

COMMANDER'S HUMAN TRAFFICKING CHECKLIST

The Human Trafficking Response Checklist serves as a guideline for the Commander's response to a credible report of human trafficking.* It covers initiation of the investigation, corrective actions, disciplinary procedures and handoff in cases of evidence of criminal acts. These checklist items do not represent all of the responsibilities of a Commander, rather they are meant to be a guide for Commanders as to how to proceed when a report is received.

It is imperative for commanders to take time prior to an incident to become familiar with Service CTIP policies and to identify the proper CTIP Point of Contact (POC). If no CTIP POC exists, it is the responsibility of the Commander to appoint one. For full details regarding all CTIP protocol responsibilities for commanders, see Enclosure 2 of Department of Defense Instruction (DoDI) 2200.01 and applicable Military Service-specific policies.

Active duty Service members in all six COCOMs must take mandatory online CTIP training. The CTIP PMO offers the following three CTIP training courses: CTIP General Awareness Training, CTIP Investigative Professionals Training, and CTIP Acquisition Professionals Training.

*A credible report of human trafficking is one that contains specific information about abuses that are indicators of human trafficking. In this context these include, but are not limited to: confiscation of the employee's passport, restriction on the employee's mobility, abrupt or evasive repatriation of an employee, deception of an employee regarding the work or work destination, unsafe, unsanitary, or unlivable living conditions, unsafe or hazardous working conditions, procuring commercial sex acts, other acts described in the Federal Acquisition Regulation (FAR) Subpart 22.17 and Defense Federal Acquisition Regulation Supplement (DFARS) Procedures, Guidance, and Information (PGI) 222.17

RESPONSIBILITIES

DUTIES OF COMMANDERS and DIRECTORS

Victim Safety

- Determine victim status and take appropriate actions to protect victim as necessary
- Determine what services are available to victim
- Protect victim from retaliation

Investigation

- Involve Command Staff Judge Advocate (SJA)
- Conduct an incident report:
 - If it is clearly a contract compliance issue, contact the Command Contracting Officer (KO)
 - If it is clearly a criminal activity, initiate an investigation by the appropriate Military Criminal Investigative Organization (MCIO)

Action

- When investigation is complete, take action or follow-up with appropriate authorities.
- Administer appropriate discipline or punishment if there is a UCMJ violation such as the procurement of a commercial sex act.
- Consult with Staff Judge Advocate or OGC before taking action on the results of the investigation, particularly where evidence of criminal activity on the part of DoD civilians or contractors is present. Ensure the requirements of the Military Extraterritorial Jurisdiction Act (MEJA) are complied with, if applicable as described in Department of Defense Instruction (DoDI) 5525.11)
- Request information about Corrective Action Requests (CARs) or other remedies
- Involve the CTIP POC

Reporting

- Ensure the CTIP POC reports disciplinary actions to the following:
 - CTIP PMO
 - Defense Incident-Based Reporting System (DIBRS) DoD Directive (DoDD) 7730.47
- Ensure the KO reports serious contract compliance violations (Level 3 or 4) to the Federal Awardee Performance and Integrity Information System (FAPIIS)

RELATED RESPONSIBILITIES

DUTIES OF THE INSPECTOR GENERAL

- Review any report of credible information forwarded from a contracting officer or the Inspector General Hotline to determine whether to initiate an investigation.
- If no initiation of investigation, document the rationale for decision not to investigate
- If matter is referred to DOJ for criminal prosecution, consider suspending the investigation pending outcome of criminal prosecution
- If DOJ does not prosecute, promptly determine whether to resume investigation that was suspended; if decision is made not to resume investigation, document rationale for decision. Submit report on the investigation to the head of the executive agency that awarded the contract

RESPONSIBILITIES OF THE EXECUTIVE AGENCY THAT AWARDED CONTRACT

- Upon receipt of IG Report substantiating that the recipient of a contract engaged in trafficking in persons or related activities, consider taking one or more remedial actions including:
 - Require contractor to remove employee(s) from performance of work on contract
 - Require recipient to terminate subcontract
 - Suspend payment under contract until appropriate corrective action is taken
 - Withhold award fees for performance period of violation of contract
 - Decline to exercise available options under contract
 - Terminate contract for default or cause
 - Refer matter to agency suspension and debarment official
 - Ensure that any substantiated allegation is included in FAPIIS

RESPONSIBILITIES OF JUDGE ADVOCATE GENERALS

- Contact the servicing combatant command to provide legal advice on violations that alleged offenders committed
- Determine the scope of the violation