

Investigation of cases of trafficking and techniques of identification

Aims

1. Investigation principles
2. Reactive Investigation
3. Proactive investigations
4. Investigation environment and techniques. Selecting the best place
5. Joint international proactive operations
6. Pre-operational stage and planning. Co-operation with the criminal prosecution service.

7. Compilation of a written action plan: IIMAC model (SIMAK).
8. Operations stage – lessons learned.
9. Search and blockade – collection of evidence.
10. Interviewing suspects.
11. Parallel financial investigations.
12. The option of investigation with pauses: limits and benefits.
13. Investigation of internal phenomena (countering potential corruption).

1. Investigation principles

Investigation options should take into account **the geographical, structural and commercial components** which are an integral part of the criminal offence of trafficking in human beings.

The geographical and structural perspective includes:

1. Country of origin – recruitment of victims;
2. Country of transit – transportation and potential exploitation;
3. Country of destination– arrival/reception and exploitation.

2. Reactive Investigation

Reactive investigation is led by the victims, i.e., it is based on the statement and evidence given by the victim during court proceedings. Evidence by the victim is essential, since it is only the trafficked person who is in the best position to give or confirm important details about the trafficking process, as well as the use of threats, abuse of situation of extreme poverty, existence of coercion because of a debt, etc.

3. Proactive Investigations

Investigation, arrest and successful criminal prosecution of traffickers, without the need to (entirely) rely on co-operation and evidence by the victims.

- A proactive successful investigation applies to all types of investigation of THB elements.
- By using covert measures and standard investigation techniques.
- The proactive option may not be easily implemented in all jurisdictions, since in some countries a problem may arise if law enforcement agencies have the discretion of investigation and proactive proceeding of perpetrators, without the victims complaint and evidence.

- If an investigator knows where to look, the victims will be identified and located;
- If victims may be identified and found (for instance, through the clients by monitoring the exploitation ground, etc.) then it will be possible to locate the traffickers as well.

4. Investigation environment and techniques

Selecting the best place

- Traffickers may commit other auxiliary offences such as physical and sexual abuse of victims, facilitating illegal migration, production and possession of forged documents, etc.
- Inside the countries of destination.

5. Joint International proactive operations

- Proactive operations have proven to be an effective option against trafficking and for rule of law. Furthermore, experience has shown that joint international proactive operations may be the most effective and productive option which is available to the anti-trafficking investigators.

- Traffickers who commit the crime in more than one jurisdiction;
- Joint operations allow for collection of evidence in many jurisdictions affected by crime;
- Whilst traffickers are less protected in countries of destination, they also tend to take into account that they may be monitored and that is why they are careful in their actions;
- They, often, are less worried about hiding in the countries of origin or transit;

Joint international operations mean that investigators in the countries of departure, transit and destination may be able to use these proofs and collect valuable evidence for the stages of crime

- This includes not only agreements in relation to the focus of the main investigation efforts, but also decisions related to the methods of coordination, tactics for collection of evidence, determining minor offences as a object of prosecution and the best places wherein criminal prosecution will be implemented, following the investigation.

Prior to a joint proactive investigation, the following should be taken into account:

- Identify the counterpart investigation agency in that country, which does not constitute a threat to the security of operations.
- That extradition provisions must exist.
- That mutual legal assistance provisions must exist between the countries.
- It is not worthwhile to seek co-operation, if the evidence collected in one jurisdiction is not admissible in the jurisdictions where criminal prosecution is conducted.

6. Pre-operational stage and planning Co-operation with criminal prosecution service

- The logic of investigator-prosecutor co-operation. Co-operation in proactive operation.
- Proactive operations against trafficking are complicated operation and costly from the resources aspect.
- It does not make any sense for investigators to use tactics of collection of evidence which may be inadmissible.
- The prosecutor should be informed about operational difficulties which investigators may face when implementing investigation tactics.

Other techniques of evidence collection prior to arrest

- Technical surveillance of intrusive nature such as interception of communication, trail pursuing tools and interception;
- Use of covert agents and other resources to test the source of sales.
- Use of each techniques must be in full and strict compliance with the legislation and procedures in force in a given country.

7. Compilation of a written action plan IIMAC (SIMAK)

8. Operation stage-lessons learned

- Deployment of persons, operations stage.
- Further victimization of trafficked victims must be always avoided.
- If possible, breaking into the crime scene by the arrest team and the actual arrest of suspects should be recorded with a video camera, by complying with the reality of the scene. This serves a range of purposes because a footage secures:
 - Correct behavior by the police officers;
 - Exact discussion during the arrest itself;
 - Hygienic standards of environment and working conditions;
 - Footage of suspected victims.

9. Search and blockade-evidence collection

- Time has shown again that sentences are usually secured as a result of documented evidence found and confiscated during the arrest stage.
- According to the legal framework, to confiscated everything that might constitute a piece of evidence – if you suspect that it is a piece of evidence, confiscate it, it may always be returned to its place later on, but if left there for the first time, important items may no longer be there when you come to understand their importance and you go back to the scene.

- Video recording or taking pictures.
- Any vehicles used by each of suspects must also be searched and footage taken of.
- The suspect, whose assets are confiscated, and any other person who was present at the time of confiscation, must control the list of confiscated items and sign a statement or a written document, compiled in a form of an inventory, as a document with the correct content.

Evidence which is searched for

- Any document which is related to the recruitment process such as a copy of the advertisement, notes on the schedule of meetings, etc.
- Cash, credit cards, cheques and any other document related to the financial transactions.
- Any form of documentation related to the payments made by the victims to the traffickers.
- Any document related to the employment contract.
- Any document related to the rent of premises.

10. Interview suspects

- Compliance with procedures and laws in force.
- Time of interview/questioning.
- Medical examination of raped victims.
- Delays with interpreters or lawyers.
- It is appropriate to interview the victim prior to interviewing the suspect.
- It is less likely, nevertheless, that a victim found and saved during the operation, will immediately decided to testify against the suspect.

11. Parallel financial investigation

- Golden rule: track and follow the money and you will find the trafficker.
- Financial transactions
- When there is an ongoing parallel financial investigation, a great part of the investigation work is completed. In order to simplify a complex process, post arrest financial investigation should simply prove the following facts:
 1. How much money was made from the crime?
 2. How much money is left?
 3. Where is the money now?

12. The option of investigation with suspensions: limits and benefits

- When the level of threat against the victim requires an immanent measure, which excludes the option of proactive option.
- When the proactive option is not applicable due to operational reasons, such as specific geographical and/or topographic characteristics.
- When legislation, procedures or sources exclude the use of proactive methods.
- When the option of investigation based on suspensions secures a swift reaction against specific complaints coming from residents or other interested groups.

The option of terminating the investigation is more adequate

- Termination of investigation may temporarily calm down the situation – it does not provide a solution and it only dislocates the problem to another location;
- The key to the success of the option to terminate the investigation is the use of new tactics with the assistance of multiagency factor.

13. Investigation of internal phenomena (countering potential corruption)

“Trafficking in human beings cannot thrive without the help of governmental officials and law enforcement authorities.”

- Bars, which usually work, but are found closed during police operations.
- Potential victims are found all together waiting in a calm manner in a room.
- Or are hidden by the alleged traffickers, when police forces arrive for a search.
- No evidence is ever found, even though searches are conducted more than once at the same bar.
- Police forces do not act in full coordination and compromise the entire operation, and these are some of the indicators to initiate an internal investigation.

- Identification of perpetrators is an essential step to successfully counter organized crime in general and trafficking in human beings specifically.
- List of banned bars in Kosovo.

Questions?