

Austin Human Trafficking Task Force

Protocol

When a lead comes in...

1. **Call up procedures** on potential cases should include at least one of the following options:

A. **Courtesy Call to the four key investigative agencies:**

Police Department -Vice/ Human Trafficking Unit, County Sheriff's Office, FBI, ICE

- B. Case staffing (agencies attending the staffing may choose *not* to participate)
- C. If the lead agency has reason to believe the potential victims are in immediate danger then the law enforcement agency can request assistance from any available task force agency to either do a “knock and talk” or raid entry to “rescue” the victims.

2. **Knock & Talk vs Raid Entry**

- A. First determine if victims are in danger or are likely to be moved
- B. Background investigation (complainant, victim location, suspects, etc.)
- C. Do you know who is who? – traffickers, enforcers, victims
- D. Determine best way to get access to alleged victims so they can be interviewed separately and away from the suspects
- E. Consider safety issues of officers
- F. Have charges ready to go in proactive cases, not always possible in reactive cases
 - *May have to file non-trafficking charges initially
- G. Evidence Checklist
- H. Have a security plan for the victims after the raid
- I. Arrange for victim services and give NGO point of contact a heads up

Task Force Procedures for Multi-Agency Raids:

- *Be mindful of each agencies protocols and requirements
(Should be discussed **prior** to any operation to identify potential conflicts/ limitations)
- *Option to utilize SWAT teams (one agency or multiple agencies teams)
- *Sharing important information to all groups participating in the raid
(descriptions of suspects, vehicles, names, exact location of suspects & victims in building, weapon information, language/ dialect spoken by suspect & victims)
- *Safety planning
- *Debriefing **all** involved (including SWAT Teams) within a few days of the raid
(lessons learned, what worked well, communication problems, safety

issues)

3. Conducting Interviews

- A. Select a *trained interpreter* & consider contacting an NGO legal advocate
- B. Conduct *separate* interviews
- C. Give yourself time to gain the victims trust
- D. Make sure the environment is relaxed and comfortable (be culturally sensitive also)
- E. Fully explain the process
- F. Remember, trafficking victims are likely to lie or use rehearsed stories initially
*Consequently, do not videotape or audiotape *initial* interviews*
- G. DON'T MAKE PROMISES!!
- H. Keep note taking to a minimum
- I. Cultural or religious background may keep victim from telling whole story
- J. Use informal conversation and watch non-verbal cues
- K. Victims may be reluctant to speak to interviewers *wearing a uniform, gun or badge*
- L. Ask *key questions* to determine if there was *force, fraud or coercion*
- M. Show victims *photos of suspects* when asking questions (alias issues)
- N. Remember, you're interviewing a victim and not a suspect (don't Mirandize)

4. Contact the U.S. Attorney's Office to discuss charging options

If the case does not have the evidence necessary to be accepted for federal prosecution of human trafficking ... the USAO may consider other charging options available. The AUSA may also request more investigative evidence, interviews or surveillance to potentially proceed with a federal prosecution. Where appropriate, after consideration of the facts and federal statutes, the AUSA may also suggest the investigative agency seek state charges. If the investigative agency chooses to seek a state prosecution only, the Victim Services Division of the local DA's Office will need to coordinate the NGO social service benefits to the victim(s). The USAO and the DA's Office cannot both prosecute the same individuals for the same crime.

5. ICE and the FBI will determine who will be the lead federal agency if the case is going to be prosecuted federally.

6. Call the single point of contact for NGO services & Victim Services:

- A. **Shelter** (different requirements for juvenile and adult victims), grant provides \$\$
- B. **Medical check** (TB, Hepatitis, STD's, pregnancy), free with *Certification* by NGO's
- C. **Transportation** (can be provided by NGO's)
- D. **Translation services** (Grant provides \$\$)
- E. **Food** (can be provided by NGO's)
- F. **Clothing** (can be provided by NGO's)

7. **Continued Presence & Certification as a Victim of a Severe Form of Trafficking in Persons**

A. **CONTINUED PRESENCE:**

- 1.) Temporary immigration status (1 yr.) and a work permit
- 2.) Victim ***must*** be a potential witness
- 3.) Application sponsored by a ***federal*** law enforcement agency
- 4.) Allows HHS to provide benefits for victim - ORR-HHS will issue a certification letter to victim/witness
- 5.) Juvenile victims don't have to "assist or cooperate" to receive HHS benefits and can get benefits prior to Continued Presence or T Visa

B. **T-VISA:**

- 1.) If Victim is over 18, they must have complied with reasonable requests for assistance in the investigation or prosecution
- 2.) ***The victim would suffer extreme hardship involving unusual and severe harm if removed from the U.S.***
- 3.) The victim applies to DHS with the help of an NGO legal advocate.
(An optional attachment from federal, state or local law enforcement certifying the victim status and cooperation is very helpful)
- 4.) Three years of immigration relief and a work permit
- 5.) Victim may adjust to a legal permanent resident status after 3 years.
- 6.) Allows HHS to provide benefits (same benefits refugees and asylees receive)