

Corroborative Evidence for Trafficking in Persons Investigations

A WARNATH GROUP PRACTICE GUIDE



The WARNATH GROUP

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PRACTICE GUIDE
by The Warnath Group

“Investigators and prosecutors must not place the entire burden of success in a human trafficking case on the shoulders of those who have endured the severity of this crime perpetrated against them. For success, it should be considered essential to apply investigative and prosecutorial skills to offer the court additional persuasive, compelling supportive evidence demonstrating and bolstering the narrative of a victim’s testimony. Not fully building the case by utilizing corroborative evidence, as well as expert testimony, if that is needed, leads to acquittals. When there is a failure to achieve accountability of traffickers and trafficking enterprises, there is no deterrence and trafficking is not reduced; it is not ended.”

- Stephen Warnath, CEO & President, Warnath Group

AT A GLANCE

Intended Audience:

- Investigators and prosecutors working on human trafficking cases

Takeaway: Corroborative evidence is necessary in victim-based and trauma-informed investigations and can help authenticate what witnesses and victims have relayed, build their confidence, and construct a stronger human trafficking investigation leading to a successful prosecution and punishment for human traffickers.

In This Practice Guide:

- Definition of corroborative evidence
- The importance of corroborative evidence
- Human trafficking investigation types and phases
- Types of corroborative evidence collected at each stage of investigation
- Corroborative evidence collection scenarios

Human trafficking investigations can be difficult and law enforcement personnel are challenged with gathering adequate evidence. This Practice Guide is intended to provide investigators at any experience level working anywhere in the world with some techniques to uncover information and evidence, specifically corroborative evidence, in human trafficking investigations. This Practice Guide explains the importance of corroborative evidence and identifies several types of evidence that can build and support human trafficking investigations.

Trafficking in persons or human trafficking is a crime that exploits people – especially many who are quite vulnerable - and unfortunately, every community potentially has, and very

likely has had or will have cases of human trafficking. An important understanding is that perpetrators and victims of human trafficking are frequently undetected in our communities. One way to combat human trafficking is to investigate, prosecute, and punish the traffickers. To do this, thorough investigations must establish information to identify victims and solid evidence to adequately support successful prosecutions resulting in convictions.

Sufficient evidence to support these investigations can be difficult to obtain. Exploitation will need to be substantiated by demonstrating the physical or mental state of the victim. Investigators must assemble corroborative evidence to validate victim statements to build the most persuasive case. This can take pressure off the victim and strengthen the case. This Practice Guide provides several examples of evidence that can be gathered to support successful prosecutions.

It is important that investigators know the human trafficking laws they are responsible for enforcing within their jurisdiction. Human trafficking laws can be complex. The investigator must understand the elements of the law that need be proven to demonstrate a violation and proceed successfully through the judicial system.

To simplify what these elements are, the investigator can begin by breaking down and focusing on the verbs or the actions of the statute. For example, using the Palermo Protocol definition of trafficking in persons, these action words are the **recruitment, transportation, transfer, harboring, or receipt** of persons. Investigators should find the act or the “what” of their respective statute and investigate if any of these actions have occurred. If the action has not yet occurred but there is a conspiracy or attempt to commit the action, or if someone has aided and abetted another to commit the act, the investigator may consider other statutes that may encompass these actions as other crimes. While the Palermo Protocol does not include conspiracy, attempt, or aiding and abetting language, it is possible that the trafficking in persons statute or separate criminal statutes exist within the investigator’s jurisdiction.

Next, the investigator can look at the means and methods or the “how” the act was committed. Referencing the Palermo Protocol, the way the acts are committed are by **means of the threat or use of force** or other forms of **coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability** or of the **giving or receiving of payments or benefits** to achieve the consent of a person **having control**

over another person. Investigators need to explore whether any of these means and methods were used to manipulate and exploit victims.

Some elements of human trafficking statutes may be easier to prove. If a victim claimed their trafficker used force to exploit them and an investigator can see the physical harm done, such as marks or bruises, this can be photographed and documented. The evidence needed to demonstrate and explain that force was used to control the victim may not be complicated or need much corroboration.

The use of coercion or fraud to manipulate and exploit a victim can be harder to prove and may need more explanation and corroboration. Methods of psychological manipulation can be a culmination of behaviors that need to be combined to demonstrate how a trafficker was able to control and get the victim to do what the trafficker wanted. Investigators will need to focus on assembling statements and corroborating information to build evidence that illustrates these methods of control and manipulation.

Corroborative Evidence Defined

Corroborative evidence is additional information that confirms or strengthens evidence that already exists. To achieve successful human trafficking prosecutions and punish traffickers, investigations must take appropriate investigative steps to gather sufficient supporting evidence.

Importance of Corroborative Evidence

Investigators gather facts from many sources throughout an investigation to get to the truth of what has happened or is still happening. Investigators should not rely on any one source or piece of information to support an investigation. Independent pieces of information from various sources, when combined with other facts, can build a stronger case that supports a successful prosecution.

Because human trafficking is a victim-based crime, investigators will need to determine who are the victims. Investigators will talk to people, but the people interviewed can be human trafficking victims who may have experienced serious trauma, due to the exploitation and manipulation they have endured. While it is important and necessary to explore the story from the victim's perspective, investigators should not rely solely on what they say, as it may result in a weak case and place undue pressure on human trafficking victims.

It is very important for investigators to look for other evidence that can support or dispute witness statements. Not only is it a good investigative practice to test and validate what witnesses have claimed, in the case of human trafficking it can also take a tremendous burden off victims. Victims often may be dealing with their own personal trauma and trying to meet basic needs such as food, clothing, housing, along with new employment. The less investigators rely on victims, the better. This provides victims an opportunity to focus on their own needs and work through any trauma. Not only is this a humanitarian approach and the right thing to do, but it may also allow victims to improve their mental health, rebuild confidence, and ultimately become stronger witnesses. Confirmation or validation of victim statements through collecting other facts also strengthens a case. Presenting evidence that corroborates what a victim has said can demonstrate that the story told in court is sincere and plausible (recognizing that many times what victims of trafficking experience and endure may sound at first incredible and difficult to envision as real). This also ensures that the case does not solely exist as a "he said/she said" type of case and it is more likely to have success as it continues through the judicial process. This guide provides many other investigative techniques and types of evidence that can support victim statements.

Human Trafficking Investigative Types and Phases

There are two types of human trafficking investigations – reactive and proactive. Law enforcement may receive information requiring an emergency response to criminal activity occurring at that moment. For example, a victim of human trafficking may run away from a trafficker, hide in an abandoned building, and call law enforcement relaying sexual exploitation and fear that the trafficker will find and kill them. Law enforcement, without knowing the alleged victim, trafficker, or any specific circumstances surrounding

this situation, would respond, assist the victim, and then start taking investigative steps to explore the scenario further. This would be considered a reactive investigation.

Law enforcement may receive a tip that criminal activity might be occurring. To explore this possibility, law enforcement may take various investigative steps to determine if criminal activity is occurring and who is involved in the activity. For example, law enforcement personnel may informally learn from community members that a captain of a fishing boat comes to port every few weeks to sell their catch. The captain never allows the deckhands to depart the boat when they are docked. Law enforcement may begin taking investigative steps to gather information before intervening. This would be initiating a proactive investigation.

Once law enforcement initiates a reactive or proactive human trafficking investigation, this guide outlines the following three investigative phases where investigative steps or activities involving evidence gathering and corroboration may occur. The first investigative phase can occur before any law enforcement intervention or response has commenced. The proactive investigative scenario above is a good illustration of this. Information from community members is the initial informal information received. The first investigative steps law enforcement may take is physical surveillance of the boat and research boat ownership and registration records.

The second investigative phase where collecting evidence and corroboration may occur is at the actual scene of law enforcement intervention or response. The reactive investigative story explained above illustrates this. Information from the victim through an emergency call is the first piece of information law enforcement receives. Briefly interviewing the victim may be the first investigative step taken.

The third investigative phase, where evidence is gathered and corroboration may occur, is after law enforcement has intervened or responded. An example of this could be building from the proactive investigative scenario above. Law enforcement may have conducted several more investigative steps and gathered information and evidence in the second investigative phase, such as reviewing videos derived from a camera the investigators installed on top of a dock piling close to where the boat regularly docks, executing a search warrant of the boat, and interviewing the deckhands and boat captain. Investigative activities and gathering evidence in the third phase may consist of analyzing evidence seized during execution of the search warrant of the boat such as

the global positioning system records, reviewing employment records, and interviewing past deckhands and dock workers.

For purposes of this Practice Guide, it is irrelevant whether the evidence collection in human trafficking investigations is the result of reactive or proactive investigations. The order of the three investigative phases and when information, evidence, and corroborative evidence can be collected is not pre-determined and can differ depending on controlled and uncontrolled circumstances.

Types of Evidence Collected During Each Investigative Phase

This Practice Guide provides many examples of evidence types that can be used as evidence or corroborative evidence but should not be considered a complete list. This Guide describes investigative types within each of the three investigative phases and may contain ideas for new investigators or a review for those more experienced in investigating human trafficking.

Investigative Phase I: Evidence Collection Before Law Enforcement Intervention or Response



Electronic Surveillance

Playing a video or audio recording for a judge or jury so they can see or hear with their own eyes or ears what a subject or victim did or said can be very powerful. This kind of evidence may build on or reiterate what has already been described by witnesses and victims, giving them credibility. Evidence from electronic surveillance can be created overtly, where closed-circuit television security cameras are in place and people are aware they are being recorded. It can also be gained secretly, where law enforcement has designated authority to directly gather or obtain permission to gather such evidence.

Some business establishments or local governments inform all patrons, visitors, or members of the public that they are being video recorded or photographed. This type of public video can be useful in human trafficking investigations. For example, if an exploited agricultural worker discloses the location of a hotel where they were housed by a trafficker, investigators can approach hotel security to see if cameras exist in the lobby area. Video may show the worker coming in and out of the hotel. This may validate that the victim stayed at that hotel and their claim to be working in agriculture because of clothing worn in the video. There may be other evidentiary benefits from this video. It may identify other workers housed at the hotel. It may connect the trafficker to other workers and financing their housing when the trafficker comes to the hotel lobby to collect workers and pay the hotel bill.

Electronic surveillance can also be done by law enforcement in places where people may or may not have any reasonable expectation of privacy. Law enforcement may receive an allegation that a specific home is being used for sexual exploitation. A video camera may be installed by law enforcement in a public setting near the residence to video record vehicles and people visiting the residence. Law enforcement may place a vehicle tracking device on a trafficker's vehicle to show all travels of that vehicle to help identify the operators' place of residence, employment, recreation, banking, and other places visited. Records from this device may validate a victim's statement of a place where a trafficker drove them. Traffickers may utilize cellular phones or other electronic devices to further their unlawful activities. Law enforcement can request records from cellular phone carriers or platform providers of incoming and outgoing calls or texts to and from a particular number. These records may corroborate a victim's story of when and how frequently a trafficker contacted them.

Covert or undercover activities and operations are investigative tools that can be used to gain detailed information that is very difficult to obtain through other investigative means. The investigator, an informant, or cooperating defendant may become an undercover operative or present themselves as someone else to gain the trust of the subject of the investigation. The undercover operative may have conversations with the subject by telephone, email, texting applications, or in-person. The undercover operative may create a business or enterprise that appears legitimate but has been solely created to conduct business with the subject of the investigation. An undercover operative may try to gain employment offered by a trafficker or seek out sexual services being advertised by the trafficker. These undercover activities can be audio and video

recorded, creating evidence that can be played in a court proceeding where the subject can be seen or heard by a judge or jury. Because this evidence is created by the investigator with the assistance of the undercover operative, the investigator and undercover operative can be the witnesses to introduce this evidence in court proceedings. Undercover activities and operations may confirm what a victim has stated and provide additional evidence that may strengthen the case. This is another investigative tactic that can alleviate pressure that may be felt by the victim.

Some countries may view undercover activities or operations as entrapment – causing a subject of an investigation to engage in unlawful activity that they may have not have otherwise engaged in – and prohibit their use. If undercover activities and operations are permitted, investigators must be aware of what constitutes entrapment and avoid this, as this may deem any evidence gained from undercover activities and operations as inadmissible in any judicial proceedings.

Law enforcement tools have varying levels of privacy intrusion. One tool that is covert and can be most intrusive is obtaining information through real-time access to communication devices such as a cellular or landline telephone. Through a telephone carrier, the investigator may place a listening device on a specific phone line. In wiretapping the line, the investigator can hear and record real-time conversations of the subject of the investigation. Threats and coercion used to exploit victims can be hard to prove. Hearing and recording conversations between a trafficker and victim may provide insight into the dynamics of their relationship. It can corroborate a victim's story of how a trafficker threatens or manipulates them. In some countries a wiretap might be the first investigative step taken. In others, it may only be allowed as one of last resort.

Electronic surveillance evidence can be introduced to support what a victim has disclosed and to further an investigation. It is not relying on another person to explain what they saw or heard, which can be reliant on factors that can discredit the evidence such as witness memory or interpretation. An actual video or audio recording of what the victim, witness, or perpetrator did or said can be helpful corroborating evidence, as well as very compelling evidence.

There may be certain legal requirements that must be met before electronic surveillance permissions are granted. Improper use of any of these tools can have a negative result in judicial proceedings and be damaging for victims and investigators. Prior to

performing any of these electronic surveillance activities, investigators should know what surveillance activities are allowed within their authorities and jurisdictions and understand what permissions are needed and when. Investigators should also assess the level of risk of each investigative action in advance. Some investigators are sworn law enforcement officers and as such, may have designated authority to perform certain types of surveillance without the need to gain permission from a higher authority. However, because of lack of designated authority or because of the intrusive nature of a certain type of surveillance, investigators may need a higher authority to grant permission prior to performing surveillance.



There is an abundance of records that can provide evidence, particularly corroborating evidence in a human trafficking investigation. Records can exist in various forms, such as paper or digital.

In human trafficking cases, records alone will not prove that the crime has occurred. However, records can be the building blocks that support what witnesses and victims have described. For example, a victim may recall that a trafficker transported them in a vehicle but can only recall brief and general details of where they were and places they stopped to rest, refuel, or eat. This may be frustrating to an investigator because the victim cannot recall exact dates and times, names or numbers of the highway, and names of the places they stopped. However, highway tolls or license plate readers may have electronically recorded this transit. Electronic and paper records may have been created when gas, food, and hotel rooms were purchased. If an investigator can gather these records, they can corroborate what a victim has said. Records may also fill in gaps, provide additional leads, or expose totally new evidence to support a case.

Individuals and businesses still receive some mail at their places of residence or business. Investigators can request all information found on the exterior packaging of all mail received at a particular address for a specific time through those who process the mail. The type of information found may be names of people using a particular address for receipt of mail, financial and insurance companies residents are doing business with,

or the company providing internet service to the address. This type of information might be a starting point for investigators to build on.

Trash discarded on the curbside area of the exterior of the residence or in a dumpster in the rear exterior of a business can be collected and searched by investigators for information and evidence. Investigators can conduct physical surveillance to determine the schedule of trash placement and pick-up and then surreptitiously intercept the trash after it is placed outside. Reviewing trash can provide investigators with many insights or corroborate a victim's story. A trafficker may discard payroll records listing names of employees and payments made or financial statements showing assets. A victim may have described items a trafficker bought while they were at the trafficker's residence or business. The wrappings of these items might be found in the trash.

Businesses are often subject to government regulations, such as providing a safe work environment for employees, offering services or products that will not negatively impact its customers, or paying taxes. Businesses may also be required to obtain licenses to perform certain business functions. Investigators can make inquiries to regulators for records pertaining to the businesses. These records might have information where a business has been obligated to complete an application to register, apply for a license, pay a tax, or report an incident. A victim may have been injured at a farm engaged in exploiting workers or a trafficker may have applied for a business license to perform massage services. Regulators may have records relating to these situations. A lack of reporting or a record might also be valuable to investigators. It may show someone trying to remain undetected or operating outside legal business parameters.

In human trafficking situations, victims, neighbors, co-workers, friends, family, or other members of the public may have made emergency calls to law enforcement or fire/rescue departments. They may have reported incidents of concern directly to law enforcement or a human trafficking hotline. Law enforcement or emergency personnel may have responded and interacted with victims or traffickers. Personnel may have created an incident, information, or intelligence report and these records may corroborate a situation described by a victim.

Trafficking victims may have visited a medical facility during their exploitation. If a victim has revealed that they were threatened or physically harmed, medical records may confirm coercion or use of force. Medical records can be used to corroborate the story

of a victim who explained they had been injured at work or became pregnant while being sexually exploited and was then forced to receive an abortion. Survivors of human trafficking have explained that they interfaced with the medical system many times while being victimized but were not detected by medical professionals.

Traffickers may utilize social media to further their illegal activities. In labor trafficking cases, they may place advertisements on social media looking for workers to employ and then exploit. In sexual exploitation cases, they may use advertisements on a particular platform that provides a nickname, age, services offered, and instructions on how to request services, such as calling a specific phone number. Persons who have received services may post blogs or reviews on social media platforms. Investigators can make requests from the internet service providers to obtain records that were created to establish accounts, make payments for advertisements, receive payments for services, and any other social media posting information offered or required of the person doing business with the service provider.

Investigative Phase II: Evidence Collection at the Scene of Intervention

For optimal evidence collection purposes, it is important for investigators to perform sufficient operational planning in advance of law enforcement intervention. Human trafficking investigations may involve various personnel such as law enforcement and prosecutors from different jurisdictions, victim assistance personnel, victim service providers, child advocates, forensic interviewers, analysts, and labor regulators. Investigators, with input from investigation team members, should select appropriate personnel for the intervention and detail their roles responsibilities, to include evidence collection, in advance of intervention. The team should discuss how information will be shared among team members after the intervention is complete. Unfortunately, circumstances may dictate the speed in which intervention occurs and detailed planning may be brief or not possible at all.

When law enforcement responds to a crime scene or conducts an operation that intervenes while human trafficking activity is occurring, safety for all involved is law enforcement's top priority. This includes the public, unwitting participants, witnesses,

victims, perpetrators, and the safety of law enforcement. After a scene is deemed to be safe by law enforcement, investigators should secure the scene and only selected personnel should remain at the scene. Others may be called in to assist after the scene is safe, such as experts to support victims or conduct forensic searches.

Investigators involved in a human trafficking intervention should make every effort to separate all persons at the scene of intervention. Some personnel should be focused on the care of possible victims. If medical attention is needed, this should be provided immediately. However, injuries sustained by victims may not be visible. At a minimum, investigators should anticipate that victims have endured mental trauma and if possible, appropriate professional assistance such as victim advocates and service providers, should be standing by or brought in to assist. Law enforcement may view their intervention as a positive action for victims because they are providing immediate safety, but the experience can be traumatic for victims. Victims may have used their defense mechanisms to accept their situation as normal and may not respond positively to law enforcement. Beyond this, traffickers often successfully convince trafficking victims that law enforcement are the “bad guys”. Being informed about trauma and its effects, along with engaging professionals who have expertise in victim trauma (and having experience working appropriately with the special context of victims of human trafficking and how they have been manipulated) can be very helpful at a scene of intervention.

Some personnel should be focused on possible subjects or perpetrators at the scene. Traffickers may have physical or forensic evidence or items containing evidence on their person, in other places within the scene, or places away from the immediate scene. There may be an item or weapon that was used to intimidate or physically harm victims. There may be a list of rules posted that workers must follow. If a perpetrator is being cooperative at the scene, investigators should seize this opportunity to gather as much evidence as possible. If a subject grants investigators permission to search anything such as a residence, vehicle, business, records, or communication device, investigators should take this opportunity, as a perpetrator may become uncooperative at any time in an investigation. As items are discovered at the scene, personnel should take time to ask the perpetrator to explain the items and how they were used. The perpetrator may divulge something “in the moment” before they realize what could be damaging evidence later.

There are many types of evidence that can be found at a crime scene or in related places that can be searched. While some types of evidence in human trafficking cases have already been explained within the context of investigative activities conducted in advance of intervention, there are some evidence types that can be found at this phase of the investigation. Some investigators at the scene of a human trafficking intervention should be focused on collecting any existing forensic or physical evidence. In sex trafficking investigations this may include items such as fingerprints, condoms, towels, cash, and customer or financial ledgers. Labor trafficking investigations may not rely on much forensic evidence but there could be physical evidence of interest at the scene, such as computers, employee schedules, employment contracts, and time and payroll records.

Interviewing

Interviewing is a very important process of any investigation and can be done in any investigative phase. Because the intervention phase in human trafficking cases can be the most chaotic of the three investigative phases, interviewing is included in this section of the Practice Guide.

Interviewing in human trafficking investigations, especially victims, can be very challenging.¹ Culture, gender, age, language, location, length, and the impact of trauma, are a few items to consider when conducting interviews of victims of human trafficking. The needs of victims and their health and well-being should be of constant concern. How an investigator interacts with and responds to victims is important. Investigators should consider their approach and communication style when interviewing trafficking victims and demonstrate compassion, sensitivity, and understanding. A victim may fear law enforcement, be ashamed of their situation, not be cooperative, or not be truthful when they are initially encountered by law enforcement. Trauma can have a great impact on trafficking victims so they may not behave as law enforcement might expect. A victim may develop an intense bond with the trafficker and display anger when law enforcement intervenes. Law enforcement is taking action to remove the victim from danger so anger displayed by a victim would be the opposite

¹ See Warnath Group Practice Guides under “Prosecution” and the Online Tutorial Series for practical strategies on interviewing victims of trafficking in persons available here: <https://www.warnathgroup.com/practice-guides/>.

reaction expected by law enforcement. Victim behaviors should not cause investigators to show frustration or lose composure. An investigator may think certain victim behavior may hurt the success or outcome of an investigation when it might be easily explained later by a trauma expert.

Some of the people investigators should interview are obvious – witnesses, victims, and perpetrators of the crime. Investigators should think broadly about people who might have information to share that can uncover new evidence or help corroborate existing evidence. Investigators should consider who, what, when, where, why, and how these interviews should be conducted.

Investigators should consider talking to people that have present and past direct relationships with victims and subjects of a trafficking investigation. These might be relatives, spouses/significant others, friends, neighbors, foster parents, other victims, co-workers, employers, and co-conspirators. An angry former spouse may be more than willing to share detailed knowledge of a trafficker's illegal activities. Victims who were exploited in the past and become survivors of human trafficking may feel safer, more secure, and ready to share their experience.

There are many other possible people to interview that may not seem apparent. When business relationships are involved in an investigation, customers and competitors are people that can be interviewed. A competitor may have former employees of a trafficker and learned details of the exploitation. Customers may be purchasing child sexual abuse material online produced by human traffickers. The illegal activity of customers could be used as leverage to gain their cooperation.

If there is some aspect of education involved in a human trafficking investigation, investigators should consider interviewing school administrators, guidance counselors, law enforcement liaison officers, teachers, coaches, and students. A victim of trafficking may have declining grades, frequent school absences, or stop participating in after school activities.

Community members can be valuable informational resources. Examples are leadership and members of places of worship, homeless shelter staff and those who are experiencing homelessness, staff at hospitals, clinics, wellness and rehabilitation centers, and mental health facilities, members of the local, county, state, federal, and

tribal law enforcement and criminal justice system, parks and recreation staff, mail carriers, and local, county, state, federal, and tribal regulators. Victims could be recruited from homeless shelters or rehabilitation centers or confided in a church member of their abuse. Victims may have been injured or have ailments while being exploited and visit healthcare facilities. Traffickers may have past civil violations, criminal records, or regulatory infractions such as failure to pay employees properly or provide a safe work environment.

Local businesses that provide common services such as hairdressers, barbers, childcare, tattoo artists, and physical trainers may have a piece of information that helps corroborate or put a human trafficking story together. A trafficker may brag to a hair stylist. A trafficker may get gang tattoos or require victims to be tattooed or branded to demonstrate that the victims belong to them. Community groups and non-profit organizations may have provided support to a victim or trafficker, such as support groups for grief or narcotics addictions.

Interviews may serve different investigative purposes. Before conducting interviews, investigators should consider what type of interview they are conducting, the risks and benefits, and how the information might be used later. Interviews can be for informational purposes where the investigator does not anticipate needing the person for any court proceeding. These interviews may be less formal and more conversational. A benefit may be that the person feels more comfortable and provides more information. Investigators may want to record certain interviews or place an interviewee under oath and take a sworn statement to “lock” a person into their statement because they anticipate they may change their story later. A risk may be the recorder causes a chilling effect and the person is not as forthcoming.

After a subject is arrested for a crime and enters the justice system, the defendant may decide to disclose information and be interviewed by investigators and prosecutors. The reason or their motive for cooperating should be considered. The defendant may want to clear their own conscious or have their cooperation considered when punishment is decided and imposed. A benefit of defendant cooperation may be that unknown details of the criminal activity or scheme are provided and allow investigators to find additional evidence to support the case.

Interviewing types and tactics may differ from country to country. Investigators should know the policies and procedures of interviewing and how information gathered through interviews can be used in judicial proceedings within their jurisdiction.

Investigative Phase III: Evidence Collection Post-Intervention or Response



Search and Seizure

It is often said that an investigator's work really begins after intervention or response. There are many investigative steps that may build on information gained from a law enforcement intervention or response. Investigators may gain sufficient legal grounds to apply for and receive permission to search and seize evidence contained within residences, vehicles, businesses, financial accounts, safety deposit boxes, mailboxes, and technological devices where information can be stored. A victim may describe the contents of a home where they were exploited, and a search could verify their story. A trafficker may preserve a collection of sexual abuse materials on a computer at their place of work and a forensic search could gather this evidence.

Not only should investigators be looking for evidence to support criminal prosecution and punishment of perpetrators, but also evidence to seize and forfeit any assets in the process. Investigators should perform a financial analysis of items of value that were either purchased with ill-gotten gains or used in the commission of the crime. A trafficker may sexually exploit a victim on a yacht they own or buy new farming equipment with the money they made by forcing a victim to work at their farm. Taking away assets of a trafficker is another form of punishment and if ordered by the court, forfeiture of these assets may also financially restore victims.



Digital Records

In addition to paper records, there are digital footprints or records that exist in digital form that are of evidentiary value. Cellular telephones, more than ever before, have the capacity to hold a large amount of information. Not only can investigators obtain

detailed call records (incoming, outgoing, time, and duration) and other data relative to a cellular phone, investigators can gather information such as contact names, numbers, and addresses (physical and email), text messages, photographs, internet searches, and use of various applications downloaded onto the phone. Obtaining the contents of conversation applications such as WhatsApp or WeChat can be complicated but should be explored. A trafficker may communicate with a victim through a texting application. The number of texts and actual conversation may help substantiate coercion.

In addition to what is stored on the cellular phone, investigators can use software programs to find what has been deleted from a device and to create a geographical map to show where the device has been and when. This kind of Global Positioning System (GPS) evidence can be very compelling, as the records from the device can tell a story of their own that authenticates other evidence, which can support what has been shared by a victim. A victim may describe the vehicle and locations where a trafficker drove them but not recall exact dates, times, and routes. Investigators can obtain the records of a trafficker's cellular telephone connections to radio frequency transmitting towers or satellite information received on the vehicle GPS.

Computers used by perpetrators can contain a wealth of information. It is recommended that investigators with specialized training and experience conduct computer searches for forensic evidence to ensure that evidence can be identified, preserved, and explained properly. Investigators should review the content of websites and digital platforms used by subjects to further their human trafficking activities. Investigators may be able to gather sufficient evidence to shut down these websites or platforms. However, this law enforcement effort can be cumbersome and may not have the intended impact. Internet sites taken down are often replicated on a new site within days.

After a perpetrator has been detained and held in jail, they may utilize the telephone in the facility. These calls are often recorded and although the perpetrator is aware of the recordings, they may still disclose information of value. As a result, investigators should review these recordings.



Financial Records

A major motivation of human traffickers is financial gain. To be successful, traffickers must move money and investigators should focus on tracing this movement to gain and corroborate evidence. There are many financial instruments that traffickers may use to receive and send money, and a transaction trail is created in the process.

There are financial instruments that are more traditional and commonly subject to financial regulation and reporting. Traditional brick and mortar financial institutions are banks with the use of checking, savings, and money market accounts. Credit and debit card accounts can also exist. Licensed money service remitters may be used to send and receive currency.

There are other financial instruments that are not as traditional and may not be subject to the same financial regulations and reporting. Traffickers may believe that these financial methods carry a certain level of anonymity.

Stored value cards, open and closed, can be a method used to exchange monetary value. Stored value cards function like a debit card and can be tied to a particular retailer. An open-looped stored value card can be pre-paid, used, reloaded with additional funds, and used continuously. A closed-looped card is pre-paid and only used once. These cards can be used in several ways, such as to pay for sex with a child or as a method to move currency across borders.

Cryptocurrency is growing in popularity and can be used as an investment or a way to exchange money with a belief that their activities are not recorded or traceable to a specific person. Cryptocurrency wallets are created for these financial transactions and a blockchain is a public record created for each transaction. Investigators can gain access to and analyze these records. A trafficker may be paid in cryptocurrency for the sale of child sexual abuse material online.

Traffickers may make financial investments or use other financial transactions to make payments or launder money to conceal profits. Records created from buying or selling

expensive real estate, boats, jewelry, art, and luxury vehicles can be excellent sources of information.

There are many financial records that relate to business functions to consider as evidence. There are records that relate to the employer such as payroll, business ledgers, taxes, accounts payable and receivable, and cash disbursements. Records that relate to an employee can be employment applications, tax forms, immigration forms, and work time and payment records.

The use of bulk cash not introduced into any financial system is a common method to keep currency and illicit business activities undetected. Traffickers may go to great lengths to conceal bulk cash when storing or moving it, especially across borders. For example, a trafficker may visit another country with bulk cash concealed in a false bottom of a suitcase, ignore regulation, and not declare the cash. The trafficker uses the cash to purchase an expensive vehicle in the foreign country, having never entered a banking system. The lack of records relating to the movement of bulk cash may be useful to investigators.

Investigators should keep an open mind to the fact that financial transactions can be made by both traffickers and victims and all transactions should be considered to gain and substantiate evidence. Both illicit and legitimate transactions can be important and corroborative evidence.



Other Records

There are many other public and private transactions that can cause records to be created, processed, and maintained. Some property records to consider are rental applications, leases, and mortgages. Benefits related to the government or employment usually involve an application process and can provide a wealth of information. Examples of these benefits can be for health insurance, immigration status, social security or retirement plans, unemployment insurance, or workers compensation.

Another source of information are transportation records. These records may establish or confirm travel of a trafficker or victim. Records that demonstrate ownership,

registration, or use of a personal vehicle, rental of a car, scooter, or bicycle, taxi, chauffer, and rideshare can be of value. Global Positioning Systems utilized and stored within these vehicles, as mentioned above, might tell the story of where and when the vehicle traveled. Reservations, purchases, and ticketing on commercial airlines, trains, and buses and registration and routes of private airlines are records that can show who, when, and where someone traveled. Subway or other public transportation might also contain helpful information.

Social media is utilized by many for personal and professional purposes and can be an excellent place to look for original or corroborative evidence. Traffickers may utilize business advertisements to attract victims. Customers may blog or provide reviews about their experience provided by a victim or trafficker. Competition may try to sway business away from others and attract it to themselves. There are many platforms utilized for these purposes and investigators need to familiarize themselves with which ones are used in their areas, by the subjects they are pursuing, or victims they have encountered. Additionally, investigators should explore any social media combing tools available to assist with the identification of possible traffickers and victims. These tools could be off the shelf and available to the public or made specific for law enforcement use only.

Tattoo parlors can be a source of information to help identify traffickers or victims. Traffickers may acquire tattoos or use tattoos or marks to brand victims.

Weapons can be used by traffickers to exercise control of victims. They might be used to threaten or force victims to perform services or labor. Some weapons, such as firearms can be traced to a purchaser or owner through legitimate firearms dealers and the records they maintain. Public places that sell weapons can also be a place to acquire evidence.



International Assistance

Human trafficking investigations may involve foreign traffickers, witnesses, or victims. Records or assets related to an investigation may exist in foreign countries.

Investigators conducting international investigations may request and share information with foreign countries. The Mutual Legal Assistance Treaty (MLAT) request process is used by a country to formally request evidence located in a foreign country, for criminal investigations and proceedings for a legal process in their own country. To use this process, an MLAT must exist between the countries involved. The MLAT stipulates specifics of the agreement between the countries, such as what crimes or like crimes alleged are included in the agreement. If information or evidence is needed from another country, investigators should first determine if an MLAT has been agreed to and what the agreements are with the respective country.

If an MLAT is not in place, there may be other methods to share information. It is recommended that before initiating any formal request for information or evidence, the requesting investigator identify who their respective law enforcement counterparts are in the country where information may exist, and informally make contact to determine whether the information or potential evidence even exists. Taking this step can save a lot of time and effort for all.

It is possible that information being sought doesn't exist, did exist but hasn't been preserved, or cannot be shared. If the information exists, investigators may share information informally. This initial contact can also help investigators identify the keeper of the record or information, to whom any formal request must be made, wording or specifics that should be used to describe what is being requested, what the process entails, and how long it may take to satisfy the request.



Investigator Wellness

Exposure to the behaviors and activities of human traffickers and the impact on their victims can be difficult to comprehend and process. Investigators need to be aware that they can experience secondary traumatic stress, also known as vicarious trauma, that can negatively impact their own physical and mental health.

Conducting human trafficking investigations and assisting victims over time can cause compassion fatigue, stress, and burn out. Possible signs of this might be lacking mental presence when spending time with a spouse or children, feelings of numbness when

victims tell their stories of exploitation and abuse, or engaging in risky behaviors such as excessive consumption of alcohol or extramarital affairs. Investigators may have overwhelming feelings of failure if a victim returns to an exploitative situation or takes their own life.

Investigators will not be able to sustain an appropriate level of effort to continue investigating these cases and providing victim assistance if they do not take care of themselves. Investigators need to know what resources are provided by their agency and community in advance of conducting human trafficking investigations and should not feel ashamed to ask for help.

The only person who knows how much the investigator can endure is the investigator themselves. Investigators need to be in touch with how they are coping and if they are reaching their own capacity level. Managers and peers of human trafficking investigators should be aware of and watch for indicators of excessive stress.

There are healthy ways to manage this stress such as establishing healthy professional boundaries, exercise, relaxation, and meditation, talking to peers or mental health professionals, participating in social and family gatherings, and taking time off from work. On a regular basis, investigators need to incorporate stress decompression and coping methods that work best for them.

Corroborative Evidence Collection Scenarios

As a practical application of the information, tools, and techniques provided in this guide, investigators should read through each of the following four scenarios that describe potential human trafficking situations and:

1. Identify how each scenario might meet the criminal elements to establish violations of human trafficking
2. Discuss what investigative approach can be taken and what can be done to assist the victims in these situations

3. Explain the reactive and proactive investigative steps that can be taken and what information and corroborative evidence can be collected to support human trafficking and other possible violations of law



Scenario 1:

Jack is fourteen years old and loves electronics. One of his favorite things to do after school is to go to his room and play video games through an online gaming application. Jack's parents and his older adult brother work full-time, and trust Jack can care for himself when he gets home from school. Jack frequently competes with a player named Ed and they often communicate through the online voice chat option of the gaming application, as done with all multiple online players. Jack and Ed become gaming app friends. Jack shares some fun facts about himself, and Ed does the same. Ed tells Jack that he is also a teenager but in reality, Ed is twenty-three years old and a convicted child predator. Ed gains Jack's initial trust and they exchange cellular phone numbers, chat on several text messaging applications, and friend each other on a social media platform. Jack doesn't have many friends outside of school and talks with Ed frequently. They share stories and photographs about their lives. Jack has a few bad days at school and home and shares his grief with Ed. Ed is very empathetic and gains deeper trust with Jack. Over time, Ed convinces Jack to share photographs and videos of himself through applications on his phone and computer. These images of Jack become more and more sexually explicit, and Ed tells Jack not to share their secret with anyone. Eventually, Ed offers to meet with Jack at a local coffee shop after school. Ed drives his car to the coffee shop and uses his credit card to buy Jack a coffee. Over months, Ed meets with Jack many times. Ed takes Jack for rides in his car, buys him food and clothing at local restaurants and stores, and introduces him to marijuana. Eventually Ed takes Jack to his home, sexually abuses Jack, and makes a video recording of the abuse. Ed uses his home computer to sell this video on the internet. Consumers purchase the video from Ed using cryptocurrency. Ed uses the proceeds from the sale of this video and other similar videos produced with other local underage victims to regularly gamble at the local casino and help finance the purchase of a new home. Jack becomes more and more reclusive from his family and school friends, begins to perform poorly at school, and develops health issues that cause him to see his local doctor frequently. Jack's school guidance counselor notices Jack's academic decline and talks

to Jack. Jack discloses the abuse to the guidance counselor, who then reaches out to the local police.



Scenario 2:

Jane and her two girlfriends are in their early 20s, adventurous, hard-working, and want to make more money and have a better life. Through a website on the internet, Jane finds an advertisement offering modeling jobs in another country with John as a point of contact and an email address. Jane discusses this opportunity with her girlfriends. They are all excited and ask Jane to inquire. Jane uses her home computer to send an email to John at the email address provided. John returns an email to Jane, requests model photographs of her and her girlfriends, and provides a cellular telephone number for her to call. Jane emails John the model photographs and calls him to discuss the opportunity further. John speaks Jane's language and compliments Jane on the photographs of her and her girlfriends and boasts at how great this opportunity will be. John explains that they will each need to complete a visa application and get approved by his government to travel to his country, but that his associate in country, Bill, will provide all the documentation to support their applications and coach them through the process. John told Jane that once they all arrive in his country, he will have photo shoots and modeling jobs for all of them. Jane and her girlfriends meet with Bill, an associate of John, on several occasions at local restaurants. Bill speaks the same language as the girls. The girls share their identity documents and other biographical information with Bill. Bill provides Jane and the girls with false documentation, such as financial stability and work history, and coaches them on the application process so their visas will be approved. Jane and the girls receive visas to travel to John's country. To help fund the cost of travel for Jane and the girls, John sends cash by a wire transfer through a money service business to Bill. Bill collects the funds at a local money service business and takes Jane and the girls to a local travel agency to purchase commercial airline tickets with the cash. Jane and the girls travel to John's country where John meets them inside the airport waiting area. John transports Jane and the girls in his vehicle to a local rundown hotel where he has arranged rooms for Jane and the girls. Once in the hotel room, John advises that he should hold onto their identity and travel documents for safe keeping and that his associate, Lisa, will be in the hotel room connected to theirs if they need anything. The next day, John returns and takes many

sexually suggestive photographs of the girls. John tells the girls that they must do whatever Lisa tells them to do or he will report them to immigration authorities for lying on their visa applications. John has a gun in his waistband and ensures that the girls see it. John posts the photographs on several websites advertising sex acts for cash. John lists several different phone numbers to contact to set up appointments with the girls. Customers visit the websites from their personal computers. Lisa controls the phones and manages the appointments. Lisa cares for the girls on a day-to-day basis, providing food and other necessities. The girls have no modeling opportunities. Within other rooms at the same hotel, the girls perform sex acts with 20-30 customers per day. Customers travel to the hotel in their personal or work vehicles or utilize rideshares. Customers visit a website on their personal computers to post reviews rating the girls and the services they received on a website. Customers pay the girls in cash and Lisa requires that all payments be turned over to her. At the end of each day, John visits Lisa at the hotel, collects the cash, and visits a local bank nearby to make cash deposits into his accounts. After one year of this activity, one of the girls became pregnant. Lisa took the girl to a local clinic and forced the girl to receive an abortion. John paid all costs related to the abortion. John uses the cash proceeds to pay other expenses, such as the hotel costs and a salary for Lisa, and purchases fancy jewelry for himself. John keeps his jewelry in a safety deposit box at his local bank. John files business taxes each year claiming that he owns and operates a modeling company at his residence and does not have any employees. Local law enforcement receives ongoing complaints from hotel guests and neighbors that there is a lot of traffic in and out of the hotel throughout the day and speculate that drug trafficking is occurring at the hotel.



Scenario 3:

Fred and Sally, husband and wife, live in an affluent neighborhood and have 4 children together, all under the age of 12. Fred works many hours as an investor for an employer in the financial district and is very successful. Sally is not employed but spends much of her time involved in social clubs, shopping, and hosting large entertainment events at their home for Fred's clients. These large parties often involve illegal drug use. Fred is aware of this and has an extensive surveillance system, including cameras, throughout his residence. Fred and Sally are well-known in the community and donate a lot of money to the local church. Sally does not feel that she has enough time in the day to

care for the children, perform household chores, and be actively involved in her other activities. Sally is aware that her church has been aiding some homeless and unemployed members. Sally advises the church that she can help these members by offering domestic employment. The church leadership puts Sally in contact with several of these needy members and after interviews, Sally hires 3 of the women to care for the children, cook, and clean her residence. Sally compensates the women by providing housing and food. Sally tells the women that she will provide monetary compensation after they have worked for some time, but never pays them. Sally has the women working from the time they wake until they go to sleep, every day of the week. The only non-work activity Sally allows is for the women to attend church once per week. Sally drives the women to church for Sunday morning services and is waiting for them when services are over. Sally is not bothered that the women have no life outside of work. Sally tells them they should be thankful they have a job and yells at them if they complain. Sally treats the women poorly. One woman develops an abscessed tooth and is in terrible pain. Sally tells the woman that she does not have time to be sick and gives her an over-the-counter pain medication. The woman takes the medicine too frequently, develops an ulcer, and can only eat broth with rice. Sally ignores the woman's complaints and refuses to allow her any medical care while the woman remains ill and loses extensive weight. The woman talks to a member of the church about her ailments but says she has no time or resources to see a doctor. The member meets the woman following Sunday at church and takes her to a local walk-in medical clinic during services. The woman is treated and recovers. The women are allowed to use one of Sally's vehicles to transport the children to their appointments and activities throughout the day. One of the women got into a motor vehicle accident while driving a child to a soccer practice. The child used his cell phone to call his mother (Sally) to tell her about the accident. The local police responded to the scene and so did Sally. Sally did all the talking and would not let the woman driving her vehicle speak to police. The officer thought this was odd, made a notation in his report, and discussed it with his supervisor. The officer's supervisor knows Fred and Sally, as they attend the same church and live in the same community. The supervisor did not believe any further action was necessary. The church member that assisted the woman with health issues becomes more and more concerned and talks with them each week at church. The church member reaches out to a local non-profit organization who assists battered women. Members of the non-profit attend a church service, meet with the women and offer assistance, and the women accept and leave their employment with Fred and Sally. Sally does not know the circumstances of their departure but knows she needs new

workers to fill their void. Sally approaches the local homeless shelter, who puts Sally in touch with prospective members seeking employment. Sally hires three new women and treats them the same as she did the last three workers.



Scenario 4:

Dave owns and operates a large citrus farm and packing facility. Each year, Dave has tremendous difficulty obtaining local workers, especially during harvest season. Dave places advertisements on several websites seeking laborers. In the past, Dave applied for and received foreign workers through a government controlled seasonal agricultural worker visa program. However, after a few weeks of longer hours and less pay than what their contract stipulated, and terrible housing conditions provided by Dave, the workers would leave Dave's farm and find work elsewhere. Because of this, the government stopped approving Dave's seasonal agricultural worker applications. During recent years, Dave resorted to using farm labor contractors to supply him with workers. Dave especially likes doing business with one farm labor contractor named George. George provides young boys from the same country and village where George grew up. George visits his village every year to recruit workers. George meets with the boys' parents and claims that he will make sure they receive an education, while still having sufficient time for work to send money back to the family. George takes custody of a property deed from the parents as collateral to smuggle the boys into the country where Dave's farm is located. The boys know their parents have paid for them to be brought to this new country illegally but for a better life and need to send money back home for their smuggling fee and to help their family survive. Once the smuggling fee is paid in full, George returns the property deed to the parents. Once the boys arrive at the farm, Dave takes them around the farm, shows them their housing, and tells the boys the rules. The boys are not allowed to leave the farm for any reason except to attend school, Monday through Friday. They ride the school bus to and from school. The boys work in the packing facility in the evening and in the fields on the weekends and holidays, with no days off. The boys are so exhausted that sometimes they oversleep and miss the bus. On these days, they do not attend school and work in the fields with other adult workers. The boys record their hours worked each day in a ledger book maintained by Dave. One evening, while operating the cardboard box crusher at the packing facility, one of the boys was badly injured. The shift supervisor took the boy to

the local hospital and called Dave while enroute. Dave quickly arrived at the hospital, interrupted the boy and the supervisor speaking to hospital staff, and informed the staff the boy was not an employee of his, but he allows the boy to come around and play with his chickens on the farm. After hospital staff cared for the boy and placed his arm in a cast, Dave paid the medical bill in cash, and brought him back to the farm. Dave told the supervisor and the boy not to talk to anyone about the injury. Dave and George frequently communicate on a text messaging application on their cellular telephones. Dave told George about the accident just in case word got back to the boy's parents. All the boys supplied by George worked for Dave for the entire harvest season. Dave supplied housing for the boys for a fee, but the conditions were deplorable. Dave has his own store on the farm where the boys bought food, tobacco, and other necessities, but the prices are highly inflated. Dave deducted costs for housing and supplies from the boys' earnings. Each week, Dave meets with George for a drink at the local bar, shows George the hours the boys worked and their expenses, and pays George any wages owed to the boys, along with George's fee, all in cash. George does not give any of the wages to the boys, but each month he brings cash to a local money service business and sends money back to the boys' parents. George saved some of the proceeds paid by Dave and recently bought himself a new truck. Dave lives in a very expensive home on the farm and has all new farm equipment. The government labor department has received complaints that Dave requires workers to work long hours with no breaks. The local police have received theft complaints from some of Dave's former employees claiming they did not receive their last paycheck. A farming competitor reached out to the local police complaining that he heard Dave has young boys working at night on the farm.

These scenarios could be actual situations of human trafficking happening right now in any community in the world and there are many ways to investigate and prove these cases. This exercise provided the opportunity to review corroborative evidence collection tools and techniques provided in this guide.

Conclusion

Human trafficking investigations can demand a lot of time and resources and be difficult to prove. Well planned and comprehensive investigative steps can gather information

and evidence to support human trafficking investigations. Getting information from witnesses and victims is necessary but relying solely on what they say is not fair to them and is often insufficient for a prosecution. Additional investigative steps to obtain corroborative evidence are necessary in victim-based and trauma-informed investigations. These extra investigative activities can help authenticate what witnesses and victims have relayed, build their confidence, and construct a stronger human trafficking investigation leading to a successful prosecution and punishment for human traffickers.

End Note

“One key objective of the Warnath Group is to advance the practical skills of professionals who have roles and responsibilities for confronting human trafficking and related serious crimes and human rights violations. I believe that this Practice Guide, authored by Cheryl Basset, a senior law enforcement official with expertise in complex international investigations, including extensive experience addressing cases of human trafficking, exemplifies the type of detailed analytical approach that the Warnath Group endeavors to create and share with colleagues in criminal justice to spur professional development in this specialist field.

The issues addressed in this Practice Guide could not be more central to law enforcement efforts to build cases against perpetrators that will succeed. The stronger the corroborative evidence, the more persuasive and compelling the presentation of the case will be and the more likely that there will be a finding of guilt. If investigators and prosecutors are not having success in human trafficking cases it often will be because either they are not working effectively and appropriately with victims in conducting the investigation and preparing for trial and/or they are not sufficiently developing corroborative evidence to support the case and the victim/witnesses’ narratives of what they experienced and suffered. This Practice Guide is intended to help address the latter issue. We also have other Practice Guides and related material that address the former. I invite you to look at the material and resources available on our website at: <https://www.warnathgroup.com/practice-guides/>.”

-Stephen Warnath, CEO & President, the Warnath Group

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