

Summary

Human trafficking in the Amsterdam window prostitution

A study on the nature and criminal investigation of human trafficking

Introduction

This study deals with human trafficking in the window prostitution sector of the Red Light District in Amsterdam. Human trafficking in the prostitution sector is a complex offence that differs from other forms of organised crime on a number of points. A first point contributing to the complexity of human trafficking cases is the relation between victim and offender. As a result of this complex relation, victims of human trafficking cases often cannot muster up the courage to report it or do not want to report it. A second characteristic of human trafficking cases is that the offence, unlike other forms of crime, does not constitute an 'event' but a process. This process may involve a number of suspects, locations and acts, which may eventually result in the exploitation of a victim. A third characteristic of human trafficking cases is that investigators need to take into account the 'passing ban'. The goal of this ban is to protect victims. A suspicion of human trafficking means that investigators can never let it pass; they are not allowed to let the offence continue. A fourth point that makes human trafficking different from other forms of organised crime is that human trafficking cases are in general very laborious. They often are typical 'hauling cases', as they are called in investigation jargon, since they involve so-called 'hidden' offences that usually are not noted or reported.

In the present study, we have examined the question what these characteristics mean in actual practice for criminal investigations into human trafficking. The central question of this study is:

What is the nature of human trafficking and how is human trafficking being investigated in the Amsterdam Red Light District?

We have elaborated this research question in the following sub-questions:

- 1 How are victims exploited, and what are the characteristics of suspects and victims of human trafficking?
- 2 How is human trafficking being investigated?
- 3 Which choices are made in criminal investigations and what are the consequences of these choices for the way in which these investigations develop?
- 4 Is it possible to distinguish factors that can either advance or impede criminal investigations into human trafficking?

Our findings are based on criminal files of twelve investigations into human trafficking in the Amsterdam Red Light District, conducted by the police in the period between 2006 and 2010. We have conducted face-to-face interviews with the police team leaders in charge of these investigations. Next, we have studied and analysed the files of these criminal investigations. In two recent investigations, we have had the opportunity to ‘tag along’ during the investigation’s duration, which enabled us to closely follow both the investigative process and the investigating team.

The study is limited to the information gathered by the investigation services. For the description of the phenomenon of human trafficking, this means that we have only used information made visible by the investigation services. Thus, any potential abuses that have escaped the attention of investigating teams have not been detected by us either.

The sources used for this study are police sources. Precisely for the goal of our research, which is to gain insight into choices and assessments relating to the set-up of criminal investigations, police files are valuable, especially in combination with interviews.

Complex relations between suspects and prostitutes

The suspects and prostitutes from the twelve criminal files studied have met in places of entertainment, prostitution areas, their country of origin or, in one or two cases, through the Internet. All criminal investigations involved women who work in the window prostitution and hand over (part of) their earnings to suspects.

Among the complex relations between suspects and victims, three types of relations can be distinguished: *amorous relations*, *extortive relations* and *business relations*. In all three types of relations, exploitation plays an important role. In case of an amorous relationship, the combination of being in love with the prospect of a future together constitutes the reason why the women hand over their money or ‘entrust it’ to the suspect. Later on, the infatuation and good intentions of the suspect turn out to have been feigned, but by then the money has been spent or has disappeared. To feign being in love has been dubbed the ‘lover boy method’.

In case of an extortive relationship, the prostitutes are coerced, often through violence, to pay ‘protection money’. These victims often have already been working as prostitutes.

We speak of a business relation when a specific agreement or arrangement exists between suspect and prostitute, which makes the woman hand over (part of) her money to the suspect in exchange for services from the pimp. Thus, this type of relation is characterised by a ‘deal’ between pimp and prostitute.

All relations have the controlling of prostitutes and the use or threat of violence in common. In this way, the suspects try to continue the exploitative relationship and to generate as much income as possible. In some investigations, the suspects' violence played an obvious and prominent role, but in other investigations the part played by violence was smaller. In these cases, the victims were forced to continue working by means of manipulation, psychological pressure and threats.

Characteristics of suspects and victims

In the twelve criminal investigations, in total seventy suspects were identified. Most of these suspects were men, but three investigations involved female suspects as well. In the police files we have studied, the age of the suspects varied from 18 to 58. The average age was 30. Most of the suspects have been born in Turkey, Hungary, the Netherlands and Germany. There were 76 victims in these 12 investigations. These victims were all women. Their ages at the time of investigation varied between 17 and 35. The average age of these women was 23. Most of them were in their twenties (54), but there were adolescents (15) and women in their thirties (7) among them as well. Approximately a third of the women was aged 21 or younger at the moment of their appearance in the criminal investigation. Of part of these women their country of birth remains unknown. The majority was born in the Netherlands. Three investigations dealt with Hungarian women only. Other countries of birth of the victims were Romania and Germany and, in a few cases, Poland, Thailand, France, Kazakhstan, Lithuania, Belgium, and the Netherlands Antilles. A number of victims had already been working in the prostitution sector before they turned into victims in the investigations we have studied.

Investigating human trafficking

Which investigation agencies have carried out the twelve criminal investigations and what means have they used to conduct them?

Executing organisation

Criminal investigations can be carried out at different levels within the police organisation: at neighbourhood level, district level, regional level, or at a supraregional or national level. The choice of execution level is connected to the information known at the start of the investigation. The determination of the level at which it will be carried out is based on the expected seriousness and scope of the investigation. Of the twelve investigations into human trafficking we examined, almost half were conducted by the District Criminal Investigation Bureau (five investigations). The other half of the investigations was carried out by regional (three) and supraregional investigation teams

(three). One investigation was executed by the National Investigation Bureau. Relatively small investigations have been carried out by the District Criminal Investigation Bureau. The investigations carried out by the regional and supraregional investigation bureaus were broader in scope and more sizeable. The investigation executed by the National Investigation Bureau involved a group of suspects who were known from the beginning to be active internationally.

The size of the investigation teams that carried out the criminal investigations varied from 2 to 35 people. Most of the teams consisted of seven to twelve people. Four investigation teams were put together in a multidisciplinary way; this means that detectives were brought together from the Bureau for Financial and Economic Investigation, the Vice Squad and the Aliens Police.

Because of the specific and complex nature of the offence of human trafficking, a relevant question is to what extent the investigation teams already had experience with investigating human trafficking. In half of the investigation teams, none of the team members had any experience with investigating human trafficking at the start of the investigation. In the other half of the teams, the team leader (and sometimes a single detective) had experience in dealing with human trafficking. In five out of the twelve cases, a specialised public prosecutor was involved.

Information available at the start of an investigation

The twelve investigations we have studied were started on the basis of different types of information, coming from a variety of sources: information from the Criminal Intelligence Unit, mutations, reported crimes, reports on harassment, incidents of violence, and so-called 'remaining information'. In part of the investigations, reported crimes were among the starting information. This usually relates to crimes that have been reported by victims of human trafficking some time prior to the start of the criminal investigation. For the most part, reported crimes were not the main reason for starting an investigation.

Half of the studied investigations were started based on remaining information from other criminal investigations. This is information that has become available during another investigation, but has not been used in that investigation, and is not the subject of any further investigation either. When remaining information is available, this does not necessarily mean that a new investigation will be set up. Sometimes, some time will elapse before this happens. Since it is complicated to detect human trafficking, remaining information provides a good opportunity to further investigate the signs that did surface.

In a majority of the criminal investigations, mutations are part of the starting information. Mutations are notes on the events, signs and reports in the police's information system. By themselves, mutations do not tell much, but

often their importance is revealed only when a number of mutations are added up. The police call this assembling of pieces of information ‘stacking’ of information. The advantages of stacking this sort of information are that information can be gathered even without a victim reporting a crime that may designate a person as a suspect.

Finally, in part of the investigations into human trafficking, the starting information contains information from the Criminal Intelligence Unit.

When a criminal investigation starts, the investigation team can choose between different investigative methods to obtain information and collect evidence. This report sheds light on a number of these methods.

Tapping phone calls

In all twelve criminal cases the choice has been made to tap phone calls. Usually, the phone calls yield information that is relevant for the investigation. Firstly, the tapped phone calls provide information on the relation between the victim and the suspect and on the way they interact. Secondly, the phone calls yield information on the cooperation and the division of tasks between different suspects: on bodyguards being steered, money being transferred to obscure destinations, and instructions being given on how to manipulate and extort and how to use violence. Thirdly, the tapped phone calls provide tactical information on new suspects, and on new telephone numbers to be tapped by the police next.

Statements and reported crimes

In nearly all the investigations, the police have spoken to victims, suspects and witnesses. We have observed roughly two variants when they wanted to get a statement or crime reported. There are teams who assume that they will probably not succeed in getting a crime reported in a case of human trafficking. Because cases of human trafficking are known to be difficult when it comes to getting crimes reported, these teams focus on other methods to gather evidence. However, there are also teams who do try to get reported crimes and statements, and who focus on this goal specifically. When an investigation team specifically focuses on getting crimes reported, it turns out to be important that a basis for trust exists with the victim. To build such a basis for trust, the team keeps in regular and intensive contact with the victim.

Several team leaders have indicated that getting the victim to report a crime is not the main goal. When the victim does not report a crime but does make an incriminating statement, this may be just as important. Furthermore, a statement may contain important information on the suspect’s mode of operation and method of cooperation.

Financial investigation

In almost all the criminal investigations, a financial investigation has been carried out, which means that an analysis has been made of the information on the financial matters of victims and suspects. In cases of human trafficking, a financial investigation is used in roughly two ways: on the one hand, by means of a financial investigation within the general criminal investigation, evidence is gathered for the offence of human trafficking. To determine how much has been earned, information is examined on the earnings of the victims, the prostitutes' working hours, who works for whom, the period during which the prostitutes have worked, et cetera. In addition, information on flows of money between victims and suspects can contribute to the furnishing of proof for exploitation.

On the other hand, investigation teams determine what has been earned and what has been done with the money by means of a financial investigation in a *separate* criminal investigation, conducted for the purpose of taking away the money or the purchases. This usually happens as part of a criminal financial investigation, aimed at the determination of the illegally acquired profit gained by the suspect, with the objective of taking it all away.

The information on financial investigations we have found in the studied criminal files relates in large part to financial investigations *within* general criminal investigations. The teams gather this information primarily from interrogations, tapped phone calls and observations. Secondly, searches yield information for a financial analysis. Thirdly, to make a financial analysis, the teams ask for information from other agencies, such as FIU (formerly the Reporting Desk Unusual Transactions MOT), the tax authorities, the employee insurance agency, banks and foreign authorities.

Despite the fact that the whereabouts of much of the money remains unclear, in more than half of the investigations the teams have found indications that suspects let the money earned with human trafficking disappear to foreign countries. This takes place by means of money transfers and bank accounts of relatives, while money is also taken abroad in cash.

Exchange of information

In the twelve studied investigations, the investigation teams have exchanged information with a number of authorities. Exchanging information during an investigation into human trafficking proves to be customary. This is in itself not very surprising, since the core of conducting an investigation consists of collecting information, in part information that other authorities have at their disposal.

Nearly all the investigations have made use of information gathered by the local police. The investigations differ somewhat in the extent to which the local police are actively involved in the investigation. In part of the investigations, use is made not only of information gathered by the local police, but they are actively involved in the investigation team as well.

In addition, in the majority of the investigations, an exchange of information has taken place with investigation services abroad, which chiefly means that the teams have made requests for legal assistance.

Beside the exchange of information with legal partners, information can also be exchanged with governmental partners. This has mainly been done in the context of the two criminal investigations that were carried out as part of the Emergo project. The tight attuning and exchange of information in those investigations between the borough administration and the police have enabled the investigation team to extensively map the suspects' response to governmental interventions (regarding permits of window licensees), and to make use of their special powers to investigate in a very focused manner. The information thus gathered has contributed to the knowledge regarding the division of roles between suspects and thereby also to the furnishing of proof. In addition, information from a governmental quarter, – on registrations, permits, constructions, conversions –, has yielded tactical information to the investigation team, putting the investigation further on its way.

The other way round, the borough council was able to use police information for the argumentative foundation of administrative decisions regarding the retraction or refusal of permits. The criminal investigations showed that the exchange of information enabled the borough administration to take a different view of the request for a permit, with more of an eye for illegal constructions, 'straw man' and criminal activities.

In the other criminal investigations, the exchange of operational information with governmental partners took place sporadically. In three investigations, the municipality and the investigation teams did confer on the possibility of exchanging administrative information, but in the end, this has not or hardly been put into practice.

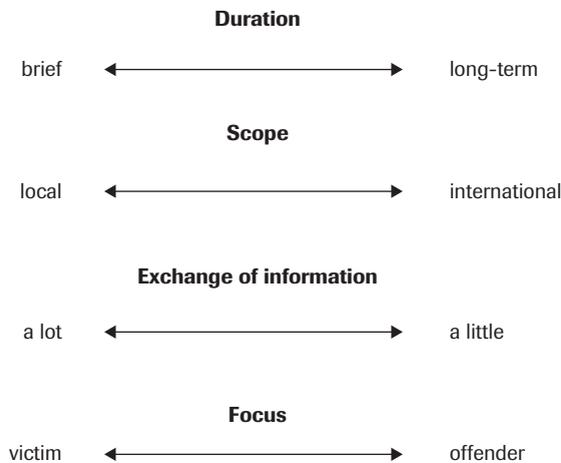
To conclude, in several investigations, an exchange of information has taken place between the tax authorities and the police. This mainly concerned data regarding the income and property of suspects, requested for by the police at the tax authorities. We have found little information in the studied investigations indicating other forms of an exchange of information than a request for income data of suspects.

Four dimensions

The specific characteristics of human trafficking require a specific approach; they influence the choices regarding the set-up of a criminal investigation. Based on the twelve criminal files we have studied, we have made an analysis of the choices made during the investigations and their consequences for the development of the investigative process. In doing so, the aim was not to

identify ‘good’ or ‘bad’ choices, but rather to distinguish factors that may either advance or impede an investigation into human trafficking. We have identified four dimensions that relate to the set-up of a criminal investigation.

Each dimension consists of a continuum on which an investigation can be placed, depending on the extent to which the aspect in question is present. The diagram below represents these four dimensions graphically. They are the duration of the investigation (a brief versus a long-term investigation); the scope of the investigation (local versus international); the extent to which information is exchanged (a lot or a little); and the investigation’s focus (primarily focused on the victim or on the offender(s)).



For every dimension, we can look at the opportunities and risks involved in particular choices for the criminal investigation and the furnishing of proof.

Duration: a brief versus a long-term investigation

The first continuum pertains to the size or duration of criminal investigations. The twelve investigations we have studied differ with regard to the choice between a quick intervention or a lengthier continuation of investigative activities. On one side of the continuum, we can place brief investigations that were followed by an intervention, for instance by arrests. The brief investigations are characterised by a well-aimed focus on certain suspects or on concrete situations. During the investigation, the team constantly looks whether enough evidence has been collected and for which parts of the offence evidence is still missing. On the other side of the continuum we see lengthy investigations, in which the choice has been made not to intervene for a longer period of time, but to carry on until more information becomes available on the organisation or the scope of the criminal activities. We also

see intermediate forms, in which a team intervenes in a long-term investigation while the remaining suspects continue to be investigated. Generally, the duration of an investigation is not a coincidence. Our study shows that, for the most part, the investigation is meant to be brief or more long-term from its very beginning.

That initial choice comes with a number of opportunities and risks. Brief investigations are more surveyable, making it clear which information has already been gathered and which information is still missing. This means that the information available is put to better use and that it is possible to compose a clearly ordered file. In addition, brief investigations have the advantage that the available capacity can be deployed efficiently, that is, to gather the information that is still missing in order to complete the necessary evidence.

The disadvantage of a brief investigation may be that not all suspects who come into view during the investigation are included in it. This may constitute a danger for victims.

The choice of a long-term investigation also has its advantages and drawbacks. The advantage of a long-term investigation is that it offers more opportunities to exchange information and carry out an extensive financial investigation, which generates a greater chance of gaining insight into the division of roles between suspects and into facilitating actors. A risk of long-term investigations is the complexity attendant to a large number of suspects, a large amount of tapped conversations and a bulky file. Furthermore, the passing ban may play a role, forcing the investigators to intervene while the evidence is still incomplete, despite the lengthy investment in the investigation.

The investigations we have studied show that it is important to find a balance between keeping a good surveyability on the one hand, and using as many different means as possible to gather information on the involvement of individuals in the exploitation of prostitutes.

Scope: locally versus internationally focused criminal investigations

The second continuum relates to the scope of an investigation. Is an investigation primarily focused locally, or does the investigating team also (or chiefly) pay attention to international aspects of the offence? The offence of human trafficking is often associated with the international trafficking in human beings. As a result, investigation teams assume they should primarily focus on international contacts of suspects and on the 'arrival' and transportation of victims. For this reason, international cooperation is frequently part of the tracing of human trafficking. Yet, beside an international offence, human trafficking is as much a local offence that is locally embedded. The activities of prostitutes and human traffickers are often concentrated in particular districts, neighbourhoods and streets. Victims of human trafficking work in the window prostitution in streets that are part of neighbourhoods,

often in small-scale prostitution areas. During a large part of every twenty-four hours, the women are (visibly) present in or near the street and are in contact with people in the street.

Essentially, all the investigations studied have a local dimension, but the investigations differ with regard to the extent to which they are also oriented internationally. On one side of the continuum those criminal investigations can be placed that are strongly locally oriented. In general, we see that those investigations offer opportunities for a deployment of the local police, who are very knowledgeable of the area, and who may also be deployed to gather information through observations and by means of their direct and regularly recurring contact with people in the street and in the neighbourhood. When they are kept informed on the investigative developments, the local police are able to collect information in a focused manner, without attracting too much attention from suspects and other people involved. In the investigations we have studied, the active involvement of the local police benefits the gathering of proof.

On the other side of the continuum, we can place investigations that are strongly internationally oriented. When investigations possess an international dimension, this provides the opportunity to gather (more) evidence on crimes that have partly been committed abroad. Furthermore, it provides the opportunity to involve all the victims in the investigation, including those who reside abroad. Because a part of the earnings is often made to disappear abroad, international cooperation also provides the chance of mapping and taking away money and property. To this we must add, however, that both to make contact with victims abroad and to gain insight into suspects' financial situation abroad usually constitute laborious exercises. Such investigations require a huge time investment. For this reason, the risks involved in investigations with a strong international focus are that the extra effort ultimately yields little with regard to (complementary) evidence. Yet, on the other hand, investigations that are purely focused locally may disregard victims and suspects who cross the border or make criminal capital disappear abroad. It is therefore important to weigh the pros and cons of the efforts involved in international cooperation and the benefits of that cooperation. Such an assessment should not lose sight of the significance of local aspects (culture, street knowledge, local partnerships), especially for any international cooperation.

The exchange of information: a lot or a little

The third continuum pertains to the extent to which investigation teams exchange information with other (investigative) partners before, during or as the result of a criminal investigation. The one end of the continuum relates to investigations in which the team chooses not to exchange any information with other partners. It fears, for example, that sharing information may endanger the investigation. The other end of the continuum relates to inves-

tigations in which the exchange of information with different partners from both inside and outside the police organisation, like the local government and the tax authorities, is central.

An advantage of an intensive exchange of information is that it provides a quick way to put to use information from the systems of different authorities. In addition, some partners offer possibilities complementary to a criminal prosecution, such as the withdrawal of permits, the closure of premises or companies, or the taking away of criminal earnings. It has emerged that a risk involved in an intensive exchange of information is that investigators may invest a lot of time in various forms of consultation, while such consultations do not ultimately contribute to more useable knowledge on suspects or their facilitators. A lot of time may also be spent on overcoming judicial complications, while it remains unclear whether or not the exchange of information contributes in any way to the investigative process. Examples of this are the realisation of covenants and incessant consultations on the competences of the individual partners: are we allowed to share this, and what are the conditions under which sharing is allowed? To conclude, another risk involved in the exchange of information is that information from the investigation is leaked as a result of it being provided to partners, and may end up finding its way to the suspects. For this reason, to achieve an efficient investigative process, it is important to seek out a position on the continuum that enables an investigation team to reap the benefits of an exchange of information, but keeps it from 'losing' too much time to all sorts of consultation structures and judicial complications.

Focus: the role of the victim in the investigation

The fourth continuum relates to the focus of the criminal investigation. We have observed that investigations are primarily focused on suspects, but that they differ with regard to the position granted to the victim. On the one side of the continuum we can place investigations in which mainly the suspects take centre stage. In these investigations, the investigation team assumes that they will not get any crimes reported and subsequently focus the investigation firmly on the suspects. On the other side of the continuum, we can place investigations in which victims already receive the police's attention during the investigation and in which the police's main goal is to get reported crimes and statements.

To focus on victims during the investigation provides the possibility of making contact with the victims and of building a basis for trust. This contributes to the willingness of victims to report a crime, as the investigations we have studied show. Moreover, the victims' reported crimes and statements provide valuable information on suspects' mode of operation or on suspects themselves. A disadvantage of contact with victims during an investigation is that they may inform the suspect(s) about it, making the suspects aware that they are under investigation.

The advantage of an investigation in which suspects take central place (and in which there is no contact with victims during a large part of the investigation) is that such information cannot reach the suspects through the victims. A disadvantage of this type of investigation is that victims do not come into view, or not all of them. An additional disadvantage is that victims are often hard to find when the police approach them only at the end of an investigation. It is complicated to hear victims who in the meantime have returned to their country of origin, as various criminal investigations show, and it may have consequences for the women's willingness to report a crime or make a statement. The investigations we have studied indicate that it is important to find a balance between the attention paid to victims and to suspects. If an investigation team chooses an intermediate position, – in which the team first gathers information on the suspects before it proceeds with an intensive investment in building up a personal contact with victims –, victims are more or less protected during their contact with the police. After all, the suspects have already been apprehended by then. An additional advantage is that the information the team has already gathered on suspects may contribute to the victims' willingness to report a crime.

As has become clear, the four dimensions are closely connected. The choice of a longer duration, for instance, may have consequences for the scope of the investigation (a stronger international focus), while the choice to focus on the victim may have consequences for the duration of the investigation (it may be briefer because of a possible passing ban). When investigating human trafficking, it is necessary to have an eye for the opportunities that present themselves on the one hand, while taking into account the risks described in this chapter on the other, and minimise these as much as possible. At the start of an investigation, it is often not yet clear what sort of information will surface, how serious the case will be and which choices will be the best ones. After the investigation has started off, at regular intervals, investigation teams could examine for each dimension at which position on the continuum the investigation has arrived, and whether it may be advisable to move up a little more to the middle or in the other direction. It will benefit the quality of an investigation when during its course, a team regularly considers whether the investment, – in the duration of the investigation, in the exchange of information, in international relations and in the victim –, does in one way or another yield something that will benefit the investigation or the victims of human trafficking, in either the short or the long run.