker or associates, the interviewer should discuss with the victim security arrangements and urge the victim to contact the interviewer immediately if approached by the trafficker or associates.
- The victim should not be made to feel that they have failed or disappointed the interviewer even if they have provided little or no information. The victim may be more forthcoming in the future, and it is important to keep the avenues of communication open.



## EVALUATING THE INTERVIEW

Evaluating and reviewing the child victim’s statement after the fact is important for several reasons.

- First, it provides an opportunity to verify details and identify aspects of the victim’s story that can be corroborated by previously obtained evidence. Any new information not uncovered by the investigation to date should be identified in the victim’s statement and made part of the investigative plan going forward.
- In addition, careful analysis of the child victim’s account may reveal areas or topics that were not sufficiently addressed during the interview, which may require going back to the victim in the future for further clarification on those points.
- Finally, threats to the victim or family not previously recognized may be revealed with greater clarity upon review of the victim’s statement. The security plan for the victim and family should be revised and implemented in accordance with new information.





### Practice Pointers

- An evaluation should take place after each interview, no matter how short the interview might have been.
- The interviewer should carefully review and analyse the victim's account to identify facts which can be corroborated, identify areas that need further clarification or additional detail, and identify any new evidence revealed in the interview that need to be pursued with additional investigation.
- The post-interview analysis should also be used to evaluate the performance of the interview team. Was there anyone to whom the victim appeared more comfortable responding? This can be useful information when considering consistency of roles in additional interviews of the victim.
- Always assess any risks to the victim, their family or others that might have been revealed in the interview to determine what action might be necessary to protect the victim and family.
- Assess the mental and physical condition of the victim in light of what has happened in the interview. This may involve reference to experts such as doctors and psychologists.
- Evaluate whether there is need for further questioning of the victim, and if so, on what topics.
- Keep a record of the debriefing session and all decisions made.



## Introduction

The evidentiary interview of the trafficking victim seeks to obtain a detailed account about the trafficking experience of the victim. As such, it is a formal interaction that may require a significant amount of time to complete, sometimes extending over several sessions.

Securing a detailed account from the victim during the evidentiary interview should uncover additional facts to verify and new witnesses to interview. As such, the evidentiary interview does not end the investigation. Rather, it serves as a road map for further investigation.

## Goal

The fundamental goal of the evidentiary interview is to secure a full and truthful account of the victim's trafficking experience from beginning to end, from recruitment through to rescue.

The facts elicited during the interview should focus on establishing the elements of the trafficking crime: Act; Means; Purpose (Act and Purpose, if the victim is under 18 years old). Thus, it is important to get details about the "Act," that is, how the victim was recruited and arrived at, or was taken to, the place of exploitation. It is also important to establish details about the "Means," that is, any force, threats, restraint, or deception used by the traffickers to control the victim. And it is important to explore with the victim the nature of the "Purpose," that is, the exploitation, such as the hours worked, pay received, debt owed, living conditions endured, etc.

## Challenges

### • Victim Issues

Because the evidentiary interview typically takes place sometime after the initial encounter, the investigator may find that the victim's concerns and attitudes have significantly changed. The victim may have been housed in a safe and secure environment with sufficient time and support to recover from the ordeal and reflect on the experience in a way that make the willingness to share information with law enforcement more likely.

If the victim is a young child, there may be questions as to whether the child has the maturity to understand the duty to tell the truth and the capacity to do so. Moreover, the counsellor, who has worked with the child since the referral to CPFSA, may advise that a lengthy interview would not be in the child's best interests and recommends that the interview be limited or even postponed.

The victim may not be fluent in English, making a detailed and extensive interview difficult and subject to misunderstanding. The investigator should not attempt to conduct such an interview without a competent and unbiased interpreter. To do otherwise is to risk an incomplete and inaccurate statement.

Finally, the investigator conducting the evidentiary interview is most likely not the same person to whom the victim remembers talking to during the initial contact. In other words, the investigator is a stranger to the victim. This may confuse and even upset the victim, weakening whatever trust was established during the initial interaction with law enforcement.

The investigator must be aware of possible changed circumstances and not go into the evidentiary interview assuming that the victim's attitudes and concerns will be the same as those encountered by the first responder.

### • Factual Issues

Because many trafficking schemes take place over significant periods of time and involve many discrete incidents, some of which are separate crimes in themselves, as well as a number of different locations, other possible victims, and additional co-conspirators or facilitators, obtaining the full story from the victim will take time and patience. The evidentiary interview cannot be done quickly. The investigator should expect a thorough interview to take several hours at minimum. This may require extending the interview sessions over several days, depending on the amount of detail to cover and the ability and willingness of the victim to recall facts, and share information.

Additionally, the investigator must be prepared to address any new information generated by the ongoing investigation since the initial encounter with the victim.



New facts may have been uncovered in the interim that suggest additional areas of inquiry or raise questions about the veracity of the victim's first account.

For instance, the investigation may have revealed that another young woman was in the massage parlor at the same time as the victim or that the victim's account does not fully comport with other evidence in the case. It will be important to question the victim about this second individual in an effort to identify and locate her as a possible corroborative witness and additional victim, and to get an explanation from the victim for any questions or inconsistencies in the statement.

## Structure of the Evidentiary Interview – P.E.A.C.E. Model

The P.E.A.C.E model (Prepare, Engage, Account, Close, Evaluate) is a useful guide for conducting an evidentiary interview of a trafficking victim.

### P. PREPARATION FOR THE INTERVIEW

Careful planning is an essential component for a successful evidentiary interview. This means the investigator must anticipate potential barriers to cooperation and devise an approach to overcome them. The investigator should also have a clear understanding of the key information to focus on and develop a strategy to elicit that information.

- **First Steps**

Before going into the interview, it is important that the investigator reviews the trafficking laws to have a clear understanding of the elements of the crime of trafficking. This will help the investigator focus the interview on developing meaningful information to the investigation rather than wasting time on details that have little bearing on proving the trafficking crime.

In addition, the investigator should carefully review the investigative file and be fully conversant with the evidence collected to date. In this way, the investigator will identify any gaps in the evidence or outstanding questions that need to be addressed during the interview.

The investigator should also consult with any counsellors or shelter workers who have been working with the victim, as well as the first responder who first had contact with the victim, in order to gain a better understanding of the victim's needs, concerns and emotional condition. This background information can be invaluable in knowing how best to engage with the victim in a way that maximizes the possibility of cooperation.

- **Prepare an Interview Plan**

The investigator should not go into the evidentiary interview without a specific plan in mind of how that interview is to be conducted. The goal of the interview plan is to create an environment conducive to a free and open conversation between the victim and the investigator. To this end, the investigator needs to consider a number of factors, discussed below:

- **Who Conducts the Interview?**

- a. **Gender of the Interviewer**

The lead investigator assigned to the case usually conducts the evidentiary interview of the victim. However, in some cases the gender of the interviewer may be an important factor in establishing rapport and trust with the victim. This can be especially true where the victim is a child, or the case involves sexual exploitation.

Of course, each victim is unique, and it is not always the case that a particular child victim or victim of sexual assault will necessarily respond more positively to a female interviewer. And not all female investigators are as effective as some of their male counterparts in projecting empathy and having the skill set to interact effectively with a vulnerable victim. Nevertheless, the gender of the interviewer should be considered when determining who should take part in questioning the victim.

Factors that may inform this decision include: Is a female interviewer available; Does she have the experience and capacity to conduct an effective interview of a vulnerable victim in a trafficking case; Does the victim prefer a female, rather than a male, investigator. This last variable is perhaps most important. Background information about the victim based on discussions with counsellors, shelter workers and the first responder, knowledge of the facts of the case based on a review of the investigative file, and preliminary discussions with the victim including asking the victim if they prefer to discuss the case with a woman investigator, can inform this decision.





## b. Specialized Investigator

A child should not be interviewed in the same way as an adult. The approach and techniques used in interviewing a child must be appropriate to the age, maturity levels and psychological development of the child. Attempting to interact with a child as you would an adult will not only fail to achieve results for the investigation, but also could retraumatize the victim. As such, child victims, especially young children, present a particular challenge to investigators.

When faced with interviewing a child victim, the investigator should consider bringing in an investigator with specialized training in interacting with children to lead or participate in the interview. If no such specially trained investigator is available, the investigator should consult with an expert in child psychology to assist in conducting the interview in the most effective, child-friendly way.

### • Location of the Interview

Where the interview is conducted can have an impact on the victim's willingness to engage. Much depends on the specific facts, resource limitations, and victim concerns unique to each case. Information about the victim from counsellors, shelter workers and the first responder will inform the decision of where best to locate the interview.

In some situations, the interview should be conducted at the shelter. For example, if the victim is a child, conducting the interview there where the victim is comfortable and feels supported and safe is usually the least disruptive option. This may not be true, however, if the victim is unhappy at the shelter and angry at having to be there.

In other cases, interviewing the victim at home is best, since it allows the victim to engage under familiar surroundings. This can be a good location choice if the victim fears that law enforcement is trying to charge and jail him or her. This, however, would not be a good location choice if there is any indication that the family is involved in the crime, or the trafficker, trafficker's family, or associates live in the area. Additionally, some victims may not want the family to know what happened to them while trafficked and may feel shame in having to describe the details of their ordeal in front of them.

In still other cases, engaging with the victim at the police station may make the most sense if other less inherently intimidating locations are not suitable. This can be especially the case for children if a child-friendly space is available there.

Wherever it is conducted, the interview location must, at a minimum, give the victim a sense of security and privacy and be reasonably comfortable.

### • Who Else Will be Present?

Generally speaking, the interview room should contain as few persons as possible to avoid distracting and intimidating the victim. At a minimum, the investigator and a second person taking notes should be present. Having a note-taker in the room to document the interview frees the investigator to fully engage with the victim without the distraction of looking at a note pad and interrupting the flow of conversation to write things down.

There may be situations that will require the presence of additional people. For example, if the victim is not fluent in English, an interpreter will be in the room. And if the victim requests or needs emotional support from a friend, counsellor, or family member, it may be advisable to permit that person to be present as a way to build trust and encourage cooperation.

Children, in particular, may need support from a trusted adult, such as a counsellor or shelter worker, during the interview. Such persons can be very useful in reassuring the child and helping the investigator to establish a connection with the child. However, the support person should not be allowed to interfere with the interview by responding for the victim or suggesting to the victim how to answer specific questions. The investigator should make these ground rules clear as a precondition to participating.

If the victim is a child, a parent or family member may insist on being present during the interview. This can be problematic if there is reason to believe their presence would have a chilling impact, either because of family involvement with the trafficker or because the victim's sense of shame and embarrassment will prevent an open discussion of the facts.

Whether the investigator views the presence of the parent or family member as constructive or counterproductive to the interview will be determined by what is in the best interests of the child informed by information received from outside sources, such as the investigative file, the first responder, counsellors, and shelter workers, as well as from preliminary discussions with the victim.

In any event, under Jamaican laws and regulations, the investigator is under no obligation to seek permission from parents as a precondition to conduct an interview of a child victim of trafficking. Nor is it required that they be allowed into the in-

interview room. The investigator's decision should be based solely on the best interests of the child. The parents or guardian should not be allowed to participate if their presence would negatively impact the child's emotional well-being.

#### • Seating Arrangement

Since obtaining as much information as possible from the victim during the evidentiary interview without retraumatizing them is the ultimate goal of that exercise, the investigator must be sensitive to details that could affect the success of the interview. How seating is arranged in the interview room is one such detail that can have an impact on the victim's willingness to respond to questioning.

While victims are unique individuals and respond differently in their interactions with the authorities, in most cases, an informal set up in which the investigator and victim sit facing each other without a desk or other barrier between them is preferable. This allows the investigator to be relatively close (but not too close) to the victim and to have full view of them, making it easier to converse in friendly conversational tones and to observe any changes in the victim's body language during the course of the interview.

It is important that the investigator not stand or sit above the victim looking down on them. This can be intimidating and make the victim, who may fear or distrust the police, less likely to cooperate. This is especially important when dealing with young children who may be too small to use furniture designed for adults. Chairs suitable for a child should be provided and the investigators should conduct the interview at the level of the child. This may mean sitting on the floor, if necessary.

The note taker should be placed in the room so that he or she can clearly hear and record the interchange without being a distraction to either the investigator or victim. The note taker must not stand or sit between the investigator and victim, nor be within sight of the victim, since the investigator wants the victim to focus entirely on him or her throughout the interview. If possible, the note taker should be near the back of the room out of sight.

If an interpreter is required, that person must be seated relatively close to the victim and investigator to be able to hear and be heard by both parties. This does not mean, however, that the interpreter must sit between the two participants. This would be distracting and, worse, encourage both parties to talk to the interpreter rather than directly to each other. A good place for the interpreter to sit is a short distance away from the two parties so that hearing is not impeded but the face-to-face connection between investigator and victim that is so important to a successful interview is not disrupted.

If a VSD officer is allowed into the room, that person may wish to sit close to the victim. The investigator should consult with the victim to verify that this is what the victim wants. In any event, the victim's preference for where the support person should sit should be followed. However, the investigator must not allow the support person to interfere with the interview by responding for the victim or suggesting to the victim by word or gesture how a question should be answered. This should be made clear at the outset to the support person and to the victim.

#### • Dress

Another detail for the investigator to consider is whether to conduct the interview in uniform or in plain clothes. The uniform can send different messages to different victims. For some victims, it may be a reassuring symbol of protection. For other victims, the uniform can have a chilling, intimidating effect. The decision of how to dress for the interview, assuming that department regulations give the investigator a choice in the matter, will depend on the particular information available regarding the facts of the case, the victim's past experience with law enforcement, and the victim's issues and concerns.

For example, if the facts of the case involve police complicity, it may make sense to conduct the interview in street clothes to minimize being associated in the victim's mind with the "bad guys." On the other hand, if the victim's main concern is retaliation from the trafficker, wearing the uniform during the interview may have a reassuring effect which encourages cooperation. Here again is another example why it is important to gather as much background information as possible about the victim before the interview begins.

#### • Materials

In preparing for the interview, the investigator must make sure that all necessary materials are in place and ready for use. Any photographs, drawings or prior statements that will be shown to the victim for identification or explanation must be in the file and readily accessible to the investigator so they can be immediately produced during the interview. Also, any recording devices that will be used to memorialize the interview, such as video or audio equipment, must be set up and tested in advance to make sure they work properly.

There is nothing that undermines victim confidence more in law enforcement than confusion and delay caused by lack of preparation. A victim may conclude that if the police cannot do simple things, like getting the equipment to work or organiz-



ing documents, how can they be trusted to do hard things, like protecting me and my family?

- [Choosing and Briefing the Interpreter](#)

The investigator should recognize that the presence of an interpreter in the interview introduces new challenges.

For example, the investigator must consider whether the interpreter will translate concurrently (translating with the speaker) or consecutively (translating after the speaker finishes a thought). Consecutive translation takes time and will make the interview significantly longer than usual. Moreover, the speaker must remember to pause frequently to allow the interpreter to remember and translate accurately. This too will extend the interview. The investigator must anticipate these issues and make allowances for the additional time that will be required.

In addition, the interpreter must be carefully chosen, not only to assure accuracy, but also neutrality; that is, a biased interpreter can cause a great deal of mischief in an investigation by unduly influencing or even threatening the victim, purposefully mistranslating crucial testimony, or acting as a conduit for information to the trafficker. It is crucial that the investigator makes sure that the interpreter chosen does not have an interest in the case or is connected in any way to the victim, the accused, or any possible witnesses. This means that the investigator should carefully interview the interpreter to uncover any potential connections to the case and conduct a background check to verify the interpreter's competence and character before engaging that interpreter.

Once an appropriate interpreter has been identified, the investigator should brief him or her on the general outline of the case and any technical terms that might be used during the interview. This will help assure a more accurate translation.

It is crucial that the investigator maintain a personal connection with the victim at all times and that neither the investigator nor the victim address the interpreter rather than each other during the interview. Also, the investigator does not want to lose control to the interpreter who may try to develop a separate relationship with the victim that could intentionally or unintentionally cause undue influence or disruption. The investigator must, therefore, set clear ground rules for the interpreter. Specifically, it must be stressed that the interview is between the investigator and the victim. The interpreter must not do anything to interfere with that relationship. The interpreter must understand that he or she is an invisible presence through which the victim and investigator can communicate. The interpreter's only job is to translate word for word. If something is unclear or does not make sense, it is not the role of the interpreter to clarify or seek an explanation, but only to accurately repeat what has been said. The investigator will seek clarification through additional questions as needed. The investigator should make clear to the interpreter that private contact or conversations with the victim is prohibited.

- [To Record or Not To Record](#)

An important decision that must be made before the interview begins is whether to make an electronic record of it, either through an audio or video recording. In making this decision, the investigator should carefully consider the advantages and countervailing disadvantages to this approach. Much will depend on the investigator's assessment of the victim's capacity and willingness to provide an accurate and coherent account during this interview. This may be difficult to determine before beginning the actual interview, though information gleaned from counsellors, shelter workers, and the first responder, may provide some indication of what to expect.

One advantage of recording the statement is that it can reduce the need to repeatedly reinterview the victim, since the account is preserved and can be reviewed by the investigator and prosecutor at any time. Another potential advantage is that, by locking the victim's account into a format that the victim can see and hear, it may make it more difficult for the victim to withdraw or amend the statement later. This can be especially useful in the event the victim is tampered with by the trafficker.

On the other hand, it is not uncommon in trafficking cases for a victim's story to evolve over time as recovery improves, trust in law enforcement strengthens, and memory sharpens. Recording the victim's statement at an early stage in the investigation before the victim has had sufficient time to give a full and truthful account can be counterproductive for several reasons.

If the victim's account is incomplete or leaves important questions unaddressed requiring further explanation, additional interviews will be necessary. The fact that the first interview was recorded will not obviate that need for, nor save the victim from, having to undergo more interview sessions.

Moreover, memorializing an incomplete or inaccurate statement on a recording that can be played back at trial will give the trafficker a persuasive tool to cast doubt on the victim's credibility. This can be powerful evidence to support the trafficker's argument that the victim cannot be believed or trusted, jeopardizing the possibility for a successful outcome.

The investigator should avoid undertaking any action that unnecessarily compromises the victim or could be used as a



weapon to unfairly attack the victim and deprive him or her of justice. Recording the victim's statement prematurely, before the victim is emotionally ready to fully cooperate, is, on balance, not advisable for the reasons stated above. But when the investigator is satisfied that the victim is prepared to give a full and complete statement, the investigator may then conclude that a recording to "lock in" the statement is warranted to minimize repeat interviews and to reduce the potential for corrupt interference by the trafficker.

Depending on the status of the victim, the first investigative interview may not be the appropriate time to record. The investigator should be flexible on this decision and be prepared to delay any recording until the investigator is confident that the victim is fully prepared to give a complete account.

## E. EXPLAIN AND ENGAGE

At the start of the interview, it is important to avoid immediately launching into questions about the facts of the case. Instead, the interview should begin, not by demanding information from the victim, but by giving information to the victim.

- **Introductions**

Specifically, the investigator should introduce him or herself and explain that the purpose of the interview is to have a better understanding of what happened to the victim so that persons responsible will be held accountable under the law.

The investigator should also introduce anyone else in the room, such as the note-taker or interpreter, and explain who they are, why they are present, and what their role is in the interview.

- **Privacy**

If the interview is to be recorded, the investigator should make that clear to the victim, explain the purpose for recording the interview, and seek the victim's permission to record. This may generate questions about how the notes or recording will be used and whether they will be shown to others. The investigator should welcome such questions and respond to them honestly without making promises that cannot be kept.

For example, if the victim wants assurances that the statement will never be shown to anyone else, the investigator cannot give that guarantee. The investigator can reassure the victim that guarding victim privacy is important, and that right will be protected as required by law. The investigator can further state that what the victim says in the interview will not be shared with anyone outside law enforcement during the investigation, but that if the case proceeds to trial sometime in the future, a court may require the statement to be disclosed. If the victim expresses reservations about the recording, the investigator should accede to the victim's wishes and turn off the recording device, relying on notes to memorialize the interview.

- **Ground Rules**

At the conclusion of this introductory session, the investigator should describe the ground rules of the interview, namely, that the victim has done nothing wrong and is not in any trouble; that the victim may ask for and have a break at any time during the interview; that the victim may terminate the interview at any time; that if any question is unclear, the victim can ask that it be repeated or rephrased; and, most importantly, that the victim's only obligation in the interview is to always tell the truth.

- **Seek Consent**

The investigator should finish by seeking the victim's consent to proceed with the interview. This question empowers the victim but risks the possibility that the victim may refuse to proceed. This rarely happens, but if it does, the investigator should seek an explanation from the victim, which may open the door to a discussion of the victim's problems, allowing the investigator to address and allay those issues. This can remove barriers preventing the victim from engaging in a productive interview. See below.

- **Engage**

In addition to these introductory formalities, the investigator should attempt to engage the victim in an informal conversation focused on areas of personal interest, such as hobbies, school, family, or hometown or village. Background questions about normal, every-day activities can naturally segue into a back-and-forth exchange on a human, non-threatening level which can forge a connection between victim and investigator. This will lessen the tension and mistrust that inevitably exists at the beginning of the interview and make the victim feel more comfortable in sharing information with the investigator.



Engaging with the victim in this way may seem frivolous and unimportant. After all, the investigator has a job to do and cannot be “wasting time” in small talk with the victim. However, making an effort to establish a level of rapport with the victim at the outset will bear fruit later in the interview. Failure to demonstrate interest and concern for the victim as a human being is not only inconsistent with a victim centered approach but is also poor investigative tactics that is likely to result in an unsuccessful interview.

Of course, the extent to which the investigator can engage the victim in this way will depend on the time available. But the more time devoted to forging a human connection at the beginning of the interview, the more likely it is that, as the interview proceeds, the victim will be forthcoming in sharing information about what happened while they were trafficked.

- **Observe and Assess**

This initial engagement may give the investigator an opportunity to observe and evaluate the victim’s demeanor and to recognize signs of anger, fear or anxiety, such as confusion, sudden outbursts, refusal to maintain eye contact, weeping, irregular breathing, changes in skin color, or wringing of hands. These indicators may signal to the investigator that something important is bothering the victim which will prevent full engagement in the interview process. Indeed, the victim may refuse to proceed with the interview - a clear warning that some problem for the victim is blocking cooperation.

- **Address Concerns**

Perhaps the victim is in need of money, worried about the safety of their children, or is afraid of the police. The victim is clearly preoccupied with a serious problem and cannot focus on the facts of the case unless and until those issues are addressed. The investigator must enquire into the nature and cause of the victim’s worries before trying to ask questions about the facts of the case.

The investigator should carefully listen to the victim’s concerns and discuss them directly and honestly, and, as appropriate, provide information, advice, and assistance. In this way, the investigator demonstrates concern for the victim and responds constructively to their needs. To the extent that the investigator encourages the victim to talk about these concerns and addresses them openly and honestly, the more likely it is that the victim will respond later to questions about the facts of the case.

## A. ACCOUNT

Assuming that the engagement process results in a victim willing and able to proceed, the interview can continue to the next phase, obtaining a full and coherent account from the victim about what happened to them while trafficked. This can be a lengthy process, as there will be many facts to cover. The investigator should be aware that such an interview can be a difficult process for the victim who is being asked to remember painful experiences. The investigator should always be mindful of the victim’s reactions as the interview proceeds. Loss of focus, intense emotional responses, body language indicating fatigue, are all indications that a stopping point has been reached. To avoid pushing the victim too hard and risking retraumatizing them, the investigator should be prepared to take frequent breaks, shorten a session, or even postpone a session for several days or longer.

- **Narrative**

One way to begin the get the victim’s account is to invite the victim to describe in their own words what happened to them while being trafficked. The officer may begin in any number of ways, such as by asking how the victim came to this place, or what happened when they arrived at this place. The objective is to encourage the victim to give as much information as possible about the sequence of events in the trafficking experience in their own words.

The function of the officer at this point is to carefully listen to the victim’s account with an open mind and not to interrupt or leap to conclusions. The officer should maintain eye contact with the victim and demonstrate interest by appropriate body language, such as leaning forward and nodding occasionally.

- **Follow-up Questions**

When the victim concludes their uninterrupted narrative of events, the officer should ask follow-up questions designed to clarify or expand on the narrative, focusing on areas relevant to the elements of trafficking. For example, if the victim mentions that they were “forced” to engage in sexual conduct, the officer might ask the victim to go into more detail about that by describing how they were forced. Or if the victim said that they didn’t “like” the job, the officer might follow-up by asking the victim to explain what they did not like about the work.





In asking follow-up questions, the officer should focus on fleshing out facts that pertain to the elements of trafficking, such as force, threats, deception, or exploitation and avoid asking about irrelevant or minor details which add little to the overall narrative and which the victim probably cannot recall at this point in any event.

Questions designed to get the victim to remember details, such as dates, names or amounts should be avoided: “When did you arrive? How long were you in the massage parlor? How many men did you service every day? Who drove you to the construction site?” Details such as these are not crucial to know at this stage of the investigation. They can be verified later as the investigation proceeds. Moreover, such questions may lead the victim to provide a response that may not be accurate in an effort to impress or please the interviewer. This can create possible inconsistencies between the victim’s statement and facts uncovered later during the investigation, thus undermining the victim’s credibility at trial and jeopardizing the outcome of the case.

- **Linking Questions**

During the course of the victim’s narrative account, important information may be given that needs to be addressed in greater detail. The investigator should not interrupt the victim at that point but take note of the information and allow the victim to continue to complete the narrative account. At the conclusion of the victim’s narrative, the investigator will need to circle back to that topic to flesh out the details. A useful technique to help draw attention to areas of significance, is to repeat that information, reaffirming that this was, in fact, said; and then, having focused the victim’s attention on that subject, ask open-ended, follow-up questions seeking additional detail or explanation.

For example, if the victim mentions during the course of the narrative that they were “forced” to work 14 hours a day, seven days a week, the investigator may say something to this effect: “I heard you mention that you were “forced” to work those long hours. Did I hear that correctly? Can you describe how they forced you to work?” This approach accomplishes two things. First, by repeating the information given by the victim, the investigator demonstrates that he or she has been listening carefully. It is important for the victim to know that the investigator is paying attention and is alert to details. Second, it signals that a particular area needs to be discussed. This draws the victim’s attention to a specific time, place or event, encouraging the victim to bring to bear their full attention and powers of recollection.

Follow up questions to establish or clarify timelines are also important at this point and could include: “How do you remember that it was a Friday? What else happened that day? What show were you watching when they entered the room?”

- **Form of Questions: Open vs. Closed and Leading Questions**

The investigators follow up questions should be open-ended and not leading or closed questions. Open-ended questions allow the victim to explain or describe things, situations or feelings in their own words. These questions usually begin with, “*what happened next,*” “*please describe what you saw,*” or “*can you explain how you felt.*” Such open-ended questions encourage the victim to talk.

There are two reasons why asking open-ended questions is preferable. First, they invite the victim to speak using their own words, and the more the victim talks freely, the more information will be divulged. Second, the investigator does not want to inadvertently influence the victim’s statement. Asking open-ended questions limits that possibility by not suggesting the investigator’s views or assumptions in the question.

For example, if the victim stops the narrative at the point when they arrive at the brothel, the interviewer might ask an open-ended question, such as, “*Tell me what happened next?*” Or the interviewer might ask, “*Describe how you felt when you realized that you had been taken to brothel?*” Both examples invite the victim to give an expansive account in their own words. In this way, new and potentially useful information is revealed.

An interviewer, on the other hand, might ask a closed question. A closed question asks for very specific information, such as, dates, times, numbers, names of people or places. **Closed questions** look like this: “*How long were you at the brothel?*” “*What time did you leave?*” “*How many men did you see a day?*”

The interviewer might also ask a leading question. **Leading questions** suggest what the answer should be. Leading questions look like this: “*You felt bad when you realized that you had been taken to a brothel, didn’t you?*” “*Didn’t he hit you in the face?*” “*You went with them because you needed the money, correct?*”

Both closed and leading questions severely limit the scope of the answer. The probable answer to the closed question, “How long were you at the brothel?” might be, “I don’t remember?” Or the victim might hazard a guess trying to impress or please the investigator by responding, “six months.” (This may prove to be wrong when paperwork found at the brothel during a search reveals that the victim was there for over a year, thus damaging the victim’s credibility.)



Neither closed nor leading question invites the victim to give an expansive explanation or description in their own words.

The examples of the leading questions above, are even more restrictive. The only answer allowed is a one word “yes,” or “no.” In fact, both examples of leading questions make clear that the investigator expects the victim to answer “yes.” In effect, the interviewer is directing the victim’s response, reducing the possibility of uncovering new information and risking unduly influencing the victim’s story.

**It is particularly important not to use leading questions when interviewing young children.** Children are especially susceptible to suggestion. Because children are vulnerable to adult power and authority, they tend to give the answers they think the adult wants to hear. Leading questions signal to the child exactly what the interviewer expects to hear. Using this type of suggestive questioning when interacting with a child will only result in inaccurate information that will hamper the investigation and undermine the prosecution.

- **One Question at a Time**

Each question should contain a single topic and not include multiple subjects.

For example, compare the question, “what did you see?” with the question, “what did you see and hear?” Both are open-ended questions, but the second question is really two questions in one: what did the victim see, and what did victim hear? This is confusing, because the question asks for two different and separate responses at the same time. The victim will not know which question to answer. This will increase the potential for miscommunication. Avoid confusing the victim. Always ask one question about one topic at a time.

- **Simple, Easy to Understand Language**

Words matter. When talking to the victim, do not use jargon, technical terms, or unusual or arcane terminology. Keep your language as simple and direct as possible.

In addition, the words used should be appropriate to the age, and experience of the victim. This is particularly important when interacting with children. Depending on the maturity level and educational background of the child, terms that seem obvious to the interviewer may not be understood by the victim. This may also be the case with adult victims, particularly those with little education or limited fluency in English.

For example, informing a victim that she won’t be “charged” or “prosecuted,” may not convey the reassuring message intended if the victim does not know what “charged” or “prosecuted” means. Telling the victim that she is “not in trouble” and “won’t go to jail,” is a simpler and more direct form of communicating, increasing the likelihood that this important message will be understood.

- **Active Listening**

Practice active listening when interacting with the victim. This means focusing complete attention on the victim, carefully listening to what the victim is saying and doing and not be distracted by surroundings or thinking about other things. The victim could mention something in an off-hand way that might be important information, but which could easily be ignored or missed if the interviewer is not paying sufficient attention.

Active listening also means being sensitive to not only the words of the victim, but also to their tone of voice, and body language. It is meaningful when a victim uses an angry tone when speaking about an incident or person. Similarly, a person who will not maintain eye contact, or crosses arms in front of their body, or turns away from the interviewer, conveys meaning too. The interviewer must take these signs into consideration to fully understand what is being communicated.

Finally, active listening means keeping an open mind when interacting with a potential victim, realizing that you do not know what the victim experienced and that you must wait until all the facts are established before any conclusions can be made. In other words, when encountering a possible victim, it is the investigator’s professional duty not to leap to any premature conclusions about the victim or what happened to them. But rather, to treat the victim with respect and to avoid referring to them in a demeaning or dismissive way.

- **Inconsistencies**

To the extent there are inconsistencies between the victim’s account and other evidence in the investigation, or if parts of the victim’s story seem counterintuitive or problematic, the investigator may want to seek an explanation or clarification. The victim’s account might appear to conflict with the physical evidence. For example, the victim’s description that the trafficker locked them in their room at night, may not comport with the evidence that proves there is no lock on the door. The

investigator may want to ask the victim to provide an explanation for this apparent contradiction. The victim might provide such an explanation by responding that the locks were removed when the traffickers learned to trust them.

The victim's story might also raise concerns about credibility. For instance, the victim might say that the trafficker allowed them to leave the brothel to go shopping unaccompanied once a week. This is problematic since it suggests that the victim may not have been exploited. The investigator will want to know why the victim did not act on opportunities to escape or seek help. The victim may explain that they were afraid to escape because they saw another victim, who had run away, tracked down and returned to the brothel where he or she was beaten.

In addressing the victim about issues in their account, the investigator runs the risk of alienating the victim and losing their confidence. Much depends on the level of rapport established between investigator and victim. A strong bond of trust can withstand, what the victim may perceive to be, a hostile attitude. A weak relationship may not. If the investigator senses that to be a problem, it may be prudent to delay addressing such issues with the victim until later, when there has been time to establish a stronger connection.

• **Avoiding the Why Question**

Questioning “why” a person did or did not do something, can sound accusatory and result in a hostile or uncooperative response. It may be important to know the reason why a victim did not leave the brothel even though there were opportunities to do so. Asking victims that question bluntly, though, can be taken as a negative judgement of the victim’s conduct. Investigators should explore a softer approach which avoids the perception of implied criticism while making clear what needs to be explained.

Instead of going directly to “why,” find a way to have the victim explain by using a more round-about, less accusatory approach. For example, the investigator might focus on the victim’s state of mind as a way to get the victim to explain without asking why. Such a line of inquiry might look something like this:

Q. “Did you ever think about leaving?”	A. <i>[Yes]</i>
Q. “Tell me about that.”	A. <i>[I thought about it all the time but in the end, I decided not to]</i>
Q. “What was going through your mind when you decided not to escape?”	A. <i>[I was scared]</i>
Q. “What were you scared of?”	A. <i>[Being caught and beaten by the traffickers]</i>
Q. “What made you think that could happen?”	A. <i>[I saw it happen to another girl who tried to escape]</i>
Q. “Tell me about that.”	A. <i>[That girl ran away but was returned by the police and the brothel owner beat her]</i>

Notice, the word, “why,” is never used. Instead, the investigator asks the victim to describe what they thought about running away. This leads to insights and information crucial to the investigation that might not have been disclosed otherwise. The investigator now has a credible explanation for the victim’s failure to act plus a new and potentially crucial lead to pursue.

• **Questioning a Child Victim**

When interacting with a child victim of trafficking, it is important that the interview take place in a child friendly space and to seek advice and assistance from a colleague or expert specially trained in child psychology, as noted earlier. The investigator should, in any event, be aware of how attitude, tone of voice, and even appearance can impact the child. The following pointers should be kept in mind when interviewing children:

- Be calm and non- threatening.



- Use a reassuring friendly tone of voice; smile, nod head in agreement to show support and listening.
- Do not be impatient or abrupt when the child is slow to answer or does not understand your questions.
- Use words that children will understand.
- Avoid leading questions as they may affect how the child answers the questions.
- Physical contact should be avoided, especially in situations where sexual abuse has occurred.
- Conduct the interview in an informal, child friendly setting, which is quiet, private, and safe.

## C. CLOSE

When the victim's statement has been concluded, the investigator should avoid an abrupt termination of the interview.

- **Summarize and Confirm Important Facts**

The investigator should review with the victim salient points in the statement for accuracy. Here, the investigator may ask direct, rather than open ended questions to seek confirmation from the victim for important facts stated during the interview.

For instance, if the victim had said during the interview that one of the girls ran away and was returned to the brothel by two policemen, the investigator may want to confirm these facts by repeating this information and asking the victim directly to confirm that this is in fact what they saw: *"You saw the girl who ran away returned to the brothel by two policemen, is that correct?"* This is a direct or leading type of question, but it is appropriate in the context of summarizing what the victim had previously said in their own words.

This may generate additional discussion, clarifying and expanding factual issues. Sufficient time should be allocated to allow the victim to make any additions or changes to the statement. It is important that the victim is given every opportunity to be heard, and is, by the end of the interview, satisfied, not only with the statement, but also that they have been respected.

- **Invite and Respond to Questions**

Before concluding the interview, the investigator should check to see if the victim has any further questions. All questions should be answered openly and honestly without making any superficial reassurances or unrealistic promises that cannot be kept.

The victim may have concerns about money or ask for help in finding a job. The investigator cannot, of course, promise the victim work or offer the victim money or any other type of compensation. The investigator can, however, inform the victim about the right to apply for restitution under the law and refer them to legal aid to help in the application process. The investigator can also refer the victim to an appropriate agency to assist in locating a job (for example, the Ministry of Labor and Social Security).

The victim may want to know what will happen next or express fears about privacy or security. The interviewer should take these issues seriously and engage in additional conversation to assess the nature of the concern before giving an answer.

For instance, if the victim says they fear for their own or their family's safety, the investigator should not give broad, generic assurances of protection, which will have limited credibility with the victim, but instead take those concerns seriously by asking about specifics, such as the nature and likely target of the threat, the identity of the person or persons feared, or the type of threat anticipated. This will provide additional useful information for the investigation, demonstrate a sincere interest in the victim's fears, and allow for a realistic and practical security plan to be put in place that will do more to reassure the victim than a stock promise of safety.

- **Anticipate Potential Interference from the Trafficker**

Even if the victim does not raise safety concerns, the investigator should anticipate that the trafficker or associates of the trafficker may, at some point in the near future, attempt to contact the victim directly or through the victim's family with the purpose of securing silence through intimidation or bribery. The investigator should discuss this possibility with the victim and urge them to immediately contact the investigator should such a contact be attempted.

Before thanking the victim for assisting the investigation, the investigator should let the victim know how to contact him or her and provide a phone number to call at any time in case of an emergency, a threat, contact from the trafficker, or simply to ask a question.

## E. EVALUATE

- Memorializing the Interview

After the interview is concluded, the investigator will need to memorialize the interview in some way, usually through a written report or memorandum based on notes taken during the interview. The accuracy of this report is crucial as it will be used as evidence if there is a trial in the case.

The investigator should keep in mind that in trafficking cases, the whole story is usually not revealed in a single interview, but slowly comes to light little by little over time. The victim's account can evolve as memory improves and trust strengthens. It is not uncommon for the victim's account in the first investigative interview to be amended or changed in subsequent interviews. The trafficker will capitalize on these inconsistent statements at trial through cross examination of the victim designed to impugn their credibility. In drafting the interview summary, the investigator should take this reality into account by noting that the interview was limited in time and scope and does not purport to cover all aspects and details of the case.

- Revise Investigative Plan

The investigator, in addition to submitting the interview report, should re-evaluate the investigative plan in light of any new evidence that may have been revealed during the victim's account.

The victim's statement should be reviewed and analyzed to identify areas needing further clarification. This may require another, more focused, victim interview in the future.

In addition, the victim may have provided new information that can help corroborate the victim's account or prove the elements of the trafficking crime, such as the existence of documents that must be secured and reviewed or the names of witnesses or victims who will need to be located and interviewed. This may require investigators to work with the ODPP to secure a search warrant for the trafficker's office or residence, or instituting surveillance and undercover operations.

- Re-evaluate Risk

The victim's statement may have also provided new information regarding potential interference with the victim by the trafficker or the trafficker's associates. The risk level of the victim should be re-evaluated in light of any new information received during the interview. The security plan should be refined and implemented accordingly to limit the trafficker's ability to obstruct the investigation and to strengthen protection of the victim and his or her family.

# KEY TAKEAWAYS

- Have a plan in place before conducting an evidentiary interview
- Identify who should lead the interview, where the interview should take place, who should be present, what the seating arrangement should be, and what materials are needed
- An interpreter must be carefully vetted to assure neutrality and instructed not to interact with the victim outside the presence of the investigator
- Take time to explain and engage before asking questions about the facts
- Encourage the victim to give a narrative in his or her own words
- Use open-ended questions and active listening to obtain information
- Do not ask leading questions which suggest the answer, especially when interviewing a child
- Focus on important information pertaining to the elements of trafficking and not irrelevant details that invite inaccurate responses
- Close the interview by summarizing and confirming salient facts using direct questions
- Revise the investigative plan in light of new information obtained from the interview
- The best interests of the child are the most important consideration when working with a child victim
- Children should be interviewed in child-friendly spaces and allowed support persons if requested
- Investigators with special training in interacting with children or experts in child psychology should be consulted when interviewing a child
- There is no legal requirement to seek parental permission before interviewing a child
- Gender of the interviewer is a factor to consider, especially when interviewing a child



ANNEX

# NATIONAL REFERRAL MECHANISM





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## National Referral Mechanism for Child Trafficking in Jamaica

### Overview

Jamaica's *National Referral Mechanism (NRM) for Child Trafficking* is intended to set out the roles and responsibilities of various government actors and of relevant non-governmental organizations (NGOs), through the five phases of response to a suspected incident of child trafficking:

1. Initial Report of Trafficking and Intake
2. Identification and Investigation
3. Needs Assessment and Referral for Support and Protective Services
  - "Needs assessment" refers to an evaluation of the needs of a trafficking victim for various forms of support and protection. As set forth in this narrative:
    - An assessment of victim needs for support services shall be coordinated by the CPFSA.
    - CPFSA will consult with JCF CTOC for guidance on the security needs of the victim
    - CPFSA will consult with the OCA in the event of any issues relating to the best interests of a child or child rights.
4. Support and Protective Services
5. Reintegration

The NRM relates to all presumed child victims of trafficking in Jamaica, including Jamaican children trafficked within and outside of Jamaica, and third country nationals trafficked in Jamaica. The NRM is informed by the guiding principle that:

- The general principle of this NRM is to ensure that every trafficked child is empowered, supported and protected with a view to ensuring that he/she is effectively rehabilitated and reintegrated into society.

Additional key principles include:

- Respecting the rights of the child trafficking victim, including the child's privacy rights and the child's right to play a role in decisions about his or her future
- Making decisions guided by an assessment of the best interests of the child ("do no harm") and ensuring the child does not suffer from unintended consequences
- Not discriminating based on the gender, race, nationality, age, religion, sexual orientation or other factors

### Key Questions

*What is Trafficking in Persons?*

Trafficking in Persons ("TIP") involves the recruiting, harboring or transfer of a human being for the purpose of exploitation. Most trafficking is for the purpose of sexual exploitation or using the victim

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for labour, such as domestic servitude. Under Jamaica's *Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007*, it is not necessary to prove any "means of control"<sup>1</sup> in cases involving children under the age of 18 years.

Trafficking is a modern-day form of slavery. TIP is prohibited under Jamaican law by the *Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007* (as amended). Violation of this law is a serious crime, punishable by twenty years in prison. Aggravating circumstances, including trafficking of a child, can result in an additional ten years in prison.<sup>2</sup>

#### *Who are the victims of trafficking?*

Victims of TIP include the most vulnerable groups in society, including men, women, boys, and girls. The trafficking law defines children as persons under 18 years of age.

The term "trafficking" may suggest movement of some kind, but it does not require any kind of physical movement. A person can be trafficked without ever changing location at all. "Trafficking" really refers to the buying and selling of a person and may be generally understood as the exploitation of one or more individuals for the benefit of another.

Many or most trafficking victims are exploited against their will, but some trafficking victims give their consent or actively participate in their own exploitation. Under Jamaican law, an individual can be trafficked regardless of their consent. Jamaica's TIP Act provides that consent of the victim provides no defense to charges of trafficking-in-persons. Thus, an individual can be trafficked regardless of their consent.

#### *What is the role of the Jamaican government in combatting TIP?*

The Jamaican government serves three primary roles with regard to TIP.

- First, it is the government's responsibility to proactively identify incidents of child trafficking.
- Second, TIP is a law enforcement matter, and, using a victim-centered approach, Jamaican authorities work together to remove victims from the control of their traffickers, and to investigate, prosecute and punish traffickers.
- Third, once a victim is free of his/her trafficker(s), he or she needs assistance in resuming a normal life. See, for example, ONRTIP's Victim/Survivor's Handbook.

A variety of different Jamaican government agencies play roles relating to TIP.

- From a law enforcement perspective, the **Jamaican Constabulary Force (JCF)** takes a leading role in detecting and investigating child trafficking.

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<sup>1</sup> This refers to threats, use of force or forms of coercion, abduction, fraud, deceit or other means for the purpose of controlling another person. Because children are automatically in a position of vulnerability, it is not necessary to prove a "means of control" in a trafficking case.

<sup>2</sup> [https://oig.cepal.org/sites/default/files/2013\\_jam\\_act19.pdf](https://oig.cepal.org/sites/default/files/2013_jam_act19.pdf)





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- The JCF has a special branch with responsibility for investigating presumed TIP crimes: the **Counter-Terrorism and Organised Crime Investigation Branch (C-TOC)**.
- With regard to child trafficking, JCF has another specialized unit, the **Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA)**, which investigates such matters.
- Other key Ministries, Departments, and Agencies (MDAs) responsible for the enforcement of legal frameworks include:
  - **Ministry of National Security (MNS)**
  - **Office of the Director of Public Prosecutions (DPP)**
  - **Passport Immigration and Citizenship Agency (PICA)**
  - **Ministry of Foreign Affairs and Foreign Trade (MOFAFT)**
  - **Ministry of Labour and Social Services (MLSS)**
- The lead agency for assuring the welfare of child trafficking victims is Jamaica's **Child Protection and Family Services Agency (CPFSA)**. Other agencies also play key roles, including:
  - The **Office of the Children's Registry (OCR)** receives reports of child abuse, including suspected child trafficking.
  - The **Office of the National Rapporteur on Trafficking in Persons (ONRTIP)** is an oversight body for trafficking matters in Jamaica.
  - The **Office of the Children's Advocate (OCA)** is a Commission of the Jamaican Parliament mandated to enforce and protect the rights and best interests of children.
  - The **National Task Force Against Trafficking in Persons (NATFATIP)** leads the Government of Jamaica's (GOJ's) efforts to coordinate, implement, monitor and evaluate Jamaica's national response to trafficking in persons.
  - The **Ministry of Justice's Victim Support Division (VSD)** provides counselling and preparation for court to victims of crimes, including children.
  - The **Ministry of Education, Youth and Information (MOEYI)** provides educational support according to the needs of the child. They are also able to provide skills training through Jamaica's HEART Trust programme.
  - The **Ministry of Health** provides medical services including medical examinations and care, dental examinations and care, and psychosocial support/counselling.

### Stage 1: Initial Report of Trafficking and Intake

The first stage of the national referral mechanism is the initial reporting of trafficking and intake of the matter by government authorities. This involves the detection and reporting of a suspected victim of child trafficking. Reports may come from any one of a number of sources, including community members, "prescribed reporters"<sup>3</sup>, or other government officials. It is the responsibility of government to proactively identify child trafficking as part of their day-to-day work. Specialized child trafficking screening tools may be used to identify indicators of trafficking. The detection of trafficking is based on

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<sup>3</sup> "Prescribed reporters" are persons such as doctors, nurses, teachers, social workers and others who are legally required to report any detection of child abuse including trafficking victims



the reporter’s observations of certain indicators or “red flags,” such as the appearance of the presumed<sup>4</sup> victim, signs of sexual abuse, exploitation, physical or psychological mistreatments, and restrictions on the victim’s movements. Intake refers to the point at which the report of suspected trafficking is made and enters the government system. This is typically done by the JCF (local police stations, CTOC or CISOCA), NCR and CPFSA, NATFATIP, OCA, or ONRTIP.

**Objective:**

To effectively and promptly identify a presumed victim of child trafficking<sup>5</sup> and report the instance to the relevant MDA officials

**Relevant Stakeholders:**

- Lead Agencies: Jamaica Constabulary Force (JCF) Counter- Terrorism and Organized Crime (CTOC) Unit, National Children’s Registry (NCR), Child Protection and Family Services Agency (CPFSA), National Task Force Against Trafficking-in-Persons (NATFATIP), Centre for the Investigation of Sexual Offenses and Child Abuse (CISOCA), Office of the Children’s Advocate (OCA)
- Supporting Roles: Community/concerned citizens, Prescribed reporters (teachers, social workers, nurses, doctors, etc.), Passport, Immigration and Citizenship Agency (PICA), Embassies, Courts, Ministry of Labour and Social Security (MLSS) Inspectorate, non-governmental organizations (NGOs), religious leaders, Office of the National Rapporteur on Trafficking-in-Persons (ONRTIP)

**Procedural Steps:**

Initial report of trafficking refers to the detection of a suspected trafficking situation and the formal process by which that information enters Jamaica’s national referral mechanism for child trafficking response.

1. Reports of suspected trafficking may be made by any person, including by concerned citizens. MDA officials are required to pass along such reports to the relevant authorities. Such reports can be made by telephone, email, message, or walk-in. In addition, MDA officials have been trained to proactively identify trafficking victims, with the assistance of specialized child trafficking screening tools to identify trafficking victims.<sup>6</sup>

The relevant authorities for reporting child trafficking in Jamaica include:  
**a. JCF (local police station, JCF-CTOC, CISOCA)**

<sup>4</sup> A “presumed victim of trafficking” refers to a person who is suspected to be a victim of trafficking but has not yet been officially categorized as such by the JCF, NATFATIP or CPFSA  
<sup>5</sup> A child is defined as an individual under the age of 18 years in Jamaica.  
<sup>6</sup> See Appendix X for Child Trafficking Screening Tools



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Telephone: 119

Email: [tip.ocid@jcf.gov.jm](mailto:tip.ocid@jcf.gov.jm)

**b. NCR and CPFSA**

Telephone: 888-PROTECT (776-8328)

**c. NATFATIP**

Telephone: 906-4923-31

**d. OCA**

Telephone: 876-967-3225; 876-948-1293

**e. ONRTIP**

Telephone: 876-583-3011

**f. Crime Stop Anonymous Tip Line**

Telephone: 311

2. JCF, NCR, CPFSA, CISOCA, NATFATIP, OCA, or ONRTIP can receive a report of child trafficking. When a report is received, as much information as possible is gathered using standard MDA intake forms. Using a child trafficking screening tool<sup>7</sup>, the official receiving the report can evaluate whether the case should be referred on for further investigation as a trafficking case and victim services.

If the report **does NOT appear to be a child trafficking case**, it is addressed according to standard MDA procedures for investigation and care and protection.

If the report **DOES appear to be a child trafficking case**, it must be referred for investigation and formal identification of the case as presumed child trafficking.

Depending on the location of the child and potential security concerns, representatives of JCF must rescue the child and remove him/her from a hazardous situation. In these cases, it is the responsibility of JCF to inform CPFSA and ensure a social worker is present to provide immediate care to the child. It is the responsibility of CPFSA to respond and arrive on the scene as quickly as possible.

## Stage 2: Identification and Investigation

The second stage of the national referral mechanism involves identification and investigation of the matter. If one or more indicators of trafficking are detected, the case will be investigated to determine whether the presumed victim can be confirmed as a victim of child trafficking. Additional investigation may be required to establish that a child has been trafficked.

**Case confirmation may happen immediately or may take months depending on the unique circumstances of each victim. Cases may be confirmed by JCF-CTOC in coordination with NATFATIP and CPFSA and should be confirmed as expeditiously as possible.**

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<sup>7</sup> Child trafficking screening tools are new tools intended to standardize the process for identifying presumed child trafficking victims. These tools have been customized from a standard model in order to fit the circumstances of each agency using them.



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**Objective:**

To validate the indicators from the initial reporting to confirm a child trafficking case (i.e. legally identify a child trafficking victim) and ensure a coordinated response from key actors.

**Relevant Stakeholders:**

Lead Agency: JCF-CTOC

Supporting Roles: NCR, CPFSA, NATFATIP

**Procedural Steps:**

1. Once a presumed case of child trafficking is referred to NCR & CPFSA, NATFATIP, or JCF-CTOC, the receiving agency should immediately inform the other two key agencies responsible for child trafficking response:
  - NCR & CPFSA informs JCF CTOC and NATFATIP.
  - NATFATIP informs NCR & CPFSA and JCF CTOC.
  - JCF CTOC informs NCR & CPFSA and NATFATIP.
2. JCF CTOC works with NCR & CPFSA (and, as appropriate, with CISOCA) to gather additional evidence to determine whether the presumed case can be confirmed as child trafficking.

If there is NOT sufficient evidence, NCR & CPFSA should follow their internal protocols for care and protection of a child.

If additional evidence suggests that the child may have been trafficked, JCF-CTOC in consultation with NATFATIP and NCR & CPFSA will officially confirm whether the child has been trafficked. All presumed victims of trafficking should be referred to CPFSA for a needs assessment and services while JCF conducts a parallel investigation and confirmation of trafficking.
3. JCF CTOC will begin investigation of the case and the potential trafficker in preparation for possible prosecution of the case. JCF CTOC will lead the management of the investigation. The victim's cooperation in the investigation plays an important role in the prosecution of their trafficker, which is also in the nation's best interest, so every effort should be made to support the victim and encourage them to participate. However, the victim and/or their family/guardian has the right to choose whether to participate. Even if the victim and/or their family/guardian choose not to participate, the case may still move forward. Even if prosecution of the case is not pursued, the child should still receive all of the necessary care and protection offered to trafficking victims.

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4. JCF CTOC will work with CISOCA to gather evidence to on the incident of trafficking and the trafficker. JCF CTOC will coordinate with DPP to share evidence for successful prosecution of the trafficker. DPP will seek restitution and/or compensation for the victim. If the trafficker is convicted, the court may order restitution to the victim.

### **Stage 3: Needs Assessment and Referral for Urgent Support and Protective Services**

Needs assessment and referral for urgent support and protective services is the third stage of the national referral mechanism, but this can **occur concurrently with Stage 2: Identification and Investigation**. It is paramount that the urgent needs of the child be met as quickly as possible. Urgent care may include but is not limited to shelter/residential care, medical assistance, food, clothing, counselling and/or safety and security. CPFSA will conduct a needs assessment and coordinate immediate support and protective services with supplemental support from NATFATIP and advice on security measures from JCF-CTOC.

#### **Objectives:**

To assess the needs of a child trafficking victim, to provide urgent care as needed, and to develop an individualized care plan for the coordination of support services

#### **Relevant Stakeholders:**

Lead Agency: CPFSA with security risk assessment conducted by JCF

Supporting Roles: NCR, JCF CTOC/CISOCA, NATFATIP, OCA

#### **Procedural Steps:**

1. As part of its official reporting mandate, NCR will log the case reported and share a copy of the report with OCA and CPFSA (Investigation Unit), while respecting the child's right to confidentiality and privacy. ONRTIP should also be informed.
2. CPFSA, in consultation with JCF CTOC and NATFATIP, will conduct a rapid assessment to ensure that the child's emergency needs are met. These may include, but are not limited to medical care, clothing, food, shelter, family tracing and family assessment. Further investigation and interviews with the child should only be conducted after the child is ready and emergency needs have been met. A CPFSA social worker should be present in all interviews with the child to ensure a child-centered approach that remains conscious of the potential for inadvertent re-traumatization of the child. If the child speaks a foreign language, CPFSA must ensure that a translator/interpreter is available.
3. JCF CTOC conducts a security risk assessment to determine if there are any immediate safety risks to the child or others around him/her. The security risk assessment should inform plans for future care of the child trafficking victim and whether the child can be reunited with her/his family.

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4. The child may need residential care. CPFSA is responsible for the placement of the child in a shelter or in foster care. Placement is made in consultation with JCF CTOC and NATFATIP to ensure that any security concerns for the child or to others around him/her are addressed. If significant security concerns remain, or if witness protection is required, MNS can also be consulted on the placement of the child.
5. CPFSA will develop a care plan and corresponding case file for support services. The care plan should be tailored to the unique needs of the child and include long-term plans for reintegration of the child. A CPFSA investigator will complete a “social inquiry report” to assess any family or community risks.
6. CPFSA develops and maintains a protective services case file on the child. The case file must include individualized short, medium and long-term care plans for the child. CPFSA should consult with NATFATIP and JCF CTOC regarding security or other concerns associated with the provision of protective services to the child trafficking victim. To the extent possible, the child should be consulted in decisions regarding his/her care.
7. JCF CTOC will develop and manage a corresponding case file for the investigation process.

#### **Stage 4: Support and Protective Services**

The fourth stage of the national referral mechanism involves Support and Protectives Services. Once the child’s immediate needs have been met, CPFSA will develop a plan to coordinate the provision of services while JCF-CTOC leads investigation efforts. CPFSA will liaise with external service providers to ensure all needs are supported and protection needs are met and will update the child’s case file accordingly.

**Objective:**

To ensure the child receives the care and protection through a collaborative approach with various stakeholders each playing a role.

**Relevant Stakeholders:**

Lead Agency:	CPFSA
Supporting Roles:	Ministry of Health (MOH), MNS, MLSS (Public Assistance), Ministry of Education, Youth and Information (MOEYI) (Heart Trust), Victim Services Division (VSD), JCF, PICA, Ministry of Foreign Affairs and Foreign Trade (MOFAFT)



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**Procedural Steps:**

1. CPFSA will assign a case manager to oversee the care and protection of a child trafficking victim. The case manager should be trained to understand the unique needs of a child trafficking victim and should always be mindful of the potential for inadvertent re-traumatization. The case manager, who should remain the same throughout the life of the case, should also have as an objective the successful reintegration of the child.
2. CPFSA will develop an individualized care plan for each child and coordinate service provision. Services available to a child trafficking victim include, but are not limited to those included in the table below<sup>8</sup>:

Service Provider	Services Available
MOH	<ul style="list-style-type: none"><li>• Medical exam and care</li><li>• Dental exam and care</li><li>• Psychosocial support/counselling</li></ul>
CPFSA	<ul style="list-style-type: none"><li>• Case management</li><li>• Psychosocial support/counselling</li><li>• Residential care/shelter</li><li>• Coordination of translators as needed</li><li>• Reintegration support</li></ul>
MNS	<ul style="list-style-type: none"><li>• Witness protection</li><li>• Assistance with shelter placement</li></ul>
MLSS	<ul style="list-style-type: none"><li>• Support to the child and/or their family (Public Assistance)</li><li>• Employment programmes for family members (Steps to Work, Electronic Labour Exchange, Overseas Employment, Social Intervention Programme)</li></ul>
MOEYI	<ul style="list-style-type: none"><li>• Educational support according to the needs of the child</li><li>• Skills training (HEART Trust)</li></ul>
VSD, with the assistance of ONRTIP and OCA	<ul style="list-style-type: none"><li>• Counselling to help the child prepare to testify in court</li><li>• Advise the court on whether the child is ready to testify and advocate for child-friendly measures, such as remote or video testimony</li></ul>
JCF	<ul style="list-style-type: none"><li>• Monitor and provide security</li></ul>
PICA & MOFAFT	<ul style="list-style-type: none"><li>• Repatriation to or from overseas</li><li>• Assistance obtaining temporary or long-term legal resident status</li><li>• Support for non-Jamaican nationals</li></ul>

<sup>8</sup> Additional information may be found in ONRTIP's *Human Trafficking Survivors' Handbook*



	<ul style="list-style-type: none"><li>Note: International Organization for Migration can also assist with repatriation, if needed.</li></ul>
NGOs	<ul style="list-style-type: none"><li>Depending on the location of the child, NGOs can be engaged to provide a variety of protective services</li></ul>

Stage 5: Reintegration

The fifth and final stage of the national referral mechanism involves the reintegration of the child victim. At the same time the child trafficking victim’s care plan is developed, CPFSA will develop a reintegration plan to facilitate the child’s ability to move forward with his/her life. The reintegration plan is a long-term solution that accounts for the social, economic, and safety interests of the trafficking victim.

Objective:

To ensure the child is given the opportunity and receives the appropriate support to move forward with his/her life.

Relevant Stakeholders:

Lead Agency: CPFSA

Supporting Roles: PICA, MOFAFT, JCF, MLSS, MOEYI, MOH, ONRTIP

Procedural Steps:

1. Reintegration of the child into a community or their family should be considered from the initial care planning stage. CPFSA will help the child to develop a reintegration plan before he or she achieves the age of 18 years, if possible.
2. CPFSA will provide ongoing monitoring and follow-up support to ensure the child successfully reintegrates.<sup>9</sup>
3. If needed, PICA and MOFAFT can assist in the voluntary return of the child to their country of origin.
4. JCF can provide ongoing monitoring and security support, which could include informing the child trafficking victim when their trafficker will be released from prison.

<sup>9</sup> See Annex XX for Recommendations for Minimum Standards of Care for Child Trafficking for additional detail on reintegration.

# REFERENCE MATERIALS AND RESOURCES

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#### WEBSITES:

Warnath Group's Child Friendly Space website

[www.childfriendlyspaces.com](http://www.childfriendlyspaces.com)

Resource Library – Jamaica's Office of the National Rapporteur on Trafficking in Persons (ONRTIP)

<https://jamaicaonrtip.com/>



[www.WarnathGroup.com](http://www.WarnathGroup.com)

