Chapter 11. Reporting & Data storing procedures

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11. Reporting & Data storing procedures

11.1 Introduction

In the complex landscape of combating human trafficking for the purpose of labour exploitation (shortly: labour exploitation), effective reporting and data storing procedures are crucial for building robust cases, ensuring accountability, and facilitating inter-agency collaboration. This chapter, 'Reporting and Data Storing Procedures,' aims to provide agencies, prosecutors, labour inspectors, and first-line practitioners with guidance on how to improve their knowledge and capabilities in documentation, management and information sharing procedures. Accurate reporting and rights and privacy systematic data storage not only enhance the quality of investigations but also safeguard victims. This chapter does not aim to provide or drive for policy recommendations, but the activities outlined herein are merely focused on how to best manage data in existing legal, operational and technical environments. These, however, differ greatly between different states, regions and organisations. Accordingly, this chapter cannot and does not provide instructions valid throughout the European Union, as those are scarce to non-existent. Instead, **this chapter outlines how to train relevant actors in regard to reporting and data sharing**, fully adapted to the specific national, regional and organizational peculiarities. Trainees will be encouraged to learn best practices for collecting and recording data, ensuring compliance with legal and ethical standards, and utilizing potential technological possibilities to streamline these processes. Through practical examples and case studies, this chapter will highlight the importance of consistent and comprehensive data management in identifying trafficking patterns, informing policy decisions, and ultimately driving successful interventions. By fostering a collaborative

approach and a shared understanding of reporting protocols, we can create a more effective response to labour exploitation and contribute to a safer and more just environment for vulnerable populations.

The training chapter begins with the learning objectives of a training participant (section 2). This is followed by Section 3, containing the theoretical and informative background to the topics and highlighting the importance of reporting and data storing. This is followed by a practical exercise for the training chapter, which enables the participant to internalise the theoretical information learned in advance (Section 4).

11.2   Learning objectives

After the training, the participant will…

- … have raised awareness for the legal and ethical obligations related to reporting and data storing/management.

- … have knowledge about best practices to enhance documenting and reporting trafficking incidents.

- … be put in a position to inquire effectively about the applied technology for data storage and inter-agency collaboration.

- … be able to identify challenges in reporting processes and develop strategies to overcome them.

11.3   Theoretical / informative part

Sophisticated, targeted and comprehensive procedures for reporting, storing and sharing data are integral to the management of a large proportion of THB cases. The

reasons for this are manifold, which will be outlined in the following chapters, along with pertinent recommendations on how to improve the state of the art.

11.3.1 Broadening data sources: An opportunity to strengthen the tackling of labour exploitation

Data on labour exploitation is collected by various actors, as for example, the national Bureau of Labour Statistics, Eurostat by the European Commission, NGOs, international organizations such as the Organisation for Economic Co-operation (OECD), academic and research institutions, legal consultancies, the media through (investigative) journalism and, last but not least, labour inspectorates and police authorities. All of these actors play a significant role in combating labour exploitation, even if this is only partly through the pure analysis of the current situation. Data on labour exploitation is not always available to all relevant actors to the same extent at the same time, but in some cases, data is not shared between relevant actors without limitations.

For example, NGOs working in the field of THB / labour exploitation often come into contact with victims. However, the data/information collected is not always shared with the police. And therein lies a serious problem: in order to combat THB in a targeted manner by initiating investigations, ideally convicting the perpetrators, disrupting existing criminal networks and compensating the victims, labour inspectorates and investigating authorities need to be involved. This problem and possible approaches to solving it are discussed in the following:

As with all offences in the field of THB, a very high level of dark and grey figure of criminality is considered very likely throughout Europe in the field of labour trafficking, not least due to the fact that victims and third parties often do not turn directly to

investigating authorities and labour inspectorates but to other actors, in particular civil society organisations such as NGOs. Therefore, it can be assumed that a large number of victims/offences never come into the focus of investigating authorities and labour inspectorates but remain undetected in the criminological dark or grey figures.

Figure 16 shows a simplified criminological view of the figures of criminality:

The absolute dark figure of criminality depicted in black includes all those cases of labour exploitation that were never reported or discovered. The field shown in dark grey contains all those cases that are not officially recorded but are known crimes, e.g., through general surveys or NGOs (relative dark figure). This field also includes cases that were known to the police but not recorded or not recorded correctly (grey figure). The field shown here in white contains all those cases that are known to the police and officially recorded.
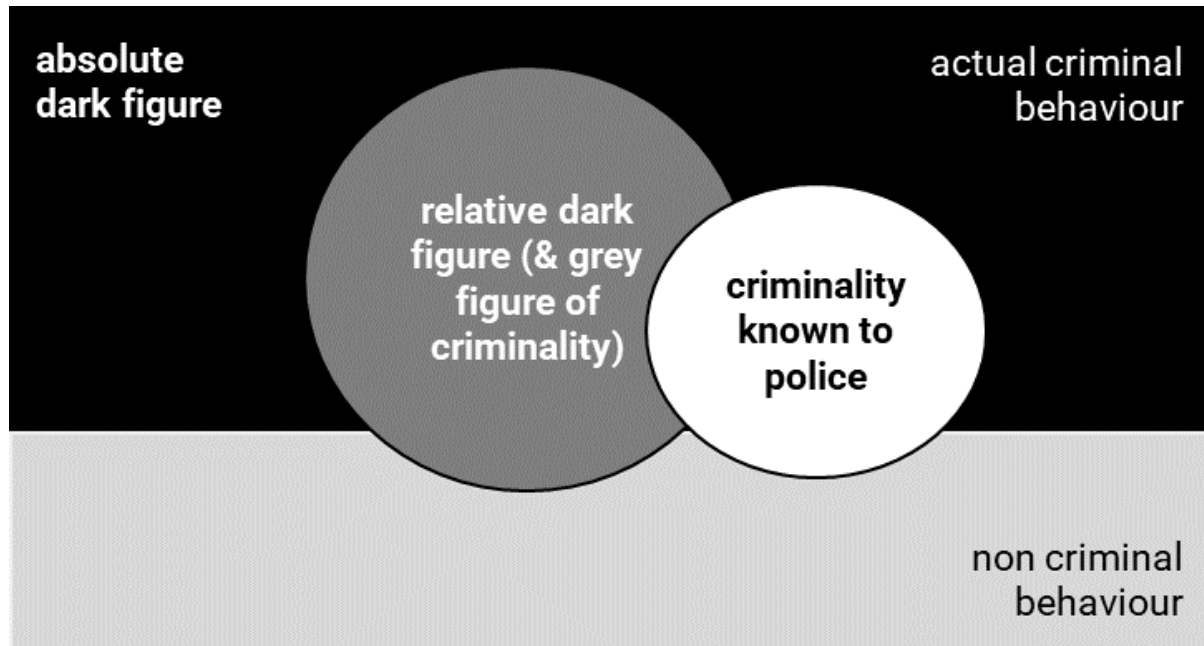
Figure 16. Criminological figures of criminality

To improve the combating of labour exploitation, it is essential to expand and improve the identification of offences/victims. Following the logic of Figure 19, it is therefore crucial to shift as many offences as possible into the white field 'criminality known to police' (see Figure 18). This appears to be possible in particular from the group of the relative dark figure and the grey figure. While these offences are not officially known to the police, investigating authorities or other actors may have relevant information and leads which, ideally, could make it possible to initiate an investigation and liberate victims from exploitative situations.
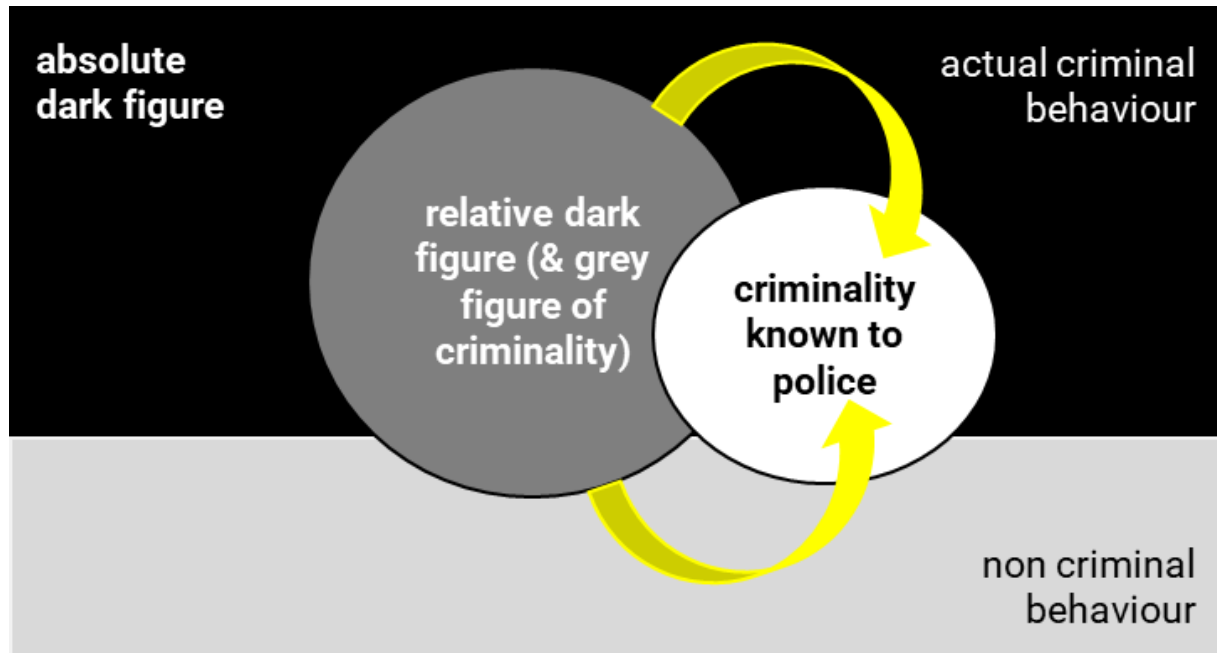
Figure 17. Aim of expanded official recording of criminality

The question arises as to how offenses from the relative dark figure and the grey figure can become officially known to the police. For many of the offences that are assigned to the grey figure, i.e., are known to the police to a certain extent but have never been officially recorded or have not been recorded correctly, targeted training of the respective case officers is particularly advisable. On the one hand, they must be extensively trained to be able to identify offenses/victims of THB (e.g., see training chapter 1). On the other hand, **it is strongly recommended that officers are trained in the necessary national and organisation-specific procedures for reporting and data storage**.

Typically, the number of offences in the relative dark figure is far greater than those in the grey figure. It can be assumed that this is particularly the case in the field of THB, where direct contact of the victim with investigating authorities is inhibited anyway due

to various influencing factors as for example an illegal or unclear residence status of the victim. Accordingly, there is great potential to officially record criminal offenses originally known only as part of the relative dark figure. This can be achieved in particular through close cooperation with any actors that have a high probability of coming into contact with victims of labour exploitation, being able to identify them or even provide support (such as NGOs in particular in the area of counselling victims). It is therefore advisable to build trust with such organisations and, if legally possible (this must of course be examined on the basis of the respective national legislation), to form joint procedures and structures or to make effective use of existing ones in order to exchange relevant information. If none of these options exist, it is advisable to discuss and define possible non-institutionalised but legal options and standard procedures for the exchange of information. To be able to implement the aforementioned options, it is advisable to hold joint events to explore, train and raise awareness of the possibilities for data exchange and potentially joint storing (see chapter 4).

It must be noted, though, that such cooperation with actors outside the investigating authorities and labour inspectorates can be of great benefit far beyond the mere identification of victims, but in large parts of the management of a case of THB, as will be discussed further in the following chapters.

Furthermore, the aforementioned broadening of data sources is also very relevant insofar as only the widest possible range of information enables an appropriate assessment of the situation, accordingly of any patterns and trends. Situation assessments for specific offense areas are of particular importance for allocation of forces and resources between and in state authorities and as well as for state funding of external actors. Accordingly, a realistic assessment of the situation in the area of labour exploitation can also help to ensure that more forces and resources are made available

to the fight against labour exploitation, provided that the frequency and severity of offenses can be statistically recorded. This can undoubtedly also contribute to better combating labour exploitation and to improved case management, given there is lack of personnel, resources and funding for these endeavours in large parts of the EU.

11.3.2   Data storage

How data is stored internally and who within an organisation has access to relevant data are crucial aspects in managing cases of labour exploitation. Not least government agencies such as labour inspectorates or investigative authorities are often subject to strict requirements to ensure confidentiality and data protection. In practice, such requirements and limited technical capacities can lead to complex data structures that are difficult to understand and navigate in, making it difficult to store data intuitively and in a pertinent manner. Instead, in-depth knowledge of the data structure and standard procedures for storing data is particularly important. In some cases, access to data and certain systems is also limited within individual organisations, e.g., according to the so-called **need-to-know principle**.

Targeted data storage is particularly important not least due to the following aspects:

- In order to ensure that even within a single organisation/authority, all suspicions, indications and evidence can be used to enable the identification and successful management of cases of labour exploitation, a **clear data filing structure** must be in place and sufficiently known to all relevant departments and actors within an authority. Particularly with regard to investigations into organised crime structures, the involvement of various departments within the authority is necessary in order to be able to comprehensively uncover their often complex,

cross-offence illegal practices and to thus have the necessary capacities at hand to counter organised crime with a multi-layered investigative approach. This means, for example, that in addition to traditional personal evidence, it should also be possible to obtain in-depth evidence with regard to financial transactions and digital communication. Not least for this purpose, the competences of several departments are required in most police structures within the EU. Targeted, joint, seamless storage of data that can provide each other with relevant evidence, for example, is essential for successful cooperation even within one authority.

- Effective data collection yields the concrete evidence necessary for successful prosecutions and court proceedings. Only **targeted data storage**, which can be completely in line with legal requirements, enables the smooth use of data as evidence in court.

In order to expand the knowledge and competences of individual civil servants with regard to data storage, special events can be held, as outlined in Chapter 11.4.

11.3.3 Data sharing

As already mentioned in chapter 11.3.1 data sharing between different authorities/organisations is often essential for the successful management of labour exploitation cases. This is necessary in two respects, on the one hand at the national level and on the other internationally. No matter the form of cooperation, the seamless exchange of knowledge plays a vital role in ensuring effective collaboration and has been proven to significantly enhance police performance and investigative outcomes (Dean, Filstad, and Gottschalk 2006). Therefore, in the following, different levels of exchange are characterized. The aim of the training courses per se is to promote exchange between

the various players within the (at least) six EU member states that are part of the project and to demonstrate the added value of international cooperation in combating international gangs.

To start with the **national level**, it is almost essential to share data between different authorities, such as labour inspectorates and police authorities, but also with non-state actors such as NGOs focusing on victim protection, medical facilities or independent legal advice centres. The national legal bases for such data sharing vary greatly within the European Union. Oftentimes, there are no specific national THB-related data sharing procedures, but each organisation has to stick to their national legal framework of data exchange with the different actors (e.g., different regulations for law enforcement to law enforcement authorities than to non-governmental organisations). Likewise, the technical means of data exchange as well as the respective customs and practices in data sharing between different players also differ highly. Ultimately, however, cooperation, and with that to a certain extent data sharing, is an absolute must, because typically no single actor involved in the management of labour exploitation cases can provide all those services, actions and means needed for successful management. So how can national data sharing be improved and therefore be effective? Here, too, there are training programmes necessary, tailored to national needs that connect all relevant stakeholders and raise awareness of opportunities and limitations, including those that need to be improved with regard to data sharing. A draft of such a training programme as well as helpful tips for planning and implementation can be found in chapter 4 – the suggested activity which should cover all the above-mentioned topics.

The situation is similar with regard to data sharing at **international level**. Here, too, the legal frameworks and practical procedures are quite different. A distinction must be made between cooperation between states within the European Union, third countries

and those that have bilateral agreements on international police cooperation. Not necessarily always, but often THB, and therefore also labour exploitation, is an international phenomenon. In particular, targeted cross-border cooperation between authorities is often required to dismantle internationally operating organised crime in this area of crime. This field of organized crime is also characterized by industrialization and a fragmentation. Organized crime reflects the structure of the law enforcement agencies that pursue it, with a complex division of labour. Criminal activities such as human trafficking, financial crime and drug trafficking operate as interconnected networks, bringing together different actors with specialized skills and expertise. At the operational level, this specialization is taken even further, with crimes such as human trafficking being broken down into smaller, 'industrialized' segments. Each actor is only responsible for a specific part of the process, without knowledge of the whole system. This fragmentation makes law enforcement much more difficult, as authorities often struggle to trace the full structure of the criminal enterprise. These networks span several countries or even continents and are high-risk but highly profitable operations (Sheptycki 2007).

Again, a specific training programme, as described in chapter 4 in the suggested activity, is recommended to improve international cooperation and an understanding of the possible mechanisms, thus international data sharing.

11.4   Suggested activity for the chapter

Table 17. Experts' presentations and tabletop exercise on labour exploitation

Activity Name	No.1: Experts' Presentations
Type of Activity	Presentations on national procedures and possibilities: • legal and ethical framework for data storage and sharing • technical aspects and recommendations • standard operating procedures • best practices
Duration	30 min to 1,5h, depending on the needs of the participants
Learning Objectives	The trainees will be familiarized with applicable procedures, opportunities and limitations for data storage and sharing
Materials Needed	Ideally: • Short presentation of the topic (e.g. PPT) • Live presentations for tools and technical procedures
Guidelines for the facilitator	**Preparation** • Identify suitable experts: Legal, technical, officers experienced in data storing and sharing in cases of THB / labour exploitation

| | Identify whether to invite authorities only or all relevant actors: This may largely depend on the limitation of security/secrecy requirements. Parts of LEAs' IT systems and procedures may be restricted and can therefore not be presented and/or discussed in the presence of non-state actors. If any such information is planned to be presented or discussed, consider to hold two separate events or sessions: One with those only, that are authorised to access restricted information. One with all relevant actors Assess the trainees' level of knowledge and experience and inform the participating experts accordingly Create a rough agenda in collaboration with the experts Agree on a date and venue If needed organise catering Clarify if the experts need any technical equipment to be provided at the venue. If so, prepare accordingly Send out invitations to all experts and trainees Agenda for Implementation (Example)
1. Welcome by facilitator
2. Expert 1 presentation
3. Q&A |

	4. Expert 2 presentation 5. Q&A 6. Etc. If desired, continue with Activity No. 2 (see below)
Handouts	In case the experts would like to prepare handouts for the participants, this is highly desired
Activity Name	**No.2: Tabletop exercise on labour exploitation**
Type of Activity	Tabletop Exercise / Group Discussion
Duration	1-3h, depending on time available and trainees' needs (e.g., more if the training session should really focus on this topic)
Learning Objectives	The trainees will be familiarized with applicable procedures, opportunities and limitations for data storage and sharing The trainees will identify gaps and uncertainties in their knowledge, the standard operating and technical procedures Identified gaps and uncertainties will be discussed all together and suggested solutions and/or fallback options will be explored

Materials Needed	An underlying case file / scenario: Here, either a (adapted/simplified/anonymised) case file of your country/region can be used or a simulated case. The latter can be found as part of the ERADICATING 2 project's WP4 under D4.3 'Report on ERADICATING II: Specialized Training Courses – Implementation & Evaluation'
	It is recommended that the facilitator, prior to the implementation of Activity No. 2, will go through the chosen real or simulated case in detail and add stimulating, thought-provoking questions. These questions aim at making trainees ponder on, i.e., how they would proceed in crucial phases of the case management, which other actors they deem useful to involve and how, bot focussing on how to store and share data. These questions raised are welcome to open discussions among all trainees about best practices, further possibilities and limitations in terms of legal, technical and procedural terms.
	Additionally, if desired, a presentation (e.g., PPT) illustrating the selected case
Guidelines for the facilitator	Ideally as follows:
	- Follow the steps for preparation mentioned in Activity No. 1
	- Additional preparation: Choose and prepare a case as mentioned above in 'Materials needed'

	• Additional preparation: In parallel to Activity No. 1, choose your target group with care. If needed, e.g., due to security restrictions, hold two separate events or sessions. One with those only, that are authorised to access restricted information. One with all relevant actors • For implementation: Carry out Activity No. 1 • Complete Activity No. 1 • Introduce the trainees to Activity No. 2 • Present the selected case to the trainees, adding stimulating questions whenever deemed useful • Allow free discussions of the trainees, moderate and drive the discussion whenever necessary and pertinent & involve the experts for their advice/assessment • After completing the case, summarise the main results and allow for further discussions, if any

11.5   References

Dean, Geoff, Cathrine Filstad, and Petter Gottschalk. 2006. *Knowledge Sharing in Criminal Investigations: An Empirical Study of Norwegian Police as Value Shop'*. Criminal Justice Studies 19(4):423–37. doi: 10.1080/14786010601083694.

Sheptycki, James William Edward. 2007. *Transnational Crime and Transnational Policing: Transnational Crime and Transnational Policing*. Sociology Compass 1(2):485–98. doi: 10.1111/j.1751-9020.2007.00022.x.