

# Trafficking toolkit: Specific arrangements for the police

CRIMINAL JUSTICE SYSTEM



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## SPECIFIC ARRANGEMENTS AND ADVICE FOR THE POLICE

### Responsibilities of the police

The police have a key role to play in the National Referral Mechanism with staff working alongside immigration officials and others to identify potential victims. Frontline staff with effective skills and tools will be able to identify the signs that someone may have been trafficked, carry out age assessments of young victims and refer them to the Competent Authority within the UK Human Trafficking Centre (UKHTC) and into appropriate support services.

Victim identification is a two-stage process: the first stage is to assess whether there are *reasonable grounds* to treat someone as a victim; the second stage is the *conclusive decision* on victim status. The Stage 1 decision is taken by the designated Competent Authority following a referral by the first responder (ie the agency which has initial contact with the suspected victim), which in some cases will be the police. The Stage 2 decision is also taken by the Competent Authority (ie UKHTC or UK Border Agency).

Potential victims of trafficking may be identified by officers during the course of daily operations: individuals may approach police officers to report stolen/lost documents, to report their experiences when fleeing from their exploitation, or may be picked up during the course of other operations/investigations.

It is the authorities who have the responsibility of verifying a person as a *victim of human trafficking* and it should not be expected that the person himself or herself must feel or behave as a *victim* (in the sense of being totally dependent on help and protection from someone else).

#### Be prepared

- > Recognise that victims may not welcome your intervention;
- > Think safety – does the individual have any immediate health needs? Speak to individuals separately and be aware of potential traffickers in the immediate vicinity;
- > Arrange interpreters;
- > Consider if the individual could be eligible for special measures as vulnerable and intimidated witness;
- > Think forensics (SARCs etc);
- > Remember commitments under the Code of Practice and the Police Pledge (to keep victims informed at least once a month);

## Protection and support of victims

The UKHTC will assist forces in developing their local arrangements for supporting victims and will help facilitate access to appropriate support services where required. However it is the responsibility of each area to develop local arrangements. When planning for an operation you should start to make early contact with existing support services for victims and scope their capacity to provide assistance. You should take into account the need for immediate/emergency arrangements and longer-term support.

It is important that victims are voluntarily removed from their place of exploitation at the earliest opportunity and taken to a place of safety.

- > It is also vital that victims are able to access emergency health services if required;
- > Forces should ensure that there is a comfortable safe place for a victim to attend in the immediate aftermath of an operation;
- > Victims that have experienced sexual violence should receive help accessing a Sexual Assault Referral Centre (SARC) where available. It is recommended that you make early contact with your local SARC to help them make the necessary preparations. Where a SARC is not available, alternative support arrangements should be made, that are in line with your forces procedures for the treatment of victims of sexual violence;
- > Victims may have immediate practical needs. The UKHTC will assist where possible in the provision of personal care items such as toiletries and clothing but you may want contact the appropriate service provider;
- > It is recommended that you contact Victim Support and other local voluntary and community sector organisations to enquire if they can offer crisis support. This could include help in providing emergency practical support or a safe and comfortable place for an initial de-brief.

## Role of the police in the National Referral Mechanism

If there is any concern that a person may have been trafficked because of either their demeanour, the situation in which they are encountered or any information that they have given, and then either further enquiries should be made if the person is able to co-operate, or the case should be referred to a Senior Investigating Officer for their opinion. If there are any doubts, contact UKHTC for advice (0114 252 3891).

The first responder should initial assess whether the individual is over 18, and if so, whether they are an EEA National, or not.

The police will need to make a formal request for the person to be granted leave if they are to cooperate with police enquiries in relation to trafficking; there will be no charge for this service for trafficked cases only.

### **Adult Victim**

If the victim agrees to assistance and support, then the officer should take the individual to a safe place, conduct an initial needs risk assessment and de-brief and arrange for safe accommodation. The Officer then needs to refer the case to the Competent Authority (CA) using the approved referral form. The CA has a target of five working days from the receipt of the referral to reach a decision. Once the decision has been reached as to whether there are reasonable grounds to believe that the person may have been trafficked, the CA will notify the decision to the first responder and the victim of trafficking. If they meet the reasonable grounds threshold they will be given a period of 45 calendar days for reflection and recovery, whilst the CA makes a conclusive decision on the case.

If the victim firmly declines assistance, then the officer should provide the individual with details of support services available, leaving them their contact details. No further action is required.

If the individual is a non-EEA national and immigration offences have occurred, then UK Border Agency should be contacted for advice. If any immigration action is to be taken, then UKHTC must be informed so that they can arrange for appropriate support to be made available for the individual.

### **Child Victim**

Where there are any child protection concerns the circumstances must be referred to the local social services immediately. Where trafficking is also suspected the first responder (FR) should complete the local authorities referral form and provide details of the circumstances of the encounter and reasons for suspecting that the child is a victim of trafficking. The form should be forwarded to the local authority highlighting that as a potential trafficking case it has also been referred to the CA. This form will also act as the child trafficking referral form and should be copied and routed to the CA.

### **Initial Victim De-brief**

As with all cases involving inter-personal violence, the initial victim de-brief will need to take place in an appropriate place that makes the victim feel safe and secure, and it needs to be conducted at a pace that meets the needs of the individual. Always ensure that you speak to individuals separately.

The intention behind the initial de-brief is to:

- > Obtain some basic information to help establish if there are any indicators that the individual is a victim of trafficking (over and above that of your immediate assessment at the scene);
- > Establish the victim's early needs;
- > Assess risks;

- > Provide victims with information about what they can expect and their rights;
- > Facilitate their access to appropriate support; and,
- > To start to build up a rapport.

It is not intended to be a lengthy interview to assess if there are *reasonable grounds* to believe that the individual has been trafficked, which will happen at a later stage.

Victims' access to appropriate support provisions should happen as quickly as possible. If there is an emergency situation, the UKHTC can provide 24 hour advice.

If it becomes apparent that a possible victim does not wish to be supported and there are no immigration issues, try to leave them a victim leaflet. Do not do anything that can put them at risk and ensure that others (non-police) are not aware that the information has been given.

Officers need to maintain an active awareness of the vulnerability of the individual and their mental, emotional and psychological state during an interview and endeavour to use non-threatening body language.

Officers should work hard to establish a rapport with victims, making them feel comfortable and at ease. It is not uncommon for victims to feel both relief at having been identified and yet fear and suspicion toward an identifying Officer. This is often linked to their fear of being returned to their trafficking situation, many having been told by their traffickers that the authorities would simply return them should they try to escape. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim felt safe and came to trust the identifying Officer.

It should also be noted however, that trafficking victims are often afraid of violent reprisal from their traffickers if they cooperate with the authorities, and that traffickers will sometimes go to considerable lengths to recover victims from the care of the authorities. In some cases the victims might even facilitate that process, for a variety of reasons. When moving victims to accommodation these issues need to be considered and properly risk assessed.

Victims of trafficking may be reluctant to go into much detail about the full facts of their case. This may be because of cultural barriers, or simply due to the traumatic or humiliating nature of the treatment they have suffered. Reasonable steps should be taken to mitigate the possibility of re-traumatising the victim by providing a sensitive approach. It is important to ensure compliance with the ACPO Guidance on Investigating Serious Sexual Offences which recommends that:

“officers should try and meet the individual needs of the victim. If a victim asks to speak to a male or female officer, their wishes should be accommodated where possible. If however it is not possible or impracticable to meet such a request, a full explanation and reasons for this should be given to the victim.”

Qualified Child Protection Officers should be made available in the cases that children or young persons under the age of 18 years are identified; such cases should be dealt with appropriately using the existing procedures relating to children in sexual exploitation or/and being trafficked (Working Together to Safeguard Children).

Staff (including those working with the victim in Witness Care Units) should be experienced in dealing with victims of violent and traumatic crimes and vulnerable and intimidated witnesses.

Forces should consider appointing a victim's co-ordinator to help in the appropriate treatment of victims and to create links with local and national support services. It is recommended best practice that this appointment/role remains a permanent element of each areas approach to victims of trafficking. Victims should be provided with one-point of contact during the investigation process.

### **Identifying traffickers**

Traffickers are people who exploit others for benefit or gain, and while that benefit is often financial, money isn't necessarily always a factor. Victims of trafficking are generally vulnerable in one way or another. Traffickers identify and use these vulnerabilities, exercising control over their victims through a variety of means, some of which are crude and others subtle.

Identification of traffickers will not be an exact science, but clues might be evident in the interactions between victim and offender where these can be observed. Any behaviour that is suggestive of one person having an inappropriate level of control or influence over another should be regarded as cause for concern, and might help in the identification of a trafficker.

Where a person who is believed to be a victim of trafficking has been recovered and is in the care of the authorities, great care should be taken when dealing with anybody purporting to be a friend or family member. Anyone asking either for details of the whereabouts of the victim or asking for the victim to be surrendered into their care should be questioned closely about their connections to the victim. As already noted, traffickers will sometimes go to considerable lengths to recover victims and prevent them from cooperating with the authorities.

### **Prevention**

Please refer to organisational procedures.

### **Enforcement**

The UKHTC can provide a specialist tactical advisor to work alongside senior investigators in any trafficking investigation, providing support and advice in respect of victim strategies, offender and victim profiling, and operational planning.

## Prosecutions

Please refer to organisational procedures.

## Keeping records

All organisations will need to institute extra safeguards for written, electronic and verbally communicated information on trafficked persons.

As trafficked persons are particularly likely to face security risks, be referred to other providers and/or transferred from the original care location (eg, internationally) or participate in one or more legal proceedings, it is especially important to follow good data management procedures to ensure the safety of each individual. Trafficking cases may involve organised criminal groups.

Central to managing information on trafficked persons are: privacy, confidentiality and security:

- > Privacy refers to the individuals' right to control how they provide information, the use of this information and their access to it;
- > Confidentiality indicates the right of individuals to determine who has or does not have access to their individual information and for trafficked persons, suggests the importance of anonymity;
- > Security suggests the need to safeguard individual files against security breaches during data collection, storage, transfer and use.

### **Data storage**

All information gathered from trafficked persons must be considered highly sensitive. In trafficking cases, it may be beneficial for all information to be classified as confidential and coded, rather than using the individual's name. Coding is a particularly useful way to protect individuals, especially when data is shared.

Secure paper files. It is likely that during the course of interactions, paper documents are created. All paper case files:

- > Must be kept secure and under lock and key safe from unauthorised entry;
- > Must never be left unattended on desks, in common areas, etc;
- > Must be disposed of by shredding or through similar disposal method when no longer needed.

Secure electronic files. In addition, electronic information files should be:

- > Stored in a secure information system;
- > Protected by individual passwords with access limited to key staff;
- > Never stored on personal computers or in such data storage devices as USB flash drives, compact discs, etc. Personal information should never be disclosed via email.

Even when coding is used, individuals often can be readily identified by their basic data (demographic background, ethnicity, nationality, date of birth, family data, description of elements of the trafficking process, etc).

### **Information sharing**

Victims will have been in situations where contact with outsiders is handled with suspicion and in some circumstances endanger the health and safety of themselves or their loved ones. Careless handling of personal information greatly increases that risk. Inter-agency co-operation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected.

You must obtain the consent of the individual before any referral is undertaken, unless there are child protection concerns or serious concerns over harm to selves or others. If you are referring the individual on to another organisation, you must specify what details you will be passing on. It must be remembered that victims could be extremely traumatised, and having to repeat information to a multitude of organisations will be detrimental to their health and well-being.