

## **Gaining The Trust Of Your Victim Witness**



**A Guidebook | For Law Enforcement Working  
Human Trafficking Cases**

**Gaining the Trust  
of Your Victim-Witness:  
A Guide  
for Law Enforcement  
Working Human Trafficking  
Cases**

Kelly Heinrich & Jennifer Podkul

2011



## Global Freedom Center

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## **ABOUT THE GUIDEBOOK SERIES**

*Gaining Trust: A Guide for Law Enforcement Working Human Trafficking Cases* is one in a series of guidebooks. The overall purpose of the series is to provide practical resources that inspire action, enhance skills and immediately advance anti-trafficking efforts. The series is designed for professionals in a position to confront human trafficking such as law enforcement, attorneys, service providers and government officials as well as their collective coalitions and task forces.

The Global Freedom Center offers training on these guidebook topics. For more information, please contact the Center at [info@GlobalFreedomCenter.org](mailto:info@GlobalFreedomCenter.org).

## **ABOUT THE GLOBAL FREEDOM CENTER**

The Global Freedom Center's mission is to foster an expanded, knowledgeable and mobilized global community against human trafficking that will identify and assist more trafficked persons and develop the policies and strategies required to prevent modern slavery. To achieve this mission, the Center uses education, training and advocacy to grow and strengthen multiple professional fields that should be engaged in anti-slavery efforts: education, health, labor and employment, immigration and migration, criminal justice, social services, journalism, and the corporate sector. Learn more at [www.\*\*GlobalFreedomCenter.org\*\*](http://www.GlobalFreedomCenter.org).

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# ACKNOWLEDGMENTS

Kelly Heinrich, J.D. and Jennifer Podkul, J.D. authored this guidebook based on their combined experience assisting trafficked persons in working with law enforcement. They listened to victim-witness' concerns, fears and reactions to law enforcement and the criminal justice process. Together with the victim-witnesses they then discovered ways in which to alleviate those concerns and help them learn to trust again. This guidebook is a culmination of those experiences.

**Ms. Heinrich** is President of the Global Freedom Center. Her countertrafficking experience ranges from government to community organization, policy to practical, training to direct service, and legal to social service. She has assisted over 200 trafficked persons with immigration relief and reporting to and working with law enforcement. She has also designed and conducted countless law enforcement trainings.

**Ms. Podkul** recently joined the Detention and Asylum Program at the Women's Refugee Commission. At a U.S. based NGO, she created a program to provide legal representation to trafficked children and advocated for policies designed to protect vulnerable immigrant populations. She assisted trafficked children with obtaining immigration relief and collaborating with law enforcement, from the first meeting through trial.

The authors wish to give special thanks to Paul Holmes, former Scotland Yard detective and current international law enforcement coordination consultant, as well as Sergeant George Duffey, Marina Police Department, Marina, California, USA, who reviewed and provided feedback on the guidebook.

## INTRODUCTION

The goal of this guidebook is to provide you as law enforcement with specific techniques that can help you gain the trust of a victim-witness assisting in a human trafficking investigation and prosecution.

This is no small feat as there are a myriad of obstacles to overcome. In order to obtain the information you need to investigate and prosecute the trafficker, you need to ask difficult questions relating to severe physical, mental and sexual abuse. Reliving the events that led up to and were part of the enslavement may be embarrassing and frightening for the victim-witness. Additionally, trusting another person again is exceedingly difficult; the victim-witness initially trusted the trafficker who promised a better job and that trust was shattered. They may fear for their safety or that of their family members. Moreover, the trafficker has conditioned the person before you to fear and distrust law enforcement.

Finally, you and the trafficker unfortunately share a similar relationship to the victim-witness. You are in the delicate position of controlling much of the victim-witness' fate, just as the trafficker did. This sometimes includes whether and to what extent the victim-witness has access to social service benefits, employment, seeing family members, returning home, and temporary or permanent immigration status. You are also trying to extract information from the victim-witness while offering incentives, just as the trafficker tried to extract labor while offering what turned out to be false incentives. These two examples of mirroring the victim-witness' relationship with the trafficker absolutely must be minimized in order to develop trust between you.

Gaining and safeguarding the victim-witness' trust is integral to your ability to obtain the information you need for your investigation and prosecution. This guidebook presents

various techniques - equally justice oriented and victim-centered - that you may employ to help you overcome these obstacles, gain the victim-witness' trust and make your investigation as efficient as possible.

The techniques presented here are intended to be used throughout the duration of an investigation and prosecution. Circumstances of your cases will dramatically impact whether or not you have the time or resources available to implement each of these techniques. Armed with these tools, you will be to apply those which you can in the moment. Also, you will be able to recognize a less than ideal situation and acknowledge it to your victim-witness. Even this small acknowledgement will indicate your concern for the victim-witness and will begin to build trust.

This guidebook is intended for a broad audience. Special attention, where possible, has been given to the differences between countries' criminal justice systems and trafficking laws. Terminology also varies greatly for the people involved in trafficking cases. The authors chose specific terms to use throughout the guidebook, specifically:

*Victim-witness* – also known as the trafficked person, trafficking victim or witness – refers to the individual who was subjected to trafficking and is now participating in the criminal justice system as a witness for the government against the trafficker;

*NGO provider* – nongovernmental organization provider – refers to any number of individuals from a nongovernmental organization who may be assisting the victim-witness including a case manager, social worker or advocate; and

*Victim-witness' attorney* – refers to the individual assisting the victim-witness through the criminal justice process and/or with seeking immigration relief.



The  
Physical  
Environment

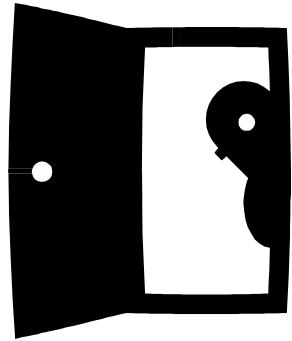
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# 1: The Physical Environment

## Choose your first impression wisely – the location

First impressions can have a lasting and meaningful impact. The first impression your victim-witness will have upon arriving for an interview is the building, the interview room and their general environment. The victim-witness' reaction to location alone can influence how much the victim-witness is willing to talk. This all occurs before you even sit down together.

It is usually most convenient to conduct interviews at a law enforcement agency's office. But consider what your victim-witness would think about upon arriving at, for example, a police station: "The trafficker was right; they are going to put me in jail. They will hurt me. Look at their guns. They won't let me leave." Similarly, consider what your victim-witness would think about upon arriving at the government prosecutor's office: "These attorneys must be very important and powerful to work in such a large, beautiful building. Why would someone so powerful want to help me or even believe someone like me?"



When choosing a location, think about putting your victim-witness at ease. The best way to do this is to choose a location that the victim-witness is already familiar with, for example, an NGO provider's meeting space. For security purposes, a shelter should not be the location of a meeting under any circumstances. When victim-witnesses feel more in control and on equal footing with you going into the interview, they will feel more comfortable and prepared to speak with you.

### Arrange for the victim-witness to see a way out

Trafficking cases vary greatly and this includes the amount and level of psychological abuse a victim-witness endured. Whereas one victim-witness may be suffering from mild depression, another may be suffering from post-traumatic



stress disorder and yet another may be experiencing flashbacks and memory loss. One common denominator in trafficking cases, however, is the inability to leave without severe consequences. A room with a window that the victim-witness may face during the interview can provide a tremendous sense of

freedom. Instead of feeling trapped in a windowless room as they did perhaps while trafficked, they are free to see outdoors. While this may be a bit of a distraction, it is a small price to pay in the initial interview phase until trust is established. Similarly, facing the door can provide a sense of freedom since they know they are free to walk out of it at the end of the interview. In more severe cases, facing the door can also be important because it may provide a sense of safety; no one can enter from behind to harm them. The key point is to give the victim-witness visual control of the room. This also means that no one should sit behind the victim-witness under any circumstances.

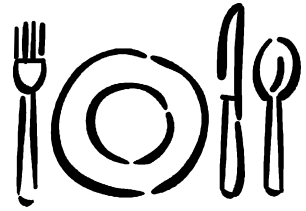
### Sit together

Having meetings at a round table, or better yet without a table, can signify that there is equality among everyone at the meeting. This can be a helpful message to extend to your victim-witness. If, instead, you sit across a table or behind a desk from your victim-witness, that physical barrier can become a psychological barrier. It separates you from the victim-witness, demonstrating that you are quite literally not “on their side” and that you are more important and

powerful. The result is a victim-witness who senses the power differential between you and may choose to not speak openly with you.

### Have refreshments available

Stopping all of the questioning and eating together will show the victim-witness you are a real person too. In many cultures, sharing a meal is important and can create a bond. It is a less formal way to interact and can become more conversational without discussing the case. Making a connection with your victim-witness will go a long way in establishing trust. Additionally, many victim-witnesses were malnourished and had little access to food, so they will feel incredibly grateful if you can provide them with beverages and snacks during the meeting and lunch and dinner during the breaks. Often left destitute from the trafficking, few have the resources to spend on lunch or dinner even if they have begun to work. Accompanying NGO providers or attorneys do not have funding for client meals so the cost would come out of their pocket without your assistance.



Law enforcement agencies' rules vary about whether, when and how to give gifts to victim-witnesses. Providing refreshments, particularly when they are shared among everyone during a long interview, would not be out of the ordinary and not likely to be construed as a gift. Be sure to speak with your victim-witness coordinator to know what you may and may not provide during an interview, but always remember a small act of kindness can mean a great deal.

The  
Interview  
Participants

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## 2: The Interview Participants

### Remove signs of your law enforcement status

If at all possible, leave any overt signs of your law enforcement status outside of the room. This includes, for example, firearms, batons and handcuffs. If you must keep them on your person, be sure to acknowledge them to the victim-witness and explain that you are required to carry them and they are not at all related to the victim-witness and this interview.

The presence of a handgun, for instance, can dramatically impact an interview. In one interview, the victim-witness was answering questions with just a few words, was barely audible and kept looking away from his interviewers. Unbeknownst to the group, the only handgun the victim-witness had ever seen prior to the interview was one used by the trafficker. Finally, one of the interviewers noticed that the victim-witness was looking at a handgun visible underneath his jacket. The interviewer explained that the handgun is carried as part of the job and asked if the victim-witness would be more comfortable if all handguns were taken out of the room. After doing so, the victim-witness became visibly more relaxed and began speaking more freely.



### Wear street clothes

A victim-witness may be inherently suspicious of law enforcement agents or government attorneys based on their perception of such authorities in their home country. In some countries, law enforcement agents and other government officials are believed to be corrupt and even dangerous. To mitigate this inherent fear and suspicion, it could help to wear street clothes rather than uniforms or badges during your interactions with the victim-witness.

Keep in mind that victim-witnesses from some countries may associate plainclothes with secret service however.



Similarly, although it is common for attorneys and other professionals to wear suits, it may be inappropriate dress for an interview with a victim-witness. Someone wearing a suit may be associated with power or corruption and may underscore the power differential between you. If victim-witnesses feel powerless or intimidated by you, they may be unwilling to disclose personal and painful memories.

### Limit the number of people in the room

Ask yourself, who MUST hear the victim-witness' account firsthand?

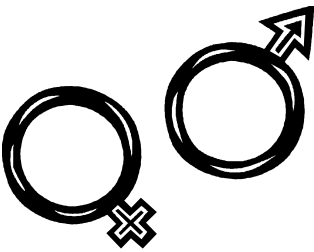
Often, there will be many people who must hear the victim-witness's account including investigators, prosecutors, interpreters and the victim-witness' attorney. All of these people want to ask questions so that they can prosecute the trafficker and protect the victim-witness. Having so many people sit in on the interview, however, may make it harder for the victim-witness to reveal difficult details. One way you can make the victim-witness more comfortable, if not for all interviews then at least the first few, is to limit the number of people sitting in on the interview. For example, instead of having more than one person from each office or branch of law enforcement sit in the interview, choose one person from each to be in the room.

Having only a few people in the room does not preclude others from watching the interview or ensuring their questions are asked. Many interview facilities, especially those equipped for interviewing children, have one-way windows. This allows interviewers to watch the interview

while allowing the person inside the room with the victim ask all the questions the different interviewers may have. One-way windows can be a very useful tool to reduce stress on the victim-witness from being surrounded by so many people; just be sure the victim-witness's rights of notification and consent are respected.

### Pay attention to the interview participants' gender

Many victim-witnesses have been sexually abused and this abuse will often be an important, albeit especially difficult, interview topic. A female victim-witness may feel so uncomfortable discussing the topic in front of a man that she will deny it ever happened. Instead, she may feel more comfortable discussing the abuse with another woman.



This means that sensitivity relating to gender extends to all interview participants, not just the interviewer, and includes the interpreter. Since each victim-witness is different and their trafficking experience is different, be sure to begin by asking the victim-witness' preference. Explain that you will need to discuss painful memories and incidents related to the experience and ask whether the victim-witness prefers speaking with a man or woman about these topics. Pay attention to the possibility that the victim-witness will consent to having men in the room in order to please you. Be aware during the subsequent questioning if the victim-witness appears to be uncomfortable. This could be a clue that changing the gender of the interview participants could, in fact, make a difference. Stop the questioning and ask again if the victim-witness would be more comfortable with someone of the same gender.

### Select a primary interviewer



Before the interview, decide on one person who will be designated to ask the questions. Having a primary interviewer is much easier for the victim-witness for four main reasons. First, having all participants ask questions at different times may be confusing and stressful to the victim-witness. It begins to feel more like an interrogation with questions being fired out from many different places. Second, having one person ask all the questions can help the interview feel more like a conversation and allow the victim-witness to relax and have that conversation, instead of anticipating where the next question will come from. Third, since each person will have a different style of asking questions, it will be beneficial for the victim-witness to get comfortable with that one person's style. Fourth, if the victim-witness knows who will be asking the next question, they will not expend energy anticipating who will ask the next question and, instead, can concentrate on answering the question at hand.

Selecting the primary interviewer may be based on any number of factors. It could be gender, language ability, experience interviewing victim-witnesses generally, experience interviewing trafficked victim-witnesses specifically, or existing knowledge of this particular victim-witness.

### Set the tone

Since there will be a primary interviewer, it can be beneficial for all interviewers to come to a consensus on questions to be asked as well as the tone of the interview. The person asking the questions may want to be gentle and sympathetic to the victim-witness. Victim-witness accounts always include inconsistencies and these must be clarified, but the interviewer should not change tone or style or be abrupt or confrontational at any stage. The clarifications can be made rigorous simply by highlighting inconsistencies and asking

the victim-witness to explain them. If the participants agree beforehand on how they wish to interact with the victim-witness during the interview, they will feel more comfortable allowing one person to direct the interview and ask most of the questions.

### Be prepared for additional questions

Inevitably, questions will arise based on what the victim-witness says during the interview. Therefore, it will be important for the participants to decide before the interview how to ask these unanticipated questions. Some participants take regular breaks so they can check in with one another and decide what follow-up questions to ask. Others pass written notes during the meeting. Please note that watching notes being passed can make the victim-witness feel like you might be passing judgment or making some comment about the victim-witness. To avoid this uncomfortable moment, you may want to explain at the outset of the meeting that any notes passed are simply additional questions to ask.



### Let the victim-witness' attorney help you

A victim-witness' attorney can be instrumental in creating trust between you and the victim-witness. Often, the attorney will have already garnered the trust of the victim-witness. Watching the attorney at ease with the law enforcement agents and their questions, in turn, helps to put the victim-witness at ease. The victim-witness then thinks "If my attorney, whose job is to protect my interests, is comfortable, then I should be as well."

Additionally, any anxiety the victim-witness may have about the interview can be lessened by having a trusted person present. If the victim-witness perceives you to be supportive of their needs, they will be more likely to trust you. On the

contrary, the victim-witness' anxiety may increase if the attorney is not permitted to be present during the interview. The victim-witness may even feel as though the attorney is one of the few people they can trust in their new situation. As the one responsible for the separation between the victim-witness and attorney, you will be viewed with suspicion, which destroys any existing trust or makes building trust extremely difficult. If possible, ensure that the victim-witness and attorney are seated next to each other with the primary interviewer and other participants at a slight distance away. This creates an environment where the victim-witness feels greater control of the room as well as the support from the attorney.

Another way in which the victim-witness' attorney can be helpful to you is by answering a multitude of questions from the victim-witness. It may simply be a reinforcement of everything you have already explained. The criminal justice system is likely to be unfamiliar and complicated to the victim-witness so it will help to have things explained numerous times while moving through the process. Repeated explanations and reminders help to reduce anxiety about the process. With less anxiety and more confidence about the process, the victim-witness will be able to aid you more effectively in your investigation.

The  
Interpreter

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## 3: The Interpreter

Many times, you will need to hire an interpreter because you do not speak the same language as the trafficked person. The quality of interpretation is critical to your investigation and prosecution. If any words or concepts are misconstrued, there could be a dramatic impact. For example, one interpreter felt so sympathetic toward a victim-witness' account that she wanted to help the victim-witness better convey what she was saying. Therefore, rather than using the exact words the victim-witness used, the interpreter used more descriptive language and embellished the account. Thankfully, the embellishment was discovered and corrected, but it meant that the victim-witness had to be reinterviewed which was exceedingly difficult on everyone involved.

In order to ensure this does not happen to you with even more drastic consequences, there are several recommendations to ensure a successful outcome.

### Request the same gender as the victim-witness

Although ultimately the goal is for the interpreter to be invisible during the interview, some of the interpreter's characteristics may influence the victim-witness' comfort level. For example, just as a victim-witness may feel more comfortable discussing traumatic events with an interviewer of the same gender, having an interpreter of the same gender may provide the same comfort and create an atmosphere for the victim-witness in which they feel comfortable to reveal difficult elements of their experience. Ask the victim-witness' preference.



### Use consecutive interpretation

Trained interpreters typically offer either simultaneous or consecutive interpretation. Simultaneous interpretation can

greatly reduce the amount of time spent in the interview. As soon as you begin speaking, the interpreter begins to interpret so you are speaking at the same time. Some people find it distracting to have someone else speaking while they are trying to formulate questions or answers. However, this method of interpretation is fraught with danger because too much information—verbal and non-verbal—is missed.

Consecutive interpretation is, therefore, the preferred method of interpretation for human trafficking interviews. This allows the question to be asked, the interpreter to relay the question and the victim-witness to answer all in consecutive order. It also gives the interviewer additional time to consider the next question.

With consecutive interpretation, be sure to allow the interpreter to take notes to remember everything that is said. Also, it can be helpful for everyone to agree to stop and allow for interpretation after every two or three sentences. If you speak for five minutes, even the best interpreter will not be able to relay everything that was said and you do not want to lose anything that is being said. Even when asking one question, remember that the interpreter has to recall every word you say and figure out how to say it in a different language. You can make their job easier, while at the same time ensure precise interpretation, by keeping sentences and thoughts short and succinct. Good communication can often be the key to establishing and keeping trust, which you do not want to risk losing.

### Decide whether you want the interpreter to explain cultural contexts

There are two schools of thought on whether an interpreter should also be a “cultural broker” and offer to you explanations about culture that can help you understand a



victim-witness' response. The first school of thought is that the interpreter relays only what the victim-witness says. Any additional information could potentially taint the true meaning of what is being said. If you have any questions or do not understand something and believe the reason could be cultural, then you are free to ask the victim-witness about it or conduct further research on your own.

The second school of thought is that the interpreter can be a resource to you, providing more complete information because the cultural nuances you would otherwise miss could be explained. For example, an interpreter may be able to explain that a certain word the victim-witness used is a term of endearment. Or, the interpreter could explain that avoiding eye contact is a way of showing respect in the victim-witness' culture, whereas it may be a sign of lying in another culture.

If you choose to allow the interpreter to explain cultural contexts, be sure to be clear about this at the outset of the interview. Ask the interpreter to stop the interview to explain to both the interviewers and the victim-witness. Hearing the interpreter's explanation will also inform the victim-witness of the cultural differences. Another option is to have interpretation only during the interview and to discuss any cultural issues during the breaks.

### Introduce the interpreter

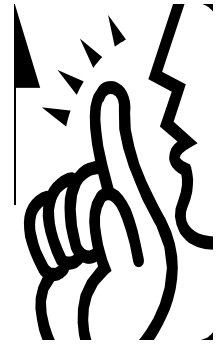
The victim-witness and interpreter should be introduced before the interview, just as everyone else in the room is introduced and their role is explained. It can be very helpful for the victim-witness to know, for example, that the interpreter has been hired from a company but is also bound by confidentiality. It is appropriate to request the interpreter to sign a confidentiality



agreement in the presence of the victim-witness to reinforce this. It would also be helpful to know whether or not the interpreter is a member of law enforcement or your coworker.

### Discuss confidentiality

It is appropriate to ask the interpreter to sign a confidentiality agreement and this should be done in the presence of the victim-witness. Confidentiality is important not only for your investigation, but also for the victim-witness' sense of comfort and safety. The victim-witness may be fearful that the interpreter will gossip about what is said during the interview within their small, shared immigrant community. Emphasizing and ensuring the interpreter's confidentiality can alleviate this concern and help make the victim-witness speak freely and truthfully.



### Set rules

Not everyone has worked with an interpreter before. Even if you have hired a professional interpreter, it can still be helpful to explain to everyone in the room how the interpretation will occur. Whatever recommendations presented here that you choose to adopt, explain them to everyone in the room before beginning. This will help minimize any interruptions during the interview to make these explanations.

### Look at the victim-witness

Do not forget that the person you are questioning and speaking with is the victim-witness, regardless of what language they speak. The interpreter is like a telephone – a device that conveys your voice to another person but is not part of the conversation. Direct visual contact and verbal communication between you and the victim-witness will help build a relationship of trust. Looking at the person will aid in





your ability to convey empathy, concern and support to the victim-witness. This will help you build a relationship with the victim-witness. Because the same interpreter may not be there during a future interview, it is important to ensure that trust and comfort is built between you and the victim-witness for future interactions.

### Speak directly to the victim-witness

What is wrong with saying to the interpreter, “Please tell her that I am pleased to meet her.”? First, there is no need to preface everything you say to the victim-witness through the interpreter. The “please tell her” is unnecessary because that is what the interpreter is there to do. Second, just speak directly to the victim-witness by saying “I am pleased to meet *you*” and not “pleased to meet *her*.” This simple tip keeps the conversation between you and the victim-witness rather than you and the interpreter. It will make the conversation flow better and make the process more efficient. Using an interpreter always increases the length of the interview and cutting down unnecessary elements will expedite the process.

### Make sure everything spoken is interpreted

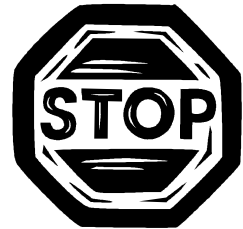
Make sure that your victim-witness understands everything that is spoken in the room. Understanding what is happening provides a level of comfort. Not understanding can simply increase the stress and diminish trust. If you have a side conversation in front of the victim-witness, it will not be clear whether you are deciding where to go to lunch or you are saying you do not believe a word the victim-witness just told you. Therefore, instruct the interpreter to interpret everything said and, if necessary, have side conversations outside the room just as you would if the victim-witness spoke your language. Similarly do not leave the interpreter alone with the victim-witness. Something relevant to law enforcement may be said.

### Ask one question at a time

Have you ever noticed that if you ask someone three questions at once, they usually only answer the third question? This happens when you speak the same language and it happens even more frequently when interpretation is involved. It can be a hard habit to break, but try to limit yourself to one question at a time. It will ensure everything you say is translated and all of your questions are answered.

### Watch for conflict

In some cases, it may be important for the interpreter and victim-witness to share the same cultural or religious background. In other cases, this can create conflict. For example, one interpreter showed her disapproval of a victim-witness forced into prostitution through an angry tone of voice, folded arms and scolding looks. In their shared culture, the victim-witness would be shunned by her community for having been a prostitute, forced or not, and this attitude was evident. Should anything like this happen, stop the interview, find a new interpreter, apologize to the victim-witness and continue the interview.



Alternatively, watch for signs that the interpreter has a connection to the trafficker, be it cultural or otherwise. Subtle signs of judgment from the interpreter should not be tolerated. It will jeopardize your investigation because the victim-witness will be more guarded about what information to share. This may be hard to determine ahead of time, but it is an issue to be sensitive to during any interview with an interpreter's assistance. It is appropriate to ask the interpreter questions about their background and feelings about the situation you will be discussing during the interview. If it is clear the interpreter is uncomfortable about the situation, it is best to find another interpreter.

The  
Interview  
Structure

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## 4: The Interview Structure

Law enforcement agencies often do not have the luxury of time during investigations and prosecutions. You need actionable information immediately. Yet victim-witnesses greatly benefit from some recovery time before working with law enforcement. This can come into conflict with the nature of law enforcement work. If you must move forward, there are ways in which to minimize the discomfort and potential retraumatization of your victim-witness. Keep in mind that a retraumatized victim-witness may no longer be able cooperate with you so proceeding cautiously is in everyone's best interest.

### Limit the length of meetings

Think of the most traumatic event that has occurred in your lifetime. It can be difficult enough to remember it, let alone tell someone about it. It can be even more difficult to have to tell someone about it for several hours. If there is any way possible to limit the first meetings with the victim-witness to no more than two to three hours per day, you will have a victim-witness who is more focused and who gradually begins to know you and trust you. Day long sessions are mentally and physically exhausting. In some cases where law enforcement must travel, it may be more expedient to arrive, interview and leave all in one day. But think of the potential consequences this day long session has on your victim-witness. If possible, try to divide the interview into two days. There is the added benefit of the victim-witness reflecting on your questions and the trafficking experience overnight and recalling something that you can discuss the next day.



### Provide breaks

A five minute break each hour of the interview can go a long way in preserving the cooperation of the victim-witness because it is a way of showing your sympathy and concern for the victim-witness' well-being. You are more likely to trust in someone who shows care for you. This break can be to use the restroom, leave the room, enjoy refreshments, walk around and generally just relieve the pressure of nonstop questioning.

### Choose topics of discussion

Plan ahead for the topics you will discuss during a session. For example, it can be very helpful to begin with nonthreatening background information. By telling your victim-witness at the beginning of the meeting that you will be talking about life in their home country or how they learned about the job, then the victim-witness has less anxiety about what questions may be coming next. Also, the victim-witness can think about and organize the information you will be discussing. This can be particularly helpful to severely traumatized victim-witnesses who have difficult remembering details as a result. You can also use this technique just before a break to let the victim-witness know what you will be discussing when you resume or at the end of the day when you plan to resume the next day.



Choosing your topics of discussion and preparing the victim-witness to discuss that topic will be extremely helpful for when you must ask about the most difficult aspects of the trafficking such as physical and sexual abuse. At the end of one of the nonthreatening sessions you can alert the victim-witness that at the next meeting you will need to discuss the most difficult aspects. This forewarning allows service

providers, attorneys and therapists to provide the necessary support that will help the victim-witness share that information.

### Alert the victim-witness' attorney about the interview topics and participants

The fear of the unknown, for example not knowing what to expect at the interview, can make a victim-witness anxious and possibly even uncooperative as a result. Days or weeks of anticipation before an interview simply increase the anxiety. You can alleviate this fear and anxiety by sharing general information about the interview ahead of time with the victim-witness' attorney. For example, even knowing who will be present during the interview, who will be the lead questioner, and what topics will be covered can greatly reduce the level of stress the victim-witness is experiencing.

Some law enforcement agents may believe that a victim-witness has more time to develop a lie if told about the interview topics or questions ahead of time. However, sharing this information can actually help reduce the likelihood of lying. A person will often lie during interviews based on ill-conceived notions about what may happen to them or loved ones if they tell the truth. With advance notice, the victim-witness and attorney can talk through and eliminate these concerns; the victim-witness can then understand the benefits of telling the truth and give you all of the information you need for your investigation. Giving the victim-witness and attorney time to do this before the interview will increase the efficiency of your interview and will likely result in more complete and less guarded responses to your questions.

The  
Explanations  
Necessary

5

## 5: The Explanations Necessary

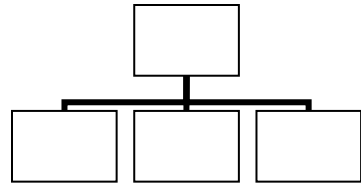
### Explain your role

It is difficult for the average citizen to understand the difference between the many federal, state and local law enforcement agencies. For a noncitizen, it can therefore be extremely difficult and confusing. If you are confused about who a person is, then why would you tell them the most horrible thing that ever happened to you?

One explanation of your job and who you work for may not be enough. It could be helpful, if the victim-witness is literate,

to draw a diagram or at least write down all the names, titles, agencies and their varying roles. This would be something the victim-witness could keep and refer to as needed.

Otherwise, you may need to remind the victim-witness of names and roles at the various interviews. For example, “You may remember Ms. Smith. She is the government attorney so she will be asking you all the questions in court.” The more a victim-witness is clear about who you are and why you need the information you are asking for, the more likely you are to gain trust as well as the information you require.



### Distinguish your role from others

There are many other people who will be working with the victim-witness including attorneys, social workers, case managers and interpreters just to name a few. There is usually a core group of people that will always be present, such as the chief investigator, prosecutor and the victim-witness' attorney. Victim-witnesses can greatly benefit from a meeting with the core group to discuss roles. The more understanding and clarity you can convey, the more the victim-witness will feel comfortable and begin to trust you.



### Explain the process

If someone you have never met before began asking you incredibly personal questions, would you answer them? No! You would want to know why the stranger wants that information and what the stranger was going to do with the information. Your victim-witness is thinking the same thing, which is why explaining the process is another way of putting the victim-witness at ease.

Here are some of the questions the victim-witness may want answered:

- How long will I be here today?
- How many times will I have to come back?
- Will the trafficker find out what I am saying?
- Can you keep me safe?
- Can you keep my family safe?
- How long will the investigation take?
- Will there be a trial?
- Will the trafficker see me in court?
- Will I have to look at the trafficker?
- When will I know if there is going to be a trial?
- Who will decide if there is going to be a trial?
- What will I have to do if there is a trial?
- How long does a trial take?
- What is a trial like?
- Will my name be in the media?

### Refer questions about immigration



Some countries offer temporary or permanent residence to victim-witnesses who assist with a trafficking investigation or prosecution. The rules and restrictions related to this immigration incentive can be complicated. As a result, the victim-witness attorney or sometimes the NGO provider assisting the victim-witness is

often the best person to answer any questions related to the prospect of residency.

Referring these questions appropriately can also help preserve the investigation and prosecution. For instance, a law enforcement agent may promise the victim-witness temporary or permanent residence in exchange for cooperation. There are two problems with this promise. First, the promise could be broken because in fact there may be other factors that make the victim-witness ineligible for residency. A broken promise on a matter as serious as immigration status could lead to shattered trust and a victim-witness who no longer wishes to help. Second, at trial, the traffickers' defense could be that the victim-witness is lying in order to obtain the immigration benefit promised by the law enforcement agent. Either way, you can see that the attorney or NGO provider experienced with trafficking cases and immigration is the best person to handle all questions related to immigration.

Tell the victim-witness it is okay to say “I don’t know” or “I don’t remember” or “I don’t want to tell”

Telling your victim-witness that it is okay to say “I don’t know” or “I don’t remember” can relieve a lot of pressure. There is a tendency to want to provide the right answer or at least some sort of answer to questions coming from an authority figure. Sometimes this can even result in fabricated or embellished information just to be able to provide an answer. Removing that pressure can not only put your victim-witness at ease, but can also help ensure that you obtain accurate information.



Victim-witnesses may be protective of certain information if they think it will lead to consequences for themselves or

others or if they simply do not know what will happen. By allowing them to say to you “I don’t want to tell,” you will be able to ascertain what the problem is that is holding back the information and hopefully be able to resolve it and move on. For example, a victim-witness may say, “I do not remember the name of that person” out of fear that the person will be deported or jailed. If you can credibly assure the victim-witness that the person, if named, will only be questioned as a witness or will be protected as a victim-witness, then the victim-witness will feel comfortable sharing the information.

### Remind the victim-witness “it is not your fault”

As part of the psychological coercion, traffickers often tell the victim-witnesses they are to blame for getting into the situation. A victim-witness may believe this when you first meet. Therefore, it is important to remind the victim-witness you do not think they are at fault for what happened and that you may be mad at the trafficker, but not them. Even if it is clear to you that you want to help them because they were the victim, explicitly stating that during the interview will reinforce to the victim-witness that you are on their side and supporting them.

### Give examples of other cases you have worked on



Talking generally about other cases you have worked on can nearly instantly build trust for multiple reasons. The victim-witness, who thinks that no one could possibly understand their trafficking experience, suddenly realizes that you do understand. The victim-witness may be relieved to know that someone else has had the same experience and feel less alone and ashamed. In one case, a 16 year old trafficked girl appeared sullen before her interview. The interviewer made sure to share some introductory background information about the types of cases

she works on and gave examples. The 16 year old's face revealed her emotions – initial distrust giving way to disbelief and then relief. The 16 year old immediately began to explain the similarities and differences between what happened to her and the other case.

This technique, as shown in the example above, can make the victim-witness more willing to talk. It can also subtly demonstrate to the victim-witness that others have found the strength to talk about the trafficking experience and got results – restitution, jail time for the trafficker, making sure this does not happen to another person. Another result of this conversation is that you are explaining what the incentives are for your victim-witness to cooperate.

### Give the victim-witness reasons to work with you

Assisting a criminal investigation and prosecution can be a long, arduous process for a victim-witness who has already endured so much due to the trafficking. Sometimes, the victim-witness may want to forget the entire experience and not have to relive it through the criminal justice system. In this case, seeking justice may be the last thing a victim-witness wants to do. Keep in mind, however, that with time, the denial and shame may turn into anger and desire to seek justice. If you are able to allow the victim-witness time to work with an NGO that can provide food, shelter, health care and counseling, then even these reluctant witnesses may be willing to assist. Be aware of how you present the information so that you are only informing the victim-witness of legal rights; in no way should the information be taken as a promise or an inducement of perjury.

*You owe me the money for the time that I worked.* Victim-witnesses may not understand that they are owed restitution or payment for the time they “worked” and the criminal justice system can facilitate that payment. This can be an

incredible motivation if the victim-witness has debts that must be paid as a result of the trafficking and a family to care for. Moreover, the victim-witness in most cases was seeking a new job, a better life and really needed that salary that was promised. Being able to reclaim that salary can help restore the victim-witness at least financially. Be careful not to promise anything here and stress that it is up to the court to decide whether there will be any restitution made.



*I will not let it happen to anyone else.* Some victim-witnesses are very motivated to help when they realize that they can be instrumental in stopping the trafficker from harming anyone else. The victim-witness knows, for example, if they are the fourth domestic servant trafficked to a particular household who will be replaced with a fifth or one of 100 factory workers who will be immediately replaced.

*What you did to me was wrong.* Other victim-witnesses may not realize how seeking justice benefits them because nothing could restore their dignity or even their time, which is sometimes years that they lost from their life while trafficked. Again, NGO providers can be very helpful and supportive on this issue. However, being able to tell the trafficker “what you did to me was wrong” can be very powerful. It helps the victim-witness regain the control that the trafficker took away. It helps the victim-witness come to terms with what happened rather than just trying to forget about it. As a law enforcement agent, you can also explain the greater role of the justice system – that the victim-witness has the opportunity to stand up on behalf of everyone who has been trafficked and all citizens of the country and say “what you did to me was wrong” which also sends a message to other traffickers.

*You should be punished.* You are able to explain the legal consequences of what the trafficker did – that all of the trafficker’s money will be taken away so that he cannot conduct “business” anymore and that the trafficker could spend up to life in prison. For some victim-witnesses, punishment will be a motivation.



The  
Relationship

6

## 6: The Relationship

### Consider the impact of culture

A victim-witness's culture may also affect how you perceive their responses. Understanding that culture can greatly reduce any misunderstandings. For example, the victim-witness may not look you in the eye as a sign of respect for your authority, whereas you may believe that means the victim-witness is lying to you. Learning as much as you can prior to the interview about the victim-witness' culture can help minimize any such misunderstandings.



Additionally, learning about a victim-witness' culture can provide you with a better understanding about their actions. You may learn, for instance, that it is acceptable to physically reprimand a domestic servant in the victim-witness' culture which is why no one was ever alerted to the abuse occurring. Research can be invaluable to learn these cultural nuances as can a good interpreter willing to provide a briefing about social, political, religious, communication and socio-economic issues related to the victim-witness' background.

### Be aware of the messages you convey to the victim-witness

The victim-witness has likely suffered through humiliating and terrible events, which can be embarrassing to talk about. When deciding how much information to reveal to you about these experiences, the victim-witness will be watching your verbal and non-verbal reactions. Any sign of disbelief or judgment on your part could cause the victim-witness to go silent. For example, a law enforcement agent, disturbed by what the trafficker did to the young woman he was interviewing, began shaking his head in disbelief while



the victim-witness told her story. His reaction was that of horror and feeling protective of his victim-witness. Unfortunately, the victim-witness understood his reaction to be judgment of her and disgust at what she was forced to do. Embarrassed, she stopped talking. Although it is natural to feel shock and anger upon hearing how a person suffered, be aware the victim-witness will be closely scrutinizing your reactions. Refraining from audible reactions, head-shaking or other negative body language will reduce the risk the victim-witness may misinterpret your sympathy for anger.

### Give decision-making power to the victim-witness

The victim-witness has not been allowed to make a single meaningful decision for the duration of their enslavement. Losing all control over your life can lead to devastating self-esteem and trust issues. Gaining that control back begins to restore the person to a confident, trusting being. Similarly, being able to help in some way beyond simply answering questions allows the victim-witness to feel more a part of the process rather than an outsider, like a team-building approach. Any way in which you can allow the victim-witness to make a decision or help with the case can therefore create a stronger victim-witness. Even making small decisions, such as when to take breaks, where to conduct the interview or even what to eat for lunch will empower them.



### Do not make promises that you cannot keep

There is no easier way to disappoint a child than to promise you will be there for a special event and then not go. Do this more than once and the child quickly learns not to believe you when you say you promise you will be there next time.

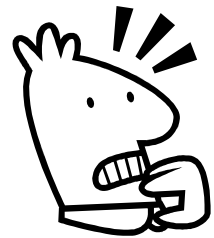
The same disappointment and shattered trust happens when

promises are made to victim-witnesses and then broken. Initially, the victim-witness believed all of the promises the trafficker made but then they were broken. So the victim-witness you are working with is very wary of trusting anyone now. If you make just one promise and break it, that may be enough for the person to shut down and not want to talk or cooperate in any way. The promises can range from promising the safety of a family member who is then harmed, that the case will never go to trial and subsequently it does, or that the meeting will only take a few hours but lasts for days.

Additionally, do not be afraid to say “I don’t know” when the victim-witness asks a question you do not know the answer to. If you make up an answer that turns out to be false but your victim-witness believed you and relied on it, then the end result is as if you broke a promise. How is the victim-witness able to trust what you say then?

### Acknowledge fears and concerns

From your knowledge of trafficking cases thus far and a basic understanding of human nature, you can imagine the many fears and concerns a victim-witness has coming into that first meeting with law enforcement. By acknowledging those fears and concerns, you are sympathizing and demonstrating that in some small way that you understand how the victim-witness is feeling. This is a great way to gain their trust. For example, in the first meeting you may say any of the following statements:



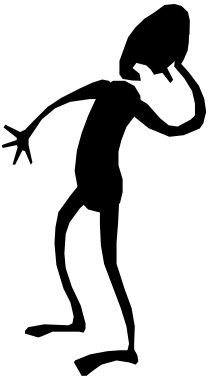
*You must be wondering who all of these people are and why we want to talk to you.*

*I can imagine you are probably very worried that you may in some way be in trouble and that we might hurt you or deport you.*

*I am sure you are afraid that if you help us with the criminal investigation that you or your family could be put in danger.*

### Identify and alleviate discomfort

Watching a person's body language can give you a lot of clues about how comfortable they are with your topic of discussion. If you have chosen to talk about the most difficult aspects of the trafficking, for instance, and the victim-witness begins to shake, cry, stop speaking, look for an exit or appear panicked, then stop the questioning and ask if the victim-witness needs



a break or would like to continue. Some may choose to take the break to compose themselves, process the question and be ready to answer. Some may choose to push on to be done with the ordeal. Either way, even the gesture of offering to take a break shows a degree of care for the victim-witness that can build trust.

Depending upon the degree of how uncomfortable the victim-witness is, it may be necessary to take multiple breaks or even stop for the day. It is always helpful to alert the service provider working with the victim-witness that there was a particular difficult time and the victim-witness may require some additional support. Due to the potential psychological harm that has occurred, the victim-witness may even be in need of immediate psychiatric assistance so do not disregard your initial instincts and ignore the warning signs. Seek help for the victim-witness immediately, preferably through the NGO you are working with.

The  
Support  
System

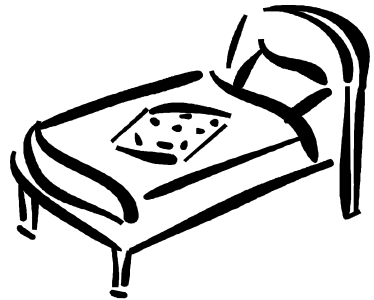
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## 7: The Support System

### Meet immediate needs

Providing a support system can help gain the trust of your victim-witnesses. From the first moment you meet victim-witnesses, they will be assessing whether or not to trust you. You therefore have an opportunity to demonstrate your trustworthiness in this first instance and can begin to do so by simply by inquiring about their welfare.

Victims-witnesses who have just been identified in a raid, or recently escaped from their trafficker may have the most acute needs because they will most likely have nothing and not know where to go or what will happen next. They may need safe shelter, food, clothing, medical care and an opportunity to speak to family members. Once they know they are safe and have immediate needs met, psychologically they will be more able to participate in law enforcement interviews. And, quite importantly, if law enforcement agents were responsible for inquiring about their welfare and meeting those immediate needs, nascent trust will be established.



### Do not detain – find appropriate shelter

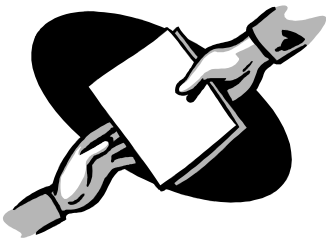
Detention breaks trust immediately. It increases fear and distrust. It validates traffickers' threats of what law enforcement agents would do if trafficked persons escaped. To victim-witnesses, criminal detention means that they are not victims, but perpetrators who deserve to be punished. Held among criminals, they believe that this is how law enforcement agents view them and that these agents would

never believe the experience they endured. This sentiment only reinforces the traffickers' berating, insults and reduces the likelihood of any cooperation because psychologically, the only thing they can focus on is their own safety and unknown future. They do not know how long they will be held, if they will be deported, if there will be serious consequences in the country of origin for deportation, or if the traffickers will find and harm them. A mind clouded with thoughts of survival is less able to focus on anything else, which includes an investigation. In other words, detention triggers a psychological chain reaction that compels trafficked persons to shut down and not cooperate.

An alternative to detention can be an NGO-run shelter. Oftentimes, experienced anti-trafficking NGOs operate shelters in combination with a range of supportive services. They can be critical partners to you in meeting the acute and long-term needs of your victim-witnesses.

### Offer benefits

The extent to which trafficked persons are eligible for public benefits, residency permits and work authorization varies by country. Generally, these benefits exist to provide both emergency and longer-term support to trafficked persons. Some must be requested by law enforcement. Some require law enforcement agents' confirmation that the trafficked person is indeed a victim-witness. These benefits can serve as important incentives for cooperation in the investigation. Moreover, knowing which benefits you are able to extend to your victim-witnesses helps to build the support system that in turn builds trust.



### Do not withhold benefits

It can be tempting to withhold benefits from victim-witnesses, for example until after the prosecution, to help ensure their continued cooperation with the investigation or prosecution. However, this can be detrimental to your case when working with trafficked persons. This behavior too closely resembles the traffickers' promises, many of which never materialized or were found out to be lies. Withholding or promising later benefits, therefore, can arouse victim-witnesses' suspicion and distrust.

Furthermore, as previously described, victim assistance is designed to aid recovery and provide the support that victim-witnesses need to be able to work with law enforcement agents. Withholding it simply undercuts its ability to provide that immediate assistance and resulting peace of mind which can lead to cooperation.

### Rely on victim-witness coordinators

In some countries, law enforcement agencies have dedicated positions for personnel whose sole responsibility is to assist victim-witnesses. These "victim-witness coordinators" may provide referrals to social services and provide information about the criminal justice system or victims' rights. They have specialized knowledge of victims' eligibility for services, how and when law enforcement agents can help, and which service providers can offer assistance. These positions are tremendously valuable to law enforcement agencies by freeing personnel to work on investigations and simultaneously providing critical support to victim-witnesses, helping to ensure their ongoing cooperation with the investigation and prosecution.

# Checklist



# CHECKLIST

## The Physical Environment

- Is a location familiar to the victim-witness available?
- Is a non-threatening, neutral location available?
- Can the victim-witness face a window and/or door?
- Is a round table available?
- Can you sit with the victim-witness without a barrier between you?
- Do you have beverages and snacks available?
- Have you arranged for breakfast, lunch and/or dinner?

## The Interview Participants

- Have you removed signs of your law enforcement status?
- Are you wearing street clothes?
- Have you limited the number of people in the room?
- Does the victim-witness prefer to be interviewed by someone of the same gender?
- Have you selected a primary interviewer?
- Have you come to a consensus on the interview's tone?
- How will participants notify the primary interviewer of their questions?
- Are you relying on the victim-witness' attorney for help?

## The Interpreter

- Is the interpreter the same gender as the victim-witness?
- Do you want to use simultaneous interpretation?
- Do you want the interpreter to explain cultural contexts?
- Have you introduced the interpreter to the participants and victim-witness?
- Has the interpreter signed a confidentiality agreement in the presence of the victim-witness?
- Have you selected and explained rules of interpretation to all participants?
- Are you speaking directly to the victim-witness rather than the interpreter?

- Are you looking at the victim-witness, not the interpreter?
- Is there interpretation occurring of everything spoken in the room?
- Are you asking one question at a time?
- Are there signs of conflict between the victim-witness and interpreter?
- Do you sense the interpreter may have a connection to the trafficker?

### **The Interview Structure**

- Are you able to keep the interview to a duration of two hours?
- Are you prepared to allow for breaks?
- Have you alerted the victim-witness of the next interview's topics?
- Have you alerted the victim-witness' attorney of the next interview's topics?
- What is the tone of the interview?

### **The Explanations Necessary**

- Have you each explained your role?
- Have you provided the victim-witness with a written description of your roles, such as a diagram?
- Have you distinguished your role from everyone else assisting the victim-witness?
- Have you explained the process?
- Are you allowing the victim-witness time to ask questions?
- Are you referring questions about immigration?
- Have you explained that it is okay to say "I don't know" or "I don't remember" or "I don't want to tell"?
- Have you said "it is not your fault"?
- Have you referenced similar cases that you have worked on?
- Have you given the victim-witness reasons to work with you?

## **The Relationship**

- Have you researched the victim-witness' culture?
- Are you refraining from verbal and nonverbal messages that might confuse the victim-witness?
- Have you created ways for the victim-witness to assist?
- Have you created ways for the victim-witness to make decisions?
- Have you refrained from making promises?
- Have you acknowledged any spoken or unspoken fears and concerns?
- Are you watching for physical clues signaling discomfort?

## **The Support System**

- Are you working in conjunction with a victim-witness coordinator?
- Are you frequently inquiring about your victim-witness' welfare and needs?
- Have you taken steps to ensure that your victim-witness' immediate needs are being met?
- Are you offering critical, supportive benefits to your victim-witness?
- Are you being careful not to withhold benefits?
- Have you avoided detention and found appropriate shelter for your victim-witness?

# Resources

## Resources

Additional resources that may be helpful to you include:

UNODC, *Anti-Human Trafficking Manual for Criminal Justice Practitioners* (2009) (including modules on psychological reactions of victims and suggested interview questions).

International Organization for Migration, *Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking* (2006).

World Health Organization, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women* (2003).

International Association of Chiefs of Police, *The Crime of Human Trafficking: A Guide to Identification and Investigation* (2006).

Hussein Sadruddin, Natalia Walter and Jose Hidalgo, *Immigration in the Twenty-First Century: Human Trafficking in the United States: Expanding Victim Protection Beyond Prosecution Witnesses*, 16 STAN. L. & POL'Y REV. 379, 397-98 (2005) (highlighting the psychological ramifications of trafficking and how that can influence whether and to what extent a victim-witness can cooperate with law enforcement).

Heather J. Clawson et. al, *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned* (Dec. 2006) (citing law enforcement's self-reported greatest challenge as gaining the victim-witness' trust).

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