

## Human trafficking and criminal investigation strategies in the Amsterdam Red Light District

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**Abstract** The subject of human trafficking has recently received a lot of attention from society and the world of politics. The criminal-law approach to human trafficking has also been placed high on the agenda of law enforcers. Human trafficking is, however, a complex crime with several specific characteristics. For example, there is often a complex relationship between victims and perpetrators of human trafficking and victims are often too afraid to file a report. How do the police and the judicial authorities work in the investigation of human trafficking in view of the specific characteristics of human trafficking? What choices are made in practice and what different police investigative strategies can be distinguished? What opportunities and risks are inherent in the choices made? In this article we answer these questions on the basis of four large scale police investigations into human trafficking that we studied closely. The four criminal cases all focused on violent groups of human traffickers that operated in the Amsterdam window prostitution. All criminal cases have since been concluded (in first instance). It turned out that in each of the four investigations the relevant police team applied a different investigative strategy: one investigation focused primarily on the victim statements, one investigation focused on public nuisance, one investigation focused on the evidence against the criminal organisation and one investigation focused on the offences (evidence concerning the exploitation of prostitutes). In this article we compare the four strategies applied and consider the consequences of each strategy for the course of the investigation and the criminal prosecution and what dilemma's are faced in each strategy. Although the various investigations cannot be easily compared and a uniform 'best' strategy cannot be designated, the comparison does show that some choices or decisions entail great opportunities or great risks as regards the successful investigation and prosecution of human trafficking. It concerns, for example, the

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choice of involving local investigative services (district police) or the choice for short-term or, as the case may be, longer-running investigations.

**Keywords** Human trafficking · Organized crime · Criminal investigation strategies

## Introduction

Over the past 10 years, the criminal investigation of human trafficking in prostitution has become an important item on the agenda of Dutch crime fighters.<sup>1</sup> In the Netherlands, prostitution is a legal business, but *coerced* prostitution and the exploitation of prostitutes is nonetheless a criminal act and falls under the definition of the offence of human trafficking.<sup>2</sup> The human trafficking to which this article refers, takes place in the window prostitution in the ‘Red Light District’ of Amsterdam. The Amsterdam Red Light District is a network of streets and alleys with approx. 300 ‘windows’ which are rented by prostitutes. Window prostitution means that the prostitute is well visible behind a window, from which position she solicits customers who are walking by and getting a good look at her. Once the customer has been solicited, the sexual services are rendered behind the same window, after the curtain has been closed.

Over the past few years, situations of abuse in the window prostitution business in the Netherlands have received a great deal of attention from the police and the judicial authorities. In particular, the appalling working conditions of prostitutes and the exploitation by pimps have become focal points in the criminal investigation. However, human trafficking is a complex offence. Research in the United States also states that the identification and investigation of human trafficking cases remains a complex undertaking for local law enforcement. They also found that human trafficking investigations are often lengthier and more complex than other criminal investigations (Farrell et al. 2008: 1, 10).

First of all, human trafficking in the prostitution business usually involves an ambivalent (love) relationship between victims and offenders. As a result, victims are often afraid to press charges or they don’t want to do so, e.g. because they do not feel victimised or because they blame themselves for the situation they are in (e.g. Van de Velde 2009: 16). A prostitute who was giving her pimp all the money she earned, told the police: *‘I am not a victim. I understand that you believe that I am, but now you know that it is not like that, now you have heard our story as well. Now you can see from our point of view that we are working voluntarily.’*<sup>3</sup> This example is an illustration of the difficulties that occur when trying to gather evidence for a

<sup>1</sup> For example, the National Crime Squad has made human trafficking a key area for the period 2008–2012, and for some years now the Public Prosecution Service has been investing in reinforcing the fight against human trafficking (KLPD 2008).

<sup>2</sup> The criminal offence of human trafficking has been made punishable by Section 273f of the Dutch Criminal Code. It is, in brief, a criminal offence to recruit, transport, accommodate and to induce to give up money earned by prostitution under duress, by using violence (or threatening to do so), by deception, extortion, fraud or abusing a vulnerable position for the purpose of exploitation.

<sup>3</sup> Quote as we found it in the police files was part of a statement she made by the police.

case of human trafficking. It may have to do with shame, or with being afraid of—or, on the contrary, feeling emotionally attached to—the human traffickers.

The limited willingness to press charges may also have to do with the fact that prostitutes, in spite of their miserable working conditions, do—after all—make some money by prostituting themselves, as a result of which it is in their interest to continue to work and leave the situation as it is (NRM 2009: 132, 476; Kleemans 2009: 411).

Secondly, human trafficking is unlike other forms of crime not a single, static ‘event’, but much more a process. This process can involve multiple offenders and crime sites (across several jurisdictions), ultimately leading to exploitation of the victim (David 2007: 2; ICMPD 2003: 87).<sup>4</sup>

Due to these specific characteristics, the structure of a criminal investigation into human trafficking is complex, and differs on a number of counts from a criminal investigation into, say, drugs smuggling. Criminal investigations are always based on making choices—for instance on the objects and the scope of the investigation, and on the use of telephone taps and surveillance techniques, among other things. In the Netherlands an investigation is executed by an investigation team under the direction of the public prosecutor. The aggregate of those choices made by the investigation team and the public prosecutor do we call an investigation strategy. The specific characteristics of human trafficking in the prostitution business require a specific method, and affect the choices to be made by the investigation teams with regard to the investigation strategy to be applied.

A lot of publications exist on the phenomenon of human trafficking but very little empirical research is available on the practice of criminal investigation of human trafficking. There are limited publications on law enforcement responses to human trafficking, but they focused primarily on the tension between the position of the victims of human trafficking in the criminal investigation process on the one side versus the goals of police and justice on the other side (e.g. David 2007; Goodey 2004).

Other recent publications on law enforcement responses to human trafficking identified obstacles in the investigation of human trafficking. For example the lack of training and expertise of law enforcement personnel (Clawson et al. 2006: v; Gallagher and Holmes 2008), new laws, complex investigations, conflicting law enforcement goals, communication problems (Farrell et al. 2008) and identifying and contact with victims (Farrell et al. 2010; IACP 2006; Surtees 2008: 61, 63). Although all these publications are not about the strategies that are used by law enforcement, they do mention that more research is needed on the development of (successful) strategies for investigating and prosecuting human trafficking (Farrell et al. 2008: 10–11; Farrell et al. 2010: 224). With our research we tried to fill this gap.

In this article we describe the way in which a criminal investigation into human trafficking is carried out in reality, and which choices are made in the process. How do the police and the judicial authorities investigate a case of human trafficking, with a view to the specific characteristics of human trafficking? Which specific choices

<sup>4</sup> Due to the specific problems of human trafficking there are more guidelines for the investigation of human trafficking, for example with regard to approaching and informing victims. See, inter alia, the Instruction on Human Trafficking, Government Gazette of 22 March 2006, no. 58, page 15.

are made, and what are the distinguishing features of the different investigation strategies? What opportunities and risks are the result of those choices? We will answer these questions by describing four large-scale criminal investigations into human trafficking in the prostitution business, which we have studied extensively. Our findings are indicative rather than conclusive. A follow-up study that will examine around ten further cases is being planned, which will allow wider generalizations to be made.

## Structure

In the following section we will discuss our research method. The next section briefly discusses the group of suspects and the modus operandi for each separate case, in accordance with the information we found in the criminal files. We then discuss, in the subsequent sections, different investigation strategies that are applied by the investigation teams. We will conclude this article by stating a number of items for consideration, and by giving an indication of a follow-up study.

## Research method

The foregoing showed that very little empirical research on investigations of human trafficking has been done and hardly any scientific literature on the subject exists. For that reason, at the start of this study we decided to make a very detailed examination of a very few cases. We chose to study in-depth some investigations with the aim to provide insight into the complexity of the studied cases. The main purpose of this study is not to generalize results to other investigations, but rather to gain new insights into the investigation process into human trafficking.<sup>5</sup> In other words, we have chosen to gather much information on a small number of cases.

Our study started with an extensive examination of one extremely large police investigation into human trafficking, known by the code name *Raven*.<sup>6</sup> This investigation was just completed by the police and transferred to the Public Prosecutor at the moment we started our study, at the end of 2007. *Raven* is one of the largest police investigations into human trafficking ever accomplished in The Netherlands. Subsequently, we searched for police investigations comparable on various aspects to this large investigation. These investigations had to meet certain criteria.

First of all, we indicated the place where the offence was committed: we chose criminal cases that were primarily involved with human trafficking in the Amsterdam Red Light District, a well-known area for window prostitution in Amsterdam.

Secondly, we looked at the nature of the group of suspects and the modus operandi of the group concerned. We selected criminal investigations revolving around *violent* suspects, who are primarily concerned with human trafficking, and who in that context make use of physical, sexual and psychological violence.

<sup>5</sup> In accordance with Yin 1989, see also Wester 1987 and Van Gestel 2006.

<sup>6</sup> This is a fictitious name

Thirdly, we selected investigations that were initiated by the police between 1998 and 2007, and completed investigations that the police had handed over to the Public Prosecution Service for further processing. After all, in such cases it is likely that the ‘hard’ material collected by the police is sufficient to proceed with criminal prosecution. We did not select investigations which were started only recently, but intentionally selected cases of an earlier date, on which the court had rendered a decision, provided that the case had been presented to the court.

Based on these selection criteria we selected three criminal investigations, i.e. the investigations with the code names *Starling*, *Pigeon* and *Titmouse*.<sup>7</sup> Only these three cases matched our selection criteria. Adding the first case, *Raven*, makes our final selection of four large-scale, completed investigations.

After having selected the criminal investigations, we interviewed police officers and Public Prosecutors dealing with each of these separate criminal investigations. The interviews were based on an semi-structured interview guide. Next, police files were studied and analysed subsequently. The police files contain all results of the criminal investigation and consist, inter alia, of wiretap transcripts, data obtained from police observations, interrogations and statements of victims and suspects, intelligence etc. Each of the investigations consist of several sub-studies (several case files and several files on individuals). We applied thematic labels to analyse the files. Based on the interviews and the information from the police files, key information from each case has been summarized with the help of a topic list. The thematic labels and the topic list make it possible to compare the four investigations on several characteristics with respect to the investigation process.

## Description of the case

Before getting into the description of the investigation strategies used, we provide a short description of the group of suspects, the modus operandi employed by them, and the course of the investigation.<sup>8</sup> The names of the investigations are fictitious, in order to render the cases anonymous.

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### Case 1

#### *Criminal investigation Starling*

Based on police files about the criminal investigation *Starling* we found that the criminal network consists of a large group of suspects involved in prostituting a vast number of girls from Eastern Europe. The core of the network consists of eight prime suspects, who have approx. 20 women working for them. The victims are brought from Eastern Europe to the Netherlands and by making the journey they accumulate a debt, which they must repay to the suspects once they are working as a prostitute. The women are put into prostitution in the Netherlands and in Germany. In order to get the women to prostitute themselves, different methods are used; their passports are taken in, they have to give up the money they earn, and there is physical, sexual and psychological violence or threats of violence. Each prime suspect has a number of women working for him, as well as a number of bodyguards, who keep an eye on the women. The rest of the suspects have supporting roles. They arrange cell phones, accommodations, transport and they control the women.

The criminal investigation *Starling* was started in 1998 by the Amsterdam regional police. The direct cause for the investigation was a statement made by one of the accomplices of the human trafficking

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<sup>7</sup> These are fictitious names

<sup>8</sup> For more detailed information, see Van Gestel & Verhoeven, 2009.

gang, in which he tells the police that the members of this gang are involved in human trafficking of women.

The investigation team starts the investigation by seeking to find out the identities and whereabouts of the victims. After some time, the special police officers who monitor the Red Light District manage to win the confidence of the women who are the victims of the suspects, and the women decide to file a report to the police as a group. Even though the victims are afraid of being beaten or losing a family member in the country of origin, they decide to go to the police anyway. After consulting with the investigation team, various arrangements are made so as to ensure a relatively 'safe' manner to file all the reports. In order to protect the women as much as possible, it is agreed that the police will arrest the prime suspects as soon as the reports have been made and completed. At that moment, the women are transported to a safe place, as well. Thanks to the elaborate reports filed by means of this procedure, the police acquire a lot of information on other victims. On the basis of the information provided by the group of victims, the police continue their investigation.

Eventually, 26 victims filed a report, and 14 victims testified.

No phone taps were used during the investigation. Consequently, the police have gathered little information on the structure of the organization. However, as the investigation team of *Starling* successfully collected reports and testimonies, they have been able to get a clear picture of the way in which the women were recruited and transported. After the suspects were arrested, sentences of 30, 28, 24 and 20 months imprisonment for human trafficking were handed down for the prime suspects.

#### Case 2

##### *Criminal investigation Pigeon*

Based on police files about the criminal investigation *Pigeon* we found that the investigation revolves around 17 suspects, including 3 prime suspects. The prime suspects are two brothers and an associate. In 2003, the brothers had a bar in the Red Light District in Amsterdam. Apparently, this bar served as an 'office' where pimps got together and from which the prostitution world of Amsterdam was regulated and managed. The group is a dominant factor in the streets in the area around the bar. Fights and threats of violence are a common feature. Also, community police officers observe prostitutes being exploited and assaulted.<sup>9</sup> There are indications that the suspects are earning money in the Red Light District by acting as a pimp for one or more prostitutes. It is alleged that these women are forced to surrender their earnings to the suspects under duress. The suspects also act as intermediaries for obtaining residence permits and false or forged passports.

In 2003 the Amsterdam police started the *Pigeon* project. The cause for the criminal investigation are observations regarding persons who are exploiting prostitutes in the Red Light District and causing street fights. In addition, residents report that they feel unsafe.

In the criminal investigation, various methods of detection are used in order to investigate these observations; telephone numbers are tapped and the group of suspects linked with the bar are kept under systematic surveillance. An investigation is carried out in order to determine the actual owners and managers of the bar. Furthermore, there is an intensive exchange of information with the municipal authorities with a view to granted permits. With the aid of operational information from the criminal investigation, the municipality has the power to revoke the permit for the suspects' bar, as a result of which the 'office' in the Red Light District is forced to close up.

In spite of this measure under administrative law and the use of different means of investigation, however, this investigation does not produce sufficient evidence of human trafficking or possible victims.

Possibly, the pimps and prostitutes meet face-to-face, as a result of which the taps on telephones do not produce evidence on human trafficking. Consequently, it is not possible to trace and contact victims, and the suspicions on exploitation remain unconfirmed. After 6 months, the police decide to terminate the investigation.

#### Case 3

##### *Criminal investigation Raven*

Based on police files about the criminal investigation *Raven* we found that this investigation focuses once again on the three prime suspects described above in the *Pigeon* investigation. At the end of 2005, it

<sup>9</sup> Further to the community police officers' story, a book is published in 2005 on exploitation in the Amsterdam Red Light District ('I will never let you go') as well as a report in NRC magazine ('Slave trade in the Red Light District') by Ruth Hopkins, who is a lawyer and a journalist (Hopkins, 2005a, b).

was decided to start a new investigation, based on information that was known about the suspects. The object of this investigation was to investigate and prosecute these prime suspects and the rest of the criminal organisation. The group emerging from this investigation consists of approx. thirty persons operating on an international level. The group consists primarily of pimps, ‘bodyguards’ and drivers. The two brothers and their associates are the leaders of the group and are also acting as pimps themselves.

Most of the women who are controlled by the suspects were already working as a prostitute before they were contacted by the suspects. In order to ensure that the women give up their earnings, they are threatened and abused. Almost all of the money earned by the women goes to the pimps, the bodyguards and the drivers.

At the same time, the suspects present themselves as the lovers of the women and apply the so-called ‘lover boy’ method. A number of women live with their pimps, which makes it easy for their ‘lovers’ to control them.

In order to be able to get a clear picture of the human trafficking activities of the prime suspects and to demonstrate the existence of a network with a division of tasks and roles which comes with such a network, a large-scale, long-term criminal investigation is started in the beginning of 2006. However, information on the investigation is leaked prematurely and, as a consequence, the prime suspects are arrested at an earlier time than planned. The victims have not been contacted yet and the criminal file has not been completed. After the suspects had been arrested, the police contacted the victims in order to collect reports and victim statements. Prostitutes who have by then left the country are also contacted and requested to testify. However, some women state that they are not a victim and refuse to make a statement. Eventually, the indictment states the names of 31 victims. Fifteen women made a report or a (partly exculpatory) statement. On 11 July 2008 six suspects are sentenced for human trafficking, five of which for participation in and/or being in charge of a criminal organisation. The sentences vary from 8 months’ to 7.5 years’ non-suspended imprisonment. The two prime suspect brothers are sentenced to 7.5 and 2.5 years’ imprisonment, respectively.<sup>10</sup>

#### Case 4

##### *Criminal investigation Titmouse*

Based on police files about the criminal investigation *Titmouse* we found that the investigation is aimed at two suspects, one of whom is the prime suspect. The prime suspect starts intimate relationships with several women simultaneously and his mode of operation can be characterised as a ‘lover boy’ method. He meets women in centres of nightlife and prostitution areas and gives them the impression that they are very special to him. Some women are already working as a prostitute when he contacts them, and other women are persuaded by him to start working as a prostitute. He deceives the women and makes them believe that they are building a future together, for which money is needed. In order to get the women to work as a prostitute, he uses violence as well: the women are hit in the face, and punched. He also makes the women dependent on him, for example by arranging accommodation for them. As soon as they are working as a prostitute, he uses violence and manipulates the women in order to ensure that they will give him their earnings. He controls the women constantly and uses bodyguards to keep an eye on them. During the investigation six possible victims are identified.

The *Titmouse* investigation starts in the autumn of 2006. It is a small-scale, short-term investigation primarily concentrating on human trafficking rather than on the larger network around the prime suspect. At the start of the investigation, the investigation team assumed that no reports would be filed by victims, as this is often difficult in human trafficking cases. The team has chosen to make a file for each suspect and each victim, in which all information is recorded for each suspect and victim separately.<sup>11</sup>

After the police team has recorded all available information in the personal files, it is determined which information is missing and in which way further additional information must be gathered in order to provide sufficient evidence for a case of human trafficking. Subsequently, the team started to tap specific telephones and to carry out specific surveillances; telephone lines of the prime suspect and the possible

<sup>10</sup> Both the Public Prosecutor and the defense appeal. The appellate proceedings took place in November 2010. The decision on the case follows. The prime suspect who was sentenced to a term of imprisonment of 7.5 years fled the country while on leave.

<sup>11</sup> By means of the so-called ‘accumulated application of Section 27’. Section 27 provides that a person may be regarded as a suspect if there is a reasonable suspicion that an offence has been committed, on the basis of the facts or circumstances. This accumulation includes all these facts and circumstances.

victims were tapped and a transmitter was placed under the car of the prime suspect, in order to find out his whereabouts.

The Court of Appeal found that there was sufficient evidence to prove that four women were the victims of human trafficking, the prime suspect was sentenced to a term of 4 years' imprisonment and the other suspect was sentenced to 10 months' imprisonment.

## Criminal investigation strategies

All four criminal cases that we studied focused on violent and intimidating (groups of) suspects, who take earnings from prostitutes. The groups are all active in the Red Light District in Amsterdam, as well as in various other cities in the Netherlands. In all criminal investigations their violence makes them stand out: they use violence in the streets, they get involved in fights and they abuse both the other suspects and the women that they employ. In all cases the human trafficking takes place in window prostitution.

However, the criminal investigations into these suspects and the applied investigation strategies are different on a number of counts. By analysing the choices that were made concerning the applied investigation methods, we were able to name strategies. The four criminal investigations each show a different strategy. The strategy depends, among other things, on the circumstances, the immediate cause, the information available at the beginning of the investigation, and the objects of the investigation. Other factors that could influence the choices and strategies are available police capacity, applied policy, trends and politics. The means needed to carry out the strategy depends on the choice for a specific strategy.

Out of the four criminal investigations on which this article is based, four different strategies are found, each with its specific focus on a different aspect of human trafficking. Below we will describe these four investigation strategies that we derived from the different investigations. For each of these strategies we indicate the existing opportunities and risks<sup>12</sup> regarding the investigation. We discuss the *victim statement oriented* investigation, the *public nuisance oriented* investigation, the *organisation oriented* investigation and the *offence oriented* investigation respectively. Finally, we conclude with a number of items for consideration.

### Victim statement oriented investigation

The *Starling* investigation may be characterised by a focus on getting people to report an offence and getting victims to make statements. The choice for this strategy

<sup>12</sup> According to the UNODC (2009), 'trafficking in persons brings a number of risks that are different to general investigations and, in some cases, unique to trafficking cases' (UNODC 2009: 13). These risks should not only be recognized and planned for, but should form a key aspect of investigators' strategies in the trafficking in persons investigation. Effective risk assessment increases the chance of a successful investigation and prosecution in trafficking cases (UNODC 2009: 2–3).



was based on the information which was available at the start of the investigation. The police had acquired initial information from the criminal network itself. Information which is provided directly from the criminal network is usually specific, and therefore often valuable. The collecting of evidence can then, in fact, take place in a targeted and efficient manner. As a result, a lot of useful information has been acquired on the suspects and victims involved, within a short period of time.

This investigation shows that its object was to investigate human trafficking. In order to achieve this goal, the investigation was primarily focused on getting reports. The investigation team worked hard to win the confidence of the victims and get them to cooperate actively. In order to achieve that goal a choice was made, among other things, to give the community police an active role in the investigation. In the *Starling* investigation, the community police forms part of the investigation team and has regular contacts with the women working in the Red Light District. Community police officers have actively contributed to the identification of the victims and their whereabouts.

Next, the investigation team, including the community police, invested time and effort in making contact with the victims and convincing them to trust the police. The vice squad and other confidential persons from the network of the victims (such as interpreters or social workers) have also been asked to stimulate the contact with victims. Finally, specific arrangements were made with the women regarding their filing a report and regarding the moment for arresting the suspects.

Subsequently, the reports were obtained. When the police had collected all the statements of the victims for this investigation, the suspects were arrested. Generally speaking, reports and victim statements provide much more information and points of departure for the criminal investigation, as the police come in contact with other victims through these women. It is therefore of vital importance that there is mutual trust between the police and the victims.

It is obvious that such an investigation aimed at reporting provides an opportunity to obtain a wide variety of reports. These reports provide a lot of information on the mode of operation and the organization of the human traffickers. This reinforces the available evidence. A victim statement oriented investigation such as *Starling* has focused on human trafficking, not on the organisation as such. Still, thanks to the wide variety of victim statements, a large number of suspects and victims have been identified.

The research on the four cases shows that the risk of focusing on obtaining statements of victims by investing a lot of time and effort in making contact with victims, is that victims eventually fail to make a report or withdraw their statement at a later stage. Without a victim statement there is not much evidence left and the criminal case will not be solved. Also, the risk of ‘leaking’ is considerable in this strategy, i.e. if the women tell the suspects that they are being investigated. Police teams are sometimes reluctant to involve community police in their investigation, because they fear that the suspects will discover that they are under investigation. Other strategies show that this can also be a ground to refrain from actively involving the community police. This is the case, for example, in the *public nuisance oriented strategy*, which is described below.

## Public nuisance oriented investigation

The *Pigeon* investigation focuses on public nuisance. Residents were confronted with fights and quarrels in the street and with the intimidating presence of the suspects in the neighbourhood, and they reported this to the police.

Before the investigation started, community police officers had already been collecting information on the men who caused nuisance and on the exploitation of prostitutes for 3 years. The community police officers had good contacts with the prostitutes and they had a signalling role with regard to human trafficking. However, the information of these community police officers was not used in the investigation. In order to make sure that the suspects would not discover that they were under investigation, the investigation was not made public. It was kept quiet within the police organisation and had sort of an ‘embargo status’. Furthermore, the community police was neither involved in nor informed of the investigation.

The investigation team’s goal was to end public nuisance and investigate human trafficking at the same time. In order to achieve this goal, they cooperated with the municipal authorities. In cooperation with the municipal authorities a plan was made and information from the criminal investigation was shared with the municipal authorities. This involved the exchange of specific information on persons, centres of nightlife, permits and criminal activities. On the basis of this information the municipality had the power to revoke the permit for the suspects’ bar, as a result of which the meeting point of the human traffickers disappeared.

Such a public nuisance oriented strategy creates the possibility, by revoking permits, to drive away criminal entrepreneurs from a prostitution area. The public nuisance in the streets will largely disappear as a result. At the same time, this strategy, provided that it is successful, prevents the municipality from facilitating human trafficking by granting permits to human traffickers.

On the other hand, this strategy has its limitations. By focusing on public nuisance, the collection of evidence for human trafficking may suffer. The public nuisance is tackled, but there is a risk that too little information on human trafficking is gathered, as a result of which the offence of human trafficking will eventually not be proven. After all, if the suspects are chased away and the public nuisance ends, there is a chance that the situation of exploitation will continue to exist.

Moreover, the decision not to involve information from the community police presents a risk. Specific information and insight into victims, abuse and exploitation may fail to materialise and, consequently, it is possible that no clues will be found for the investigation of human trafficking. In that case, we can no longer speak of the prosecution of human trafficking.

## Organisation oriented investigation

In the *Raven* investigation we distinguished an organisation oriented strategy. Here, the emphasis is placed on mapping out the whole criminal organisation. At the start of this investigation a lot of information is already available, as it is a continuation of a previous investigation. The persons playing a central part in the investigation have been investigated before. Consequently, a group of suspects has been identified,

which the investigation team wants to deal with. In addition to the investigation of human trafficking, the goal is to break up the entire organisation. The investigation focuses on the group of (prime) suspects and on the relations and division of tasks within the group of suspects, in order to provide evidence for participating in a criminal organisation as well.<sup>13</sup> Much less effort is spent on contacting victims. In order to get a full picture of the entire criminal organization, a choice is made for a long-term investigation. If during the investigation reports are filed by victims or incidents occur such as a stabbing, no immediate action is taken.

The investigation has an extensive file, as there was a lot of information available at the beginning of the investigation, and the investigation takes a long time. The amount of information increases even more, because during the investigation the telephones of various suspects were tapped for long stretches of time.

In principle, this organisation oriented strategy offers a possibility to tackle criminal behaviour thoroughly. Dealing with the whole group instead of dealing with just a few suspects can put an end to exploitation in the most effective manner.

However, this strategy presents risks as well. As the investigation focuses on the organisation, and less on contacts with victims, there is a chance that victim statements and information on the victims are obtained to a much lesser extent, or not at all. If contacting the women is the very last stage of the investigation, there is a risk that they have already left for the country of origin by then or that they are otherwise difficult to find.

Additionally, a longer-term investigation into human trafficking presents risks with regard to the ban on tolerating human trafficking. The danger of a longer-term investigation is that at a certain point, after a long-term investigation, it proves necessary to take action in respect of the ban on tolerating human trafficking or because information on the investigation has ‘leaked’ before the necessary evidence is complete.

Finally, this strategy shows the importance of properly organizing all of the gathered information during the investigation. The risk of a large-scale investigation with a wide scope without a specific classification plan is that an overview of the information is no longer available, and that it is not made clear during the investigation which vital information is still necessary for the provision of evidence, in other words, which specific vital information must be the focus of further investigation. The *Raven* investigation mentions a relative large number of suspects and victims, but provides relatively little information on each person. In the end, only the top of the organization was convicted, and the pimps and bodyguards could continue their activities.

### **Offence oriented investigation**

The *Titmouse* investigation may be characterised as an offence oriented strategy. This strategy focuses on the distinct ‘elements’ of the offence of human trafficking,

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<sup>13</sup> In the Netherlands it is a criminal offence to participate in a criminal organisation under Section 140 Criminal Code.

such as using violence, arranging accommodation, giving up earnings, deception, duress, etc.<sup>14</sup> The investigation team starts with the identified suspects and chooses to ‘stack up’ the information gathered about them and their victims, but how is the ‘stacking up’ of information interpreted by the Dutch police?

Stacking up means that the available information is recorded in files on suspects and files on victims. These files combine all information regarding the (role of the) person in question. The filing of information for each suspect and each victim separately is often called the ‘0+0+0+0=1 principle’ by the police. It is a ‘stack’ of facts indicating that the women are not prostituting themselves of their own free will, or indicating that there is a case of human trafficking. By stacking up these facts in a criminal file, a reasonable suspicion of guilt of the suspect can eventually be investigated and proven, without it being necessary for the victim to file a report or make a witness statement. Moreover, this method does not focus merely on the suspect, but also on the situation of the victim (Cf. Van der Wegen 2005: 14–15).

Furthermore, the information in these files on suspects and victims has been structured, by systematically classifying the information on the basis of different key characteristics of human trafficking as they appear in the statutory provision on human trafficking, in (scientific) literature on human trafficking and ‘lover boys’ (e. g. Bullens and Van Horn 2000), and in the Instruction on Human Trafficking of the Board of Procurators General (Aanwijzing Mensenhandel 2006). These key characteristics include such features as control, violence, the surrender of earnings, (the violation of) physical integrity, ‘lover boy’ methods, the influence on working hours and working conditions, the isolation of the women, and accommodation.

By recording the information systematically in structured files on suspects and victims, it becomes clear which information is still missing with respect to evidence that is still needed for the proper furnishing of proof. The investigation can then be specifically directed towards obtaining that information.

In the *Titmouse* investigation, the investigation team arranged specifically selected taps on telephones and carried out targeted surveillances in order to obtain the missing information. There was also close contact between the community police and the investigation team. They exchanged information and kept each other informed on the latest developments. As the community police was familiar with the developments of the investigation, they were able to gather specific information. In other words: police officers in the street knew what to look for. The *Titmouse* investigation shows that the result gained by stacking up information may subsequently be used to obtain witness statements.

At a certain moment in time, the victims, who were identified through the method of stacking up information, were contacted by the police. First of all, initial interviews were held. These are informative meetings during which the victim gets an opportunity to tell the police what has happened to her. During such a meeting the criminal proceedings are also explained and the victim is informed with regard to the possibilities of calling in assistance. In the Netherlands, such an initial interview is a compulsory component when approaching the victim in the event of human trafficking.

<sup>14</sup> See also footnote 2.

When the women in the *Titmouse* investigation were faced with a list of information from the ‘stacked up files’ (which made the intentions of their ‘lover’ obvious), a number of women was willing to file a report or make a statement. After the reports had been submitted, the suspects could be arrested.

The advantage of this offence oriented strategy is its well-organised structure and, consequently, its potential efficiency. Due to the limited number of suspects and the clearly arranged information (files that are ordered by victim and suspect and by the elements of human trafficking), it is easy to gain a clear overview of the investigation. This clear overview makes it obvious which information is still missing and which elements must be the focal point of the investigation. The available capacity can be used in a targeted and efficient manner. This is one of the reasons why the *Titmouse* investigation turned out to be a relatively short-term investigation, also referred to as a ‘prompt intervention’ case. ‘Prompt intervention’ cases are characterized by a targeted focus on specific suspects or specific situations. Usually, the short term also enhances the ability to maintain a clear overview of the investigation. In spite of the short term of the investigation, relatively high sentences were obtained.

The structured approach to building up the file and the inherently related manner of evidence gathering lead to the conclusion that there appear to be few risks attached to this offence oriented type of investigation.

### **Items to be addressed in the investigation of human trafficking**

Literature in the field of investigation training shows that the investigation practice is faced with various dilemmas (De Poot et al. 2004). Most often there is more than one applicable option or strategy. There is no ‘best strategy’ and one choice is not always clearly better than the other one. The important thing is to look for a link with the circumstances in the best possible way. Some choices are made for a specific reason, others are made in the middle of a hectic investigation (De Poot et al. 2004: 337). This is illustrated by the criminal investigations studied in this article.

Although it is not easy to designate one single ‘best’ strategy, we have shown above that some choices or decisions within the various strategies present good opportunities or great risks. To conclude this article we will discuss those opportunities and risks below, by referring to a number of items for consideration.

#### **Local nature of human trafficking**

The offence of human trafficking often reminds people of international human trafficking. International contacts seems to be of vital importance for the performance of criminal activities and, as a result, the focus is on ‘entering’ and on the transport of victims. The investigation of human trafficking often forms an integral part of international cooperation. However, apart from being an international criminal offence, human trafficking is also very much a local problem and embedded in local situations. The activities of prostitutes and human traffickers are often concentrated within certain districts, neighbourhoods and streets. In the criminal cases that we studied, victims of human trafficking work in window prostitution in

streets forming part of neighbourhoods, often in small-scale prostitution areas. The women are (visibly) in or close to the street for the larger part of a twenty-four hours' period, and have contact with people in the street. This local character of human trafficking provides possibilities for involving the community police in the investigation.

What do the community police officers actually do, and why is their role important for the investigation of human trafficking? The community police operate on a local level and are the eyes and ears of the police in the street. Community police officers can gather information by carrying out surveillances and by their regular and direct contact with people in the street and in the neighbourhood. Therefore, the community police officers are often more capable of building a bond of trust with people from the neighbourhood, often within a shorter period of time than is possible with other police departments. The community police are also active in window prostitution areas. This means that the community police officers are often acquainted with the women who work there. Consequently, they can pick up signs of situations of abuse, exploitation and human trafficking. They can also act as a contact point for the women, in the event of problems.

The degree in which the community police are involved in a criminal investigation of human trafficking is therefore an item to be considered. If we compare the four criminal investigations discussed above, it seems that the involvement of the community police has an effect on the information gathered during the investigation. There appears to be a connection between the degree in which the community police are involved (in the criminal investigation) and the gathered evidence. In some investigations, for instance, community police officers contribute to the identification of the victims. Additionally, the community police, after having been informed of the developments in the investigation, may gather specific information without attracting too much attention.

An active involvement of the community police appears to have a positive effect on the gathered information in the investigations studied by us. In the criminal investigations in which the community police were not involved, we observe that there is a risk that the victims will not be able to be identified.

### Duration

A second item for consideration is the scope or, in other words, the duration of the investigations. When looking at the choices made during the investigations regarding the decision to intervene, there is a difference between choosing to intervene at an early stage, on the one hand, and, on the other hand, choosing to continue the investigation activities. We distinguish between a short-term investigation on the one hand, followed up by intervention and by making arrests, for example, and on the other hand a long-term investigation, in which a choice is made not to intervene for a longer period of time, but to continue until more information becomes available on the organization or the scope of criminal activities. Combinations are also possible, for example a long-term investigation in which an intervention does take place, but the investigation of the other suspects is continued (Cf. Van de Bunt and Kleemans 2007: 142).

The characterising feature of short-term investigations, also called ‘prompt intervention’ cases, is a targeted focus on specific suspects or specific situations. There are many reasons to opt for a prompt intervention strategy. The availability of a lot of information at the beginning of the investigation, but also the availability of victim statements, may be a reason to intervene at an earlier stage. The wish to terminate a situation of exploitation as soon as possible, may also constitute a reason to proceed with the arrests of suspects. In this approach, information is usually processed quickly, and taps are listened to immediately. Usually, the short term also enhances the ability to maintain a clear overview of the investigation.

In the event of a long-term investigation, the goal is usually to deal with an (entire) organization. To that end, the aim is to provide evidence for a case of Section 140 of the Criminal Code<sup>15</sup> by investigating the relations and division of tasks within a group of suspects. In that case, a long-term investigation is preferred, in order to reveal the social breeding ground of the criminal activities (Cf. Van de Bunt and Kleemans 2007: 141). However, in respect of the absolute ban on tolerating criminal acts, which applies to human trafficking, it may be difficult to let a human trafficking investigation last for a long time. The danger in a long-term investigation is namely that at a given moment in time, after lengthy investigation activities, it may be necessary to intervene unexpectedly due to the absolute ban on tolerating criminal acts or due to ‘leaking’, without the proper evidence being complete. A criminal investigation of human trafficking differs in that respect from investigations into other forms of organised crime, where that ban on tolerating criminal acts is not absolute.

The above shows that both the ‘prompt intervention’ and the ‘long-term’ are legitimate options, depending on the information already available. A combination is also possible. If, for example, the situation requires an intervention, this is also possible in a long-term investigation. However, we have noted that the scope and, as a consequence, the ability to maintain a clear overview of the investigation affects the efficient balance between the capacity applied and the results achieved (in the investigations studied by us). Both the investigation and the prosecution of human trafficking seem to benefit from a short-term investigation with a clear overview of the number of suspects and the amount of available information.

### Final comment

The four investigation strategies and the items for consideration arising from them, as discussed in this article, may be further specified and refined by taking into consideration some ten other criminal investigations of human trafficking. We are

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<sup>15</sup> Section 140 of the Dutch Criminal Code reads as follows:

1. Participation in an organization which purpose is to commit crimes, shall be punished with imprisonment not exceeding six years or a fine of the fifth category.
2. Participation in the continuation of the activity of an organization that is prohibited by final judicial decision or is legally prohibited or on which a final declaration under Article 5a, first paragraph, is issued, shall be punished with imprisonment not exceeding one year or fine of the third category.
3. For the founders, leaders or directors prison sentences may be increased by one third.
4. Participation, as defined in the first paragraph, also includes the provision of financial or other material support.

presently preparing such a follow-up study. We would like to find out which strategies are usually applied in investigations, and what the outcome is of the application of those strategies. By carrying out this follow-up study we will be able to get a better picture of the opportunities and risks of the different choices made in the investigation process, and we will be able to make finer differentiations, if necessary, with respect to this research.

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