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Experiences of Working as a Social Worker with the Delhi Police on Human Trafficking Cases: Issues and Challenges

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Abstract

Social workers within police departments are not very common in India. However, social workers do work with the police under some laws, like human trafficking and child labour. The rescued in cases of human trafficking and child labour require counselling (emotional and legal), and they need post-rescue rehabilitation, which requires the active participation of social workers. The author spent a year working on the issue of human trafficking between 2011 and 2012 with a non-government organisation. The work involved actively participating in the rescues of trafficked minors and their repatriation as well as training the lowest rungs of the police in how to handle cases of trafficking in Delhi, India. This article is based on the experiences that the author gained from working with the police.

Keywords: Social work, Police, Human trafficking.

Introduction

The police are responsible for the maintenance of law and order. However, their job profile also entails responding to service-related work such as domestic disputes. Apart from dealing with criminals, police have to deal with victims, domestic disputes, senior citizens and minors in need of care and protection. The police end up being the first point of contact for numerous issues because the police are available 24 hours a day. Many of the cases do not require legal intervention or the filing of first information reports (FIRs). Many cases require mediation and referrals that fall beyond the perceived scope of police work, nor do the police receive any specific training to handle such cases. Research has indicated that between 45 percent and 50 percent of police work in urban areas and a higher percentage in rural areas is unrelated to crime (Holdaway, 1986). Police believe their work to be crime-fighting and as such, police are ill-equipped for dispute resolution. In such cases, police need to work with counsellors and social workers to prevent such cases from becoming serious offences. However, social workers presence is not yet a

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common phenomenon in police stations in India, although social workers have assisted the police.

Tata Institute of Social Sciences (TISS), Mumbai, India, has done pioneering work in the field of criminal justice social work through *Prayas* and the Special Cell for Women and Children which recruit social workers to work in police stations. Another example project is *Pahal* by NGO Sathi with Delhi's Specialised Police Juvenile Units (SJPU). Raghavan (2012) elaborates that at Prayas (TISS) social workers work on cases of family conflicts, marital disputes, neighbourhood disputes, harassment of senior citizens, persons with emotional or psychological disturbance (including substance abuse), property matters, runaways from homes, elopement of minor girls with minor or major boys, missing persons, and cases of mentally ill persons being brought to the police stations by family members or members of the public. "The services offered by the social workers may include making home visits, building relationships, providing emotional support, providing a platform for discussions, offering alternatives, giving legal aid/assistance and referrals to appropriate agencies for rehabilitation purposes. The social worker's role is to focus on the psycho-social and rehabilitative angle without interfering with the legal process" (Raghavan, 2012, p. 16).

This article is based on the experiences of the author as a social worker with the Delhi police on Human trafficking issues. Based on the experience the author has come out with some issues and challenges.

The contact between police and social workers assists in building a successful working relationship. Case interventions should be made more humane by combining social work into police investigations but also built trust within the police force to use the expertise of social workers in future cases. There is a need to familiarise both, police and social workers with each other's roles, expertise and limitations while dealing with cases. There are some gaps in funding and infrastructural lacunas which came to the fore. There is also scope for further empirical research on the issue, especially in India. There is also a need for more involvement of social workers at police stations. The author tries to elaborate the above in detail in this article.

1. Human trafficking and role of social workers

Within India, there are specific laws that require the participation of the civil society. Human trafficking laws are one example of such laws that require a social workers' presence. This article deals with the role of social workers that work alongside the police in such cases. These cases include sex trafficking and forced labour cases.

Human trafficking is the outcome of the structural inequalities of caste, class, and gender within Indian society. These structural inequalities make specific populations of people vulnerable to being trafficked. Traffickers take advantage of such vulnerabilities coupled with a lack of awareness, to traffic people for exploitation. Trafficked people are exploited for the sex market but also for the labour market. For police to deal with human trafficking, the police need to go beyond merely arresting the perpetrators. One of the tasks of the police when dealing with the cases of human trafficking is to rescue the victims from the exploitative situation the person may have been trafficked into. Rescuing victims requires the involvement of the civil society, social workers, and NGOs across the country to initiate rescues of human trafficked victims with the police. NGO's assist in the initial investigation by conducting reconnaissance of the place where sexual and labour

exploitation is carried out. At other times social workers are called by the police to be a part of the rescue and post-rescue procedure. After rescues, social workers play a role in immediate post-rescue through counselling the rescued victims, the home investigations, rehabilitation and restoration of the victims to their families. NGOs work towards rehabilitation and reintegration of the rescued by providing them with opportunities for training in alternative livelihood options. These roles go beyond any legal requirement and the expertise of the police. Hence, the role of social workers in human trafficking cases is vital for successful interventions.

Human trafficking is defined under section 370 of *the Penal Code 1860* (India) – for the purpose of exploitation, (a) recruitment, (b) transport, (c) harbouring, (d) transfer, or (e) receipt of a person or persons – by using threats, or using force, or any other form of coercion, or by abduction, or by practising fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received. A person involved in any of these acts commits the offence of trafficking. This means that someone who uses the means of threat, force, etc. as listed above to recruit, transport, harbour, transfer or receive a person for exploitation is involved in trafficking. While this section was amended after the period of fieldwork, the above definition was used as a reference by virtue of India being a signatory to the UN Convention Against Transnational Organized Crime of which the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is a part.

Apart from this, laws on prostitution like the *Immoral Traffic (Prevention) Act 1956* (India) (ITPA) and *Child Labour (Prohibition and Regulation) Act 1986* (India) (CLPRA) and the *Juvenile Justice (Care and Protection) Act 2000* (India) (JJ Act) are frequently used. These laws require the active participation of the civil society to be present during the rescue, counselling of the rescued, rehabilitation and reintegration.

2. Working with Delhi Police on Human Trafficking

Delhi is a destination and transit area for a significant amount of human trafficking in India. Delhi is one of the major destination areas for trafficking for domestic labour from the tribal belts of India. It is also a destination for child labour in small units, restaurants and *dhabas*.² Delhi also has a red light district near New Delhi Railway Station on Garstin Bastion (GB) Road where women and girls get trafficked into sexual exploitation. Apart from the human trafficking, forced prostitution is carried out in many smaller scattered pockets of the city. Delhi also acts as a transit for trafficking outside India and to parts of northern India for sexual exploitation and forced marriages.

The Delhi police are sensitized to cases of human trafficking due to an active civil society. At present, there are three ranges, 11 districts and 180 police stations in Delhi (Katoch, 2017, para. 9.). The Delhi police have Specialised Juvenile Police Units (SJPU) established under the *Juvenile Justice (Care and Protection) Act 2000* (India) (JJ Act) and the *Delhi Juvenile Justice (Care and Protection of Children) Rules 2009* (India). The Delhi police also have Juvenile Welfare Officers in each police station as per the JJ Act. Apart from this under ITPA there are Special Police Officers (Inspectors) in all police stations who are authorised to carry out the rescues of women and girls trafficked into prostitution. The

² *Dhaba* is a roadside food stall.

main red light area of GB Road comes under the supervision of the Kamla Market Police Station. Task forces that contain Sub-Divisional Magistrate, Labour Department, Police and NGOs, SJPU social workers are regularly formed for the rescue of child labour victims.

As a social worker from an NGO, there were two tasks that involved interacting with the police. The two components were training and sensitisation, and working alongside the police in rescues and post-rescue procedures. Police social workers in other countries carry out these tasks as part of their role where such appointments are made.

The organisation where the author worked, worked on human trafficking cases, so the rescues were of prostituted women and minors, and minors exploited in forced labour in small factories/ units or as domestic labour in houses. The police most often would act on the NGO's preliminary investigation or at times they would call social workers from the organisation for rescues based on their information. Social workers are responsible for the post-rescue counselling of the rescued. The social worker was responsible for making the rescued aware of what was happening, the legal procedures, the medical examinations and the subsequent appearances before the Child Welfare Committees (CWC) or court. In human trafficking cases, mainly prostitution, the exploited, were often given the wrong impression about the police, at times influenced by the brothel managers and at other times from seeing the police visiting their brothels. In such cases, a social worker acts as a link between the rescued and the criminal justice system which is alien to the rescued. The social worker was tasked with explaining to the rescued that they were being rescued and not arrested, that they would be sent to shelter homes and not prisons.

The other aspect of the job included training and the sensitisation of police constables and officers at the police station. Human trafficking laws require the police to go beyond their regular duty of arresting the perpetrators and investigation to also providing care and protection to the rescued women and children. The first line of contact within the criminal justice system for such rescued victims is the police at the police station. Hence making the rescued aware of this additional responsibility, making them aware of the legal procedures and the latest police standing orders and court judgments, while assuring them of the support they can avail from social workers was important. Training and sensitisation programs were an opportunity for such communication. The programs acquainted the police and social workers to each other. The programs made the police and the social workers aware of each other's roles, responsibilities, strengths, difficulties and limitations.

Around the time the author worked with the Delhi police, the Delhi police themselves had set up SJPU in each police district. These SJPU not only facilitated the training programs but they also had appointed social workers under a pilot project named Pahal. Under Pahal, two social workers in four chosen districts of the Delhi Police- New Delhi, East, North East and Crime and Railways. The social workers were attached to the SJPU established under the JJ Act 2000 (India) and the Delhi Juvenile Justice (Care and Protection of Children) Rules 2009 (India) in each of the four districts. While these social workers worked from the SJPU, support was provided to the social workers from Sathi, an NGO. These social workers were appointed under the JJ Act to work alongside Juvenile Welfare Officers (JWOs) to ensure that all the needs of the child were adequately met in a child-friendly environment during the child's presence at the police station. The social workers actively worked at preparing Social Background Reports (SBRs) of juveniles in conflict with the law and home investigations for children in need of care and protection. Social

workers also conducted regular community programs to strengthen the relationship between the community and the police. The social workers also helped to contribute to understanding the community and the causes of delinquency. These social workers also contributed to the training and sensitisation programs mentioned earlier.

In the course of work, the police found a need to work with NGO social workers (which were outside of the criminal justice system) and the SJPU social workers. The police also acknowledged the need for social workers in cases. The police by themselves would also call social workers to intervene in cases beyond trafficking cases. However, there were considerable difficulties faced during the work.

3. Issues and Challenges

While Police departments feel the need for social workers, few police departments regularly work with social workers. Various studies have highlighted issues and challenges to police departments utilising social workers. This section draws mainly from experiences felt on the ground while working with the police on human trafficking cases and some previous research. An attempt has been made to bring to light the perspective of the police and SJPU social workers. This article is based on the informal discussions with the police and SJPU social workers during work and the author's own experiences.

a. Perception about each other's work

Perceptions about each others' work have been shown to be a major barrier in the smooth working between police and social workers. The building of initial rapport was difficult because some policemen and women did not see social workers role as an important role in dealing with cases, especially in cases of children. However, social workers that built a good rapport with some police officers were regularly contacted to counsel minors, who were victims of crimes, even in cases other than human trafficking. The response was not the same for all police officials who attended training and sensitisation. The police that attended training and sensitisation were either convinced that the social workers would not reach the police station if called or did not feel the need for social workers in handling cases. The police also felt that the social workers' would unnecessarily interfere in the police's work without understanding the police's style of work.

Michels and Treger (1973) believed that negative attitudes do exist between police and social workers. However, from their experiences on two projects in Illinois show that increased communication can resolve this issue. Michels and Treger (1973) stated that "[i]t is important to know that the police officer is interested in what the social worker can do that will be useful to him. As he observes the social worker's attitude and prompt willingness to be of service and sees the results of treatment, he becomes increasingly convinced of the value of social work" (p. 69). The authors suggest the presence of social workers within the police department will eliminate communication gaps and expand protection services to the community.

Holdaway (1986) found that there is suspicion between lower ranks of police and social workers. The reasons range from the police's problems in sharing territory to perceiving the social worker as a slower worker, belief that civilian social workers do not share the same commonsensical view that they share, and to wanting to maintain an air of mystery about their work.

Parkinson (1980) argues that stereotypes act as barriers to cooperation between police departments and social workers. Parkinson (1980) stated that “[b]y and large, the police perceive social workers as bleeding hearts, and social workers view police as rigid and punitive” (p. 12). Parkinson (1980) presents data that suggests the barrier is one of the sex-role stereotypes instead of professional stereotypes. His opinion is based on his study of a community policing program in Canada (Parkinson, 1980). Evidence suggests that the police officers’ “evaluation of the social workers as an occupational group is negative because he (police officer) believes that social workers possess attributes that are negatively valued in society” (Parkinson, 1980, p. 16). Social workers’ perception of police officers was also wrought with the sex-role stereotypes, but the author has not analysed this in as much detail as the control sample in the experiment did not contain a sufficient number of usable questionnaires. Although there is a change in training programs to include more interaction between police and social workers, the author is sceptical about the change in stereotypes. The author believes that stereotypes do not change even if more communication occurs. The author suggests that the failure to resolve the problem and communicate is located in the structure of the society, mainly sex-role stereotypes.

Perception about each other's work is relevant to the present article because whenever the author was busy in another case and could not positively respond to a call, the police did not seem convinced that the author was busy with another case. This article is based on work that occurred over a year. A year is probably not enough to build good rapport across the entire city. However, in some police stations where the author visited more often for cases, the rapport and trust between the police and social worker were more as compared to the rapport between some other policepersons and the author who had known the author only through the training and sensitisation programs. Hence, it can be said that not just communication but working together efficiently, helped build trust and to perceive each other as useful in a case. This experience was not entirely in line with some previous research mentioned above.

In India, there have not been many studies that have examined the relationship between the police and social workers. However, Dave, Raghavan and Solanki (2012) found a generally positive response to social workers’ presence at police stations in Mumbai.

b. Rescue and Post-rescue

The police do understand human trafficking is a serious issue. However, the police at times reluctant to conduct rescue missions, mostly in the cases of children trafficked into domestic labour. Police officers were reluctant to launch rescue missions because according to the police there was a failure in the rehabilitative mechanism that resulted in re-trafficking. The police perceived that their efforts were getting wasted because the social workers and the other authorities responsible for rehabilitation were not doing their job by preventing re-trafficking. While re-trafficking is a serious failure of the present rehabilitation programs, not every case is as bad as the police perceive it to be, but there definitely is a lot more work to be done.

While in the beginning social workers were not seen as sincere, a clear change of perception was felt in police stations that were visited more regularly for rescues. At such police stations, the police called the author for counselling even in other cases and used the author’s reports in court and before the CWCs. The police also seemed to understand

the problems in the post-rescue procedures that were beyond the scope of work of the author.

c. Transport facilities

The problem for social workers that work with police is that calls for assistance are received at odd hours at night. Finding safe public transport at night became difficult. The problem is more profound for SJPU social workers who do not have the option to utilise organisational facilities as an NGO social worker can. Initially, SJPU social workers had limited funding for travel and communication until partner organisations began to fund the SJPU social workers (Railway Children, n.d.). Nor is it always feasible for the police to arrange for pick-up and drop-off facilities for social workers.

The other problem occurred when NGOs approached a police station with information about a trafficking case that required police intervention. The police expected the NGOs to make arrangements for transportation of the rescued victims which was not always possible. It is vital that programs arranging for social workers or police departments consider such issues. Very often because the relationship between social workers and police are not based on deep mutual trust in each other minor issues can end up becoming significant issues of concern.

d. Lack of clarity about each other's roles

An example of the lack of clarity about each other's roles can be the experience of working on human trafficking cases mentioned earlier, where under rescue and post-rescue w the police perceived that the social workers and the rehabilitation mechanism to had failed. Another example is of police refusing at times to produce a rescued minor in front of the Child Welfare Committee (CWC) within 24 hours (as required by the law in India) of rescue claiming that the shelter home staff is responsible for this.

While police officers are guided by clearly laid down Standing Orders (SOs), circulars Acts and accompanying Rules, social workers do not have such clear guidelines to work within. The police also deal with cases that go beyond their laid down rules and policies. Responses to these issues have been drawn from the professional experiences of social workers. The post-rescue work of providing shelter and welfare to a human trafficking victim can fall into this category.

SJPU social workers also faced this problem in the beginning. Different stakeholders had different perception about the position of SJPU social worker. There was a need for the roles, responsibilities and functions of SJPU social workers to be spelt out in a user-friendly manner for the knowledge of all stakeholders who would come in contact with the SJPU social workers and the Juvenile Justice system (Railway Children, n.d.).

Holdaway (1986) elaborates on this problem. While for the police he believes that,

The lower ranks, however, retain crime fighting in centre stage, holding out against the evidence that crime cannot be dramatically reduced if not eradicated by their detective and arrest work. Social workers are unable to affect the (social and personal) changes claimed, desired and believed to be expected by the public, but retaining the mandate as valid, it becomes all the more difficult for managers in the personal social services to re-assess and re-define objectives and for field workers to accept the view that other agencies, even those considered as 'lay agencies', are working in areas of direct relevance to their own concerns" (p. 153).

Holdaway (1986) further suggests that,

The hostility and suspicion between the fieldworkers of both services may be based on a false ambition and false strength rather than an acknowledgement of shared limitation and weakness. The mystery and protection that issue from this situation prevents the realisation that more solid bases upon which inter-agency co-operation can be fostered actually exist (p. 154).

A reason for the acceptance of an unrealistic mandate stated above of crime fighting for the police with the social worker's mandate of enabling or affecting social change, according to him is that the work of both the agencies is genuinely complex and diffuse. This means that if we take the example of crime prevention, it is not simple to define activities that would be under the broad definition of crime prevention, or the moral judgments that might be involved in the activities. Similarly, social change would require considerations about legislative provisions, client's needs and meaning of social change, and such work cannot be free from the social worker's own moral preferences.

Indeed, prosecution and prevention of a crime like human trafficking go way beyond just rescues of victims and arrests of accused. An easy solution cannot be found for human trafficking as it stems from the structural inequalities within the society. Some of these solutions were beyond the scope of work of even the author. Solutions require decreased poverty, employment generation, and education programs to name a few. Hence, there is a need to understand each other's strengths and limitations while working together.

e. Funding

Patterson (2008) identifies sustaining funding as one of the many issues while appointing social workers. The SJPU social workers are mainly faced with funding issues which continues to be a barrier to their work. Initially, they faced shortages in funds for travel and communication. While budgetary provisions were in place, social workers' expenses for travel and communication in the initial period of the pilot went beyond what was anticipated by Railway Children and Sathi (Railway Children, n.d.). The author did not face funding problems as a social worker working for an NGO.

f. Training and Sensitization

The SJPU social workers and the author conducted weekly training at police stations. These training sessions were to the lowest ranks of the police, who are also the first point of contact for the citizens. The training sessions were to make the police aware of human trafficking, children related issues and the expected responses. These sessions worked not only to acquaint the police about laws and amendments, court judgments and procedures but also helped the police and social workers to become familiar with each other's work. The training did seem to fulfil the purpose it aimed for, but this kind of regular training was not conducted in all police stations. It would help if police academies included police social work in their training schedule and acquainted the new recruits better about the service related work that they might come across in their work.

4. Some Successful Interventions

Social workers within the police system or regularly working with the police are uncommon, but there is also a dearth of research on the effectiveness of such interventions. There is a need to recognise the benefits of social workers working with the police, Prayas and the Special Cell for Women and Children are both initiatives by the Tata Institute of Social Sciences that started in Mumbai decades back and are now expanding. While a detailed discussion of both these initiatives is beyond the scope of this article, the author will briefly touch upon some aspects that are relevant to the discussion in this article.

(1) Prayas works with all four the wings of the criminal justice system. It has its presence in police stations, courts and prisons and also shelter homes. Prayas has not only placed social workers in the criminal justice system it has also been an active participant in bringing out policy level changes through advocacy and Public Interest Litigations (PILs) in courts. In the past social workers from Prayas also took an active part in the rescues and rehabilitation of women and girls forced into prostitution in Mumbai. It was successful in giving a humane face to rescues, socio-legal counselling of the rescued and able to bring changes in the procedures related to rescue in line with the provisions of the ITPA. After bringing about this change, it made a natural progression to income generation and training for women wanting to leave prostitution (Prayas, 2015).

Raghavan (2012, p. 12) suggests a relatively comprehensive list of pointers for effectively working with the police:

- (a) developing a functional relationship with the police rather than start with any ideological bias about the system;
- (b) open-mindedness and the need to “work” with the police rather than take an “either” “or” position;
- (c) refraining from questioning the intentions of a police officer concerned;
- (d) emphasizing that both the social worker and the police are working towards crime prevention as one of their objectives;
- (e) recognizing that the role of police and social worker are different; a mutually supportive but non-interfering relationship needs to be developed with the station house staff;
- (f) approaching senior officers whenever required;
- (g) keeping the police informed about developments in a case, and seeking their assistance if necessary;
- (h) refraining from participating in police investigations;
- (i) maintaining the confidentiality of clients to the extent possible; and
- (j) refraining from use of pressure or force, and helping clients make their own decisions.

(2) The primary goal of setting up Special Cells for Women is to respond to violated women’s right to social services; hence the Special Cell for Women and Children is strategically located within the police system. The Special Cell creates a facilitative environment for women coming to the police station. The social workers at the special cell engage with the police, understanding their jobs descriptions and hierarchies as well as the women approaching the police station, helping them emotionally, psychologically and also legally. A study that evaluated this project found that women approaching the special

felt that they were heard, respected, and would return to the special cell for help and even the police expressed need for such services (Dave et al., 2012, p. 459).

(3) Pahal is an initiative between Special Police Unit for Women and Children of Delhi Police and Railway Children with Sathi. This pilot project is a great initiative. It has been able to carve a niche for social workers within Delhi Police.

Railway Children (n.d.) suggests the following steps for the further strengthening of the initiative:

- (a) separate physical infrastructure for SJPU;
- (b) advocacy with police as well as other stakeholders (CWC, JJB) so that they recognise the importance of the role of social workers;
- (c) the emphasis in children in need of care and protection has to be considered as important as children in conflict with the law;
- (d) documentation system for reporting by social workers (case records, filing format) has to be strengthened and has to be uniform in all districts;
- (e) travel and communication reimbursements, as well as the salary of social workers, have to be reviewed to match the existing salary structure of Govt. appointed welfare officers in Delhi State; and
- (f) review potential linkage with ICPS: ensure that the SJPU social workers are available exclusively for the SJPU in the spirit of the JJ Act (p. 4).

Since the pilot project with the Railway Children ended in 2014, the Department of Women and Child Development, Government of Delhi has appointed social workers in SJPUs in all districts of Delhi Police.

Conclusion

There is little doubt that social workers can contribute to the functioning of the police stations. However, in Delhi today social workers are struggling to survive. The Delhi police have rightly identified their need, but the role of criminal justice social workers remains dependent on external agencies for filling up posts and sustaining them. Being attached to the SJPU, social workers suffer from the same infrastructural problems that the SJPU does. The government needs to appoint more social workers on a larger scale and learn from the experiences of Pahal and other such initiatives. Funding and infrastructural issues need to be looked into by the government.

The author's experiences from the ground, as well as SJPU social workers, point towards a lack of clarity in the roles of the social workers and the police. Increased communication has undoubtedly aided in resolving this issue. In line with suggestions made by Raghavan (2012), one needs to approach the police without bias, not interfere with their work and to establish a mutually supportive relationship. Apart from communication, working with each other was seen as a great way of overcoming misconceptions and understanding the strengths and usefulness of each other's work.

From the author's experiences, while working as a social worker with Delhi Police on human trafficking cases, a need is felt for social workers to work on more significant issues with the police. These social workers need to be stationed in police stations itself to work effectively. The Kamla Market police station whose jurisdiction controls the main red light area did not have a full-time social worker. The presence of social workers is required at railway stations and in those areas where placement agencies traffic minors for domestic labour. Social workers presence is needed in the police stations to counsel the

rescued, provide legal counselling, make arrangements for their safe custody and also to ensure that rescues are conducted according to the established legal procedure and with due consideration to the human rights of the rescued and the accused.

Social workers have been working with the Delhi police for quite some time now and there is a need to review their working situations. The responses of all stakeholders involved need to be taken into consideration to further strengthen the initiative. There is a need for empirical research to understand the difficulties and also chalk out the future strategy. The involvement of professional social work institutions and social work educators in placing and mentoring social workers within the criminal justice system will also be helpful.

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