



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Canada

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OM - ch. 7.5. Human Trafficking

Directive Amended: 2012-12-19

For information regarding this policy, contact the Human Trafficking National Coordination Centre, Immigration and Passport Br., Federal and International Operations.

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Exhibit: *National Inquiry into Missing and Murdered Indigenous Women and Girls*

Location/Phase: Parts 2/3 St. John's

Witness: Joanne Crampton

Submitted by: Anne Turley

Add'l info: P02-03 P04 P0101

Date: UCT 15 2018

Initials

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1. General

1. 1. The RCMP Human Trafficking National Coordination Centre (HTNCC) works in collaboration with international, national, provincial and municipal agencies, and non-governmental organizations, to develop policies, mechanisms and initiatives to combat human trafficking in Canada and abroad.

1. 2. Human trafficking offences are outlined in [sec. 279.01 to .03, CC](#), and [sec. 118, Immigration and Refugee Protection Act](#) (IRPA).

1. 2. 1. For offences where victims are either bought or sold, see [sec. 279.02](#) and [462.31, CC](#).

1. 3. Each Immigration and Passport Section will designate a Human Trafficking Awareness Coordinator (HTAC) to coordinate prevention, protection and prosecution awareness on international and domestic human trafficking investigations in its jurisdiction. See [sec. 3.2](#).

1. 4. Complaints must be considered a priority, reviewed for safety concerns, and assigned an appropriate investigative priority.

1. 5. The protection of victims of international and domestic human trafficking is the responsibility of the lead investigating law enforcement agency.

1. 5. 1. If the law enforcement agency of jurisdiction is outside Canada, the HTNCC, and Interpol or the Director, International Operations Branch, will be advised as required. See [I.3.J.](#) and [II.1.J.](#)

1. 6. Personal information of victims must only be shared according to directives. See [I.3.L.](#), [II.1.E.](#), [ch. 37.6.](#) and [ch. 45.4.2.](#)

1. 7. All fields on CPIC, PROS, and/or other data systems must be completed in as much detail as possible to assist in capturing important information, such as the cultural background of the victim and offender, and physical descriptors, as they relate to the human trafficking offences.

2. Definitions

2. 1. **Victim of human trafficking** means any person recruited by a trafficker by force, fear, fraud or deception for the purpose of exploitation, e.g. sexual exploitation, forced labour or other forms of servitude, organ removal. A person can be a victim of human trafficking without crossing any borders.

2. 2. **Exploitation**, see [sec. 279.04, CC.](#)

2. 3. **International human trafficking** means the trafficking of a victim who, in the process of being trafficked, crosses an international border, regardless of the victim's legal status.

2. 4. **Domestic human trafficking** means the trafficking of a victim within Canada, regardless of the victim's legal status.

2. 5. **Child**, for the purposes of this chapter, means a person under 12 years old, as defined in [sec. 2.\(1\) of the Youth Criminal Justice Act](#) (YCJA).

2. 6. **Young person**, for the purposes of this chapter, means a person who is 12 years old or older, but under 18 years old, as defined in [sec. 2.\(1\) of the YCJA.](#)

3. Roles and Responsibilities

3. 1. Human Trafficking National Coordination Centre Personnel

3. 1. 1. Work with the Government of Canada's Human Trafficking Taskforce to address prevention, protection, prosecution, and partnerships in order to combat human trafficking.

3. 1. 2. Raise awareness and develop tools to combat human trafficking into, through and within Canada.

3. 1. 3. Develop protocols and partnerships with international and national agencies to facilitate investigations and expedite information and intelligence sharing.

3. 1. 4. Develop and maintain international and national partnerships with federal departments, law-enforcement agencies and non-governmental organizations.

3. 1. 5. Support the development of partnerships and networks by HTACs with local governmental and non-governmental organizations.

3. 1. 6. Facilitate the central processing of all human trafficking investigation requests from international law-enforcement agencies.

3. 1. 7. Monitor human-trafficking investigations within Canada.

3. 1. 8. Develop policy, guidelines, best practices and procedures.

3. 1. 9. Research and review human-trafficking investigations and trends.

3. 1. 10. Gather, coordinate and analyze intelligence.

3. 1. 11. Liaise with national and international media to ensure a consistent delivery of the RCMP's key messages relating to human trafficking.

3. 1. 12. Encourage internal collaboration between National Headquarters, divisions and policy centres.

3. 2. Immigration and Passport Section Personnel

3. 2. 1. Enforce the laws pertaining to human trafficking, including, but not limited to, [sec. 118, IRPA](#), and [sec. 279.01 to .03, CC](#).

NOTE: International or domestic human-trafficking cases will be investigated by Immigration and Passport units and/or the police service of jurisdiction and will be assessed on a case-by-case basis.

3. 2. 2. Immediately inform the HTNCC of potential cases and provide regular updates. See [sec. 6.1](#), and [6.1.1](#).

3. 2. 3. Designate an HTAC to coordinate prevention, protection and prosecution awareness regarding human trafficking investigations.

3. 2. 4. Develop victim protection and support mechanisms.

3. 2. 5. Ensure that victims are advised of, and introduced to, available services.

3. 2. 6. When the victim is not a Canadian citizen, inform the respective RCMP liaison officer of the investigation in the event that threats are made to the victim's family or loved ones in his/her home country.

3. 2. 7. When required, liaise with Canada Border Services Agency (CBSA) and Citizenship and Immigration Canada (CIC) regarding the issuance of a temporary resident permit and work permit to victims.

3. 2. 8. When required, provide advice and guidance to municipal and provincial law-enforcement agencies.

3. 3. Human Trafficking Awareness Coordinator

3. 3. 1. Immediately inform the HTNCC of potential cases within your jurisdiction. See [sec. 6.1](#), and [6.1.1](#).

3. 3. 2. If an investigation is initiated by another law-enforcement agency, follow up with that agency and offer guidance as required.

3. 3. 3. Liaise with law-enforcement agencies, federal, provincial/territorial and municipal governments and non-governmental organizations within your jurisdiction to increase awareness and establish victim protection and support networks and mechanisms.

3. 3. 4. Collaborate with the Aboriginal Policing Coordinator in your division regarding issues involving Aboriginal victims or offenders linked to human trafficking.

3. 3. 5. Promote human-trafficking awareness to the general public, non-governmental organizations and law-enforcement agencies.

3. 4. Community, Contract and Aboriginal Policing Services Personnel

3. 4. 1. Develop national directives in consultation with the HTNCC, and training programs to combat domestic trafficking.

3. 5. Detachment Personnel

3. 5. 1. For potential human trafficking cases, notify your regional Immigration and Passport section for assistance and guidance.

3. 5. 2. See [sec. 3.2.5. to 3.2.7.](#)

4. Victim Assistance

4. 1. General

4. 1. 1. For human trafficking, victim-assistance guidelines, see [App. 7-5-1.](#)

4. 1. 2. For any evidentiary interviews with the victim, members and/or accredited translators speaking the language of the victim should be present.

4. 1. 3. For victims who may have experienced severe trauma, e.g. psychological, sexual or physical abuse, see [ch. 2.1.](#)

4. 1. 4. If protection of the victim's identity is warranted, investigators should consider asking prosecutors to apply for public exclusion from court, [sec. 486, CC](#), and/or a court-issued publication ban, [sec. 486.4, CC](#).

4. 1. 5. Inform the victim and his/her family about victim-services programs or other support mechanisms, where available. See [ch. 37.6.](#)

4. 2. Child/Young Person

4. 2. 1. Consult with local child-protection authorities as necessary. Where required, notify National Missing Children Services at 613-993-1525 and keep them informed as necessary. See [ch. 37.10.](#)

5. International Investigations

5. 1. When making inquiries outside Canada, see [II.1.J.](#)

5. 2. For requests from foreign law-enforcement agencies, see [I.3.J.](#), [ch. 43.1.](#) and the [Protocol on Foreign Criminal Investigators in Canada.](#)

6. Reports

6. 1. The HTNCC will immediately be notified in writing of potential or confirmed human-trafficking investigations, through e-mail or investigative report.

6. 1. 1. For ongoing cases, monthly updates will be forwarded to National Headquarters, Director, Immigration and Passport Branch, on [form C-237](#), briefing notes or investigative reports.

6. 2. The HTNCC analyst will produce reports to be shared with law-enforcement agencies about domestic and international human trafficking, on a regular basis.

6. 2. 1. The HTNCC analyst will liaise on a regular basis with Criminal Intelligence Service Canada, Criminal Intelligence, Immigration and Passport Sections, and the HTACs.

6. 3. For additional reporting requirements, see [ch. 7.1.13.](#)

7. Media Requests or Releases

7. 1. All media requests for the HTNCC must be forwarded through National Headquarters Media Relations.

7. 2. The HTNCC must be advised of all human trafficking media requests.

7. 3. Up-to-date information must be forwarded to the HTNCC before news releases or press conferences.

7. 4. The HTNCC and HTACs will work with the media relations office and/or communication strategist regarding media requests.

8. Information Sharing

8. 1. During a criminal investigation, members are to be aware of the following case laws, which outline potential charter issues during court proceedings stemming from the exchange of information between a regulatory official and law enforcement:

8. 1. 1. R v. Jarvis, 2002 Supreme Court of Canada (SCC);

8. 1. 2. R v. Ling, 2002 SCC.

8. 2. Members must consider the above-noted case laws when obtaining information from a regulatory official, especially in cases involving Citizenship and Immigration Canada, i.e. interviews conducted to determine the issuance of Temporary Resident Permits to potential victims of human trafficking.

References

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1. If conducting a human trafficking investigation:

1. 1. open an operational file and identify that the person is a potential victim of human trafficking;
1. 2. determine if there are other potential victims. If feasible, do not arrest victims of human trafficking;
1. 3. contact CBSA to determine the victim's legal status in Canada, if required;
1. 4. inform your HTAC, who will inform the HTNCC; and
1. 5. for victim assistance, see [ch. 37.6](#).

2. If the investigation reveals that it is **not** a case of human trafficking:

2. 1. evaluate the subject's safety, considering that the person may be a victim of another crime;
2. 2. update CBSA, if appropriate;
2. 3. inform the originating agency of the investigative results and action taken, if appropriate;
2. 4. evaluate the need to pursue the investigation of other offences; and
2. 5. refer the case to another law enforcement agency, if appropriate.

3. If the investigation confirms that it **is** a case of human trafficking:

3. 1. determine risks or threats to victim/family/others and service providers as soon as possible;
3. 2. inform your HTAC who can provide advice and information on victim care;
3. 3. contact CIC for the issuance of a temporary resident permit and work permit, and to obtain medical care/counselling for the victim appropriate to meet cultural and/or primary language needs, if required;
3. 4. make referrals to ensure that the victim receives medical care/counselling as appropriate;
3. 5. update CBSA as required;

3. 6. keep the victim informed of procedures, progress and support services available, in his/her primary language; and

3. 7. consult with Crown counsel and other partners, as required.

4. If the victim wants to remain in the area, or in Canada:

4. 1. regardless of whether the victim testifies, continuously re-evaluate risks or threats to address the need for further protection and contact the Witness Protection Program, if required; and

4. 2. contact CIC to request the initiation of a long-term, temporary resident permit, if required.

5. If the victim wants to return home:

5. 1. advise the home jurisdiction Detachment Commander to ensure the safety of the victim;

5. 2. if the victim is from outside of Canada, the investigator will liaise with the respective RCMP liaison officer, CIC, CBSA, and international victim support organizations, as required; and

5. 3. liaise with CBSA to arrange travel documents, as required.

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