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THE IMPORTANCE OF OPERATIONAL INTELLIGENCE IN THE INVESTIGATION OF HUMAN TRAFFICKING

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Abstract
In the process of investigation of human trafficking crimes, we cannot ignore the fact that it is a component of global criminality, which includes crimes committed by professional criminals who commit crimes methodically, implying a strict division of labour and a high degree of conspiracy.
According to the literature, in recent years, the criminals who commit human trafficking have become much more active and cautious in concealing their criminal actions at the highest level, and their dangerousness and mobility have increased significantly (Report, 2022).
From the point of view of special investigative activity, it is necessary to analyse each component of the action of trafficking in human beings and to collect sufficient evidence on it, to be able to establish the constituent elements of the characteristic crimes. On the other hand, it is essential to use high-performance technical means and the latest methods of investigation, research, and capitalisation of evidence, taking into account the specificities of this field.

Keywords: special investigative activity, information, trafficking in human beings, special investigative measures, investigative officer.

1. Introduction

Over the past decade, during which the Republic of Moldova has experienced civil and even armed conflict, the continuing economic crisis, poverty, and political instability have led to mass migration of the population, especially for work. The opening of borders and the increased opportunities for citizens to travel have encouraged this migration. International development strategies (tourism, student exchanges), the deepening of differences between rich and poor countries, armed conflicts, the expansion of international criminal groups, corruption, lack of information, misinformation, the negligence of migrants, the country's 'advantageous' geographical location for the activities of criminal groups, have created fertile ground for criminalizing migration, which has given rise to the phenomenon of trafficking in human beings, the scale of which has made the Republic of Moldova one of the main countries of origin for trafficking in women.

Trafficking in human beings is one of the component elements of organised crime with international dimensions. For this very reason, if we want to reduce these criminal phenomena, we must have the capacity to collect and exchange the necessary information.

2. Methods and materials applied.

During the study's development, doctrinal materials, regulations, activity reports, and scientific papers on operational information were used. It was also possible to investigate this phenomenon by applying several scientific research methods in legal theory: the logical method, comparative analysis, systemic analysis, statistics, etc. At the same time, the works of local scholars, empirical information, and the opinions of employees of specialised subdivisions responsible for special investigation activity were used.

3. Results and discussion.

The underlying principle of information gathering is the axiom "information is power". In the context of trafficking in human beings, the higher the quality of information gathered and distributed, the greater the power, i.e. the possibilities of special investigative activity.

In analysing the information-gathering activity, two important factors need to be taken into account:

1. All information regarding the structure and methodology of a human trafficking network is crucial for documenting these crimes.
2. It is important to avoid the trap of dividing sources of information into three geographical categories: countries of origin, transit, and destination.

The fight against the trafficking of human beings depends to a large extent on the information gathered, in particular through special investigative forces and means, about traffickers, trafficked persons, recruits, tourists, and other businesses involved in the commission of these crimes (Trafficking in human beings, 2023).

In the case of illegal migration, the main concern of the prosecution officer is the rescue and protection of victims. To obtain information, the subdivisions involved in combating these crimes cannot rely on victims.

The collection and exchange of information on this subject is important to combat crime effectively. Of equal importance is the recognition that intelligence-gathering activity must start at the lowest level of the front line and work its way upwards to the specialised investigative task forces, where detailed knowledge and information about the crime is usually centralised and processed.

To realise its full potential, intelligence gathering must be conducted in an integrated way, i.e., drawing on as many sources as possible. This implies that the potential of front-line officers to collect and provide vital intelligence must be recognised and utilised by specialised units.

The experience of repeated special investigative work has shown that vital information or evidence that finally unravelled a case and led to its successful conclusion came from a front-line officer, who often did not perceive the importance and value of his or her contribution and role.

At the national level, a growing number of countries have already set up or are in the process of setting up national task forces or other specialized units to tackle the problem, using a coordinated method of information gathering.

At the international level, police agencies such as Europol and Interpol produce annual country-specific situation and threat assessment reports and continue analytical research.

Sources of information can be found across the whole spectrum of crime. A broad intelligence-gathering approach is therefore the most effective way to prosecute the crime of illegal migration or trafficking in human beings.

To maximize the contribution of measures to combat these criminal phenomena, intelligence gathering needs to focus on two levels:

-Strategic - suitable for long-term objectives;

-Tactical - suitable for immediate or short-term objectives and special needs of a smaller scale.

In practice, tactical special intelligence will normally form the basis for the strategic framework, but both are equally important.

There are several reasons, at the strategic and tactical level, why the qualified and targeted collection and distribution of information is of critical importance (Glavan et al., 2023, p.20-32).

The key reasons are:

-It enables a more accurate assessment of the extent, methodology, and concrete impact of crime on Moldova at local, national, and international levels.

-Enables the legislator to allocate an adequate amount of resources to solve the problem.

-It makes it possible to sensitise the media and the general public to the given crimes, which will help mobilise political will to solve the problem. The evaluation of the information facilitates strategic responses in the following areas: amendment of legislation, investigation strategies, international cooperation, prevention strategies, information-education campaigns, etc.

-Enables the collection and distribution of information that can lead to the rescue and repatriation of crime victims.

-Facilitates joint operations between two or more countries.

-Helps prevent overlapping complications for law enforcement and reduce or prevent duplication of investigative efforts in different jurisdictions.

-Specialized information, thematic or specific, may be used to prevent and/or undermine trafficking networks in countries of origin, transit, or destination, separately or simultaneously.

-Special information, thematic or specific, can be used to enhance the credibility and importance of training and informational-educational programs.

The ultimate goal of strategic intelligence gathering is to assess the strategic factors that support the existence of human trafficking crimes at the national and regional levels. A large amount of the data analyzed and used for the strategic overview is derived from intelligence gathered at the operational level. The value of strategic intelligence is:

-To allow for an accurate assessment of the actual extent, methodology, and seriousness of the crime at local, national, regional, and international levels;

-Enabling national and regional decision-makers to allocate an appropriate level of resources to tackle the problem;

-Raise public and media awareness of crime, which will lead to mobilizing political will to solve it;

-To facilitate strategic response in areas such as legislative changes, international cooperation, prevention strategies, education campaigns, etc. (Cicala, 2023, p. 100-111) .

Knowledge of thematic data/information is important to understand the factors underlying the root causes of offending, considering both the supply and demand side. Thematic data can be categorised as follows and should be collected and evaluated regularly:

-Socio-economic thematic data such as economic trends, feminisation of poverty, lack of employment opportunities, political conflict or instability, lack of access to health care, etc.

-Historical or linguistic links between the countries of supply and demand could have an effect on the routes as well as on the victim and offender profiles.

-Geographical proximity as well as business relations, e.g. air trade partnership agreements, could also influence the routes to be followed, e.g. from Albania to Italy.

-Cultural factors can affect the means of crime and understanding them can be very useful. For example, the control mechanisms put in place to ensure the submissiveness of victims are often based on religious or cultural factors relevant to particular groups.

-All factors also mention the impact on the demand side of the illegal migration and trafficking cycle, such as, e.g. demand for cheap labour in mature economies, demand in the sex market for women of a certain ethnicity, physical presence/age, etc. (Human trafficking, 2023).

The value of tactical information is:

-to provide the raw material to form the basis for reactive, proactive, and discontinuous investigations;

-to facilitate joint operations between countries;

-to help prevent police complications between enforcement agencies and prevent or reduce duplication of investigative efforts in different areas of competence;

-to form the basis for strategic intelligence;

-to strengthen the credibility and relevance of training programs and education campaigns carried out by law enforcement institutions jointly with the NGO sector.

There are several key areas of tactical intelligence gathering. Although this is not an exhaustive list, the following areas are of major importance:

-Methods of solicitation - by threat, violence or other forms of coercion, abduction, fraud or deception, abuse of power, taking advantage of the fact that the victim cannot protect him/herself or cannot express his/her will, offering money to obtain the consent of the person who has authority over another person.

-Pick-up agencies - tourist, employment, escort or dating.

-Advertising media - the 'hearsay' system, print media, Internet.

-Visas, including false visas - preparation and purchase.

-Means of communication - email, cell phones, faxes, etc.

-Travel documents - payment methods used and placement of agents.

-Routes and means of travel - routes used, means of transportation

-Forged identity documents - preparation and acquisition.

-House safe - location and provision.

-Exploitative exploitation (in cases of trafficking) - brothels, bad areas where prostitution is practiced, factories where rough labor is performed, etc.

-Financial information.

Information on personal details and addresses of persons subscribed to:

-All forms of communication such as mobile phones, landlines, e-mail addresses, internet sites, social networks, etc.

-Announcements,

-Satellite TV.

The collection of this information should include itemized invoices as well as dates, means of payment, and other details, property or rental contracts.

It is also necessary to gather information on:

-Purchase or lease of private or commercial property;

-Pay utility bills such as electricity, gas, and water;

-Pay local taxes on-premises, dwellings, post boxes, and other postal addresses;

-Owning or renting motor vehicles or other means of transportation such as boats etc.

Collection of this information should include details, dates, and methods of payment into the account. Account details can be obtained from any of the above sources and should be subject to in-depth analysis by qualified financial investigators (Cicala et al. 2022, 46-56).

Many transactions and payments in the SEE region take place in cash, while fewer occur through the formal banking system, credit cards, or cryptocurrencies. This limits the information-gathering opportunities highlighted in the above categories. However, this is not always the case, and, in addition, it should not be forgotten that a smuggler or trafficker in the SEE region may transact all business in the region through cash but may use the banking or credit card system in other countries where criminal profits are laundered and reinvested (Nastas et al. 2024, 126-132). Optimising secure and quality information exchange between law enforcement institutions in different countries can, in many cases, be a key factor in an investigation (Cosovan et al. 2008, 73).

The investigating officers responsible for this scourge collect raw information that could serve as a basis for further actions and developments. Raw intelligence is the basis for so-called in-depth intelligence. Clearly, given the resource implications of gathering in-depth intelligence, consideration will be given only to cases where the initial raw intelligence indicates that further work could be fruitful.

The raw information can be obtained from a wide variety of sources as shown below:

-Frontline and border police personnel;

-Information obtained from monitoring advertisements in both recruiting and receiving countries.

-Open sources such as media reports, academic research, social networks, various materials thrown into the online space, etc.

-Information received from public opinion.

-Information provided by confidential collaborators.

-Databases of local, regional, and national law enforcement institutions.

-Databases of international law enforcement institutions such as Interpol, Europol, etc.

-Relevant databases managed by other institutions such as immigration services, customs organizations, border police, ministries of foreign affairs, related to visa application and issuance, ministries of interior dealing with the application and issuance of residence permits, asylum or citizenship applications, other relevant ministries such as health or labor, which may hold information on this topic.

-Relevant inter-governmental and non-governmental organizations.

-Airlines and other carriers.

-Financial disclosures made by banks or other financial institutions.

-Victims found.

The raw information is likely to be used for further in-depth investigations by specialized investigators.

The decision to develop raw information must be made on a case-by-case basis. The question of when intelligence gathering will lead to a particular investigation will vary according to local procedures and competencies. Whichever method is applicable, the key point to bear in mind when commencing in-depth intelligence-gathering activities is to ensure that they are carried out in accordance with the law and properly recorded. This will ensure that the material gathered can also be invoked in evidence if necessary and if procedurally possible (Glavan et al. 2021, 67).

Below are several in-depth intelligence-gathering activities relevant to the investigation of human trafficking:

1. Special surveillance and monitoring of locations such as:

-Private recruitment, employment, dating, or escort agencies or offices;

-Construction sites, factories where rough labor is performed, agricultural areas where seasonal workers are needed, etc.;

-Travel agents;

-Embassies or consular and visa sections;

-Starting points;

-Entry points;

-Safe homes in countries of origin, transit, and destination;

-Brothel locations, bars, bars with entertainers, bad neighborhoods where prostitution was practiced, restaurants, block neighborhoods;

Also relevant:

-Short-term supervision of suspects and/or victims;

-Conducting intelligence gathering control procurement operations;

-Proactive financial investigation to establish audit trails of accounts and/or transactions arising from the activity of gathering raw information.

In-depth work should use all available means of corroboration, such as the use of surveillance cameras and automatic number plate recognition systems at points of departure and entry, etc.

Before addressing the issues of classification and evaluation, we need to pay attention to the formatting issues of the information itself. Different institutions use different formats and systems. Whatever format is used, depending on the amount of information available, the following data should be included in the format:

-Type of crime: trafficking (targeted purpose - sexual exploitation, labor, human organs, etc.)

-Countries and locations involved.

-Complete detailed physical descriptions, background, and criminal records of known suspects and victims

-Full details of known addresses.

-Complete details of known vehicles and other forms of transportation used.

-Full details of known means of communication.

-Full details of known travel and identity documents.

-Full details of known routes and means of travel.

-Full details of known financial information.

-Full details on how criminals operate.

-An empty section for any useful information.

-The source officer or unit of the information and their contact details (Cicala et al., 2021, 68) .

Evaluation and dissemination of information are some of the most important aspects of the whole information-gathering activity. Some information may be of the highest grade, coming from a reputable source, and other data may come from less credible or even anonymous sources. To be of optimal value to those who want to act on the information, the data must go through some form of evaluation (Glavan et al. 2023, 20-32) .

The investigative officer or investigator who wishes to develop the information material must be able to make an informed assessment of the information before selecting which data to develop in the particular investigative activity. To do this effectively, he or she must be able to analyze and evaluate a briefing report on emerging information that has been categorized and evaluated by its author. This may be a front-line officer in a remote neighborhood who ideally would have used a commonly adopted evaluation system.(Ștefãnoaia M. 2018, 42)

There are numerous methods of classifying and evaluating information before it is exchanged. It should be borne in mind that in the context of the offenses examined, the exchange of information should be possible at the international as well as the national level. Whichever system is used, the essential factor is that the information is assessed within the following three categories:

-Source of information

-The information itself

-The extent to which information can be disseminated.

Some countries do not use an evaluation system, others use a system known as "4 x 4" while others now use an updated version of this system, which is known as "5 x 5 x 5" and which imposes a third evaluation criterion specifying the degree of dissemination of information to which it refers. Assessing the degree of dissemination allowed is particularly important in the exchange of information in this area. The initiator of the information report should determine the assessment as well as the degree and conditions imposed on dissemination.

This is a sensitive factor as security conditions may arise about a particular source of information, such as a special agent or a vulnerable victim, or about any thematic information that might be disseminated to a non-governmental organization.

4. Conclusion.

Information classification and evaluation systems can be further refined by imposing an oversight regime to ensure compliance with the classification, evaluation, and dissemination regime. For example, it might be considered appropriate to establish a set of authorization levels for dissemination where special operating conditions would be required due to the sensitive nature of the information source.

Given the criminal capacity and resources of human trafficking networks, the ever-present risk of corruption, and the sensitivity of the material that may be assessed and targeted for dissemination, it is also appropriate to carry out a risk assessment in cases where special operating conditions are required to the dissemination of information. Such risk assessments could be made according to authorization levels to ensure compliance.

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