Police Investigations in "Loverboy" Cases

The modus operandi of "loverboys" – challenges of law enforcement in dealing with the offence of trafficking in human beings

Law enforcement in dealing with the offence of trafficking in human beings for the purpose of sexual exploitation – or forced prostitution, as it has been called in German criminal law since 2016 – is associated with many challenges. The time and staffing resources the police have to deploy to initiate and successfully conclude an investigation is enormous and continues to be heavily dependent upon personal evidence in the form of credible statements by (victim) witnesses. At the same time, the willingness of victim witnesses to give evidence is low as a general rule. Apart from the fear of reprisals by the perpetrator, the willingness to testify can be influenced by shame, a lack of trust in the law enforcement agencies or a low level of victim awareness. In so-called "loverboy" cases – a modus operandi in the offence of trafficking in human beings/forced prostitution – a further obstacle arises: through the phoney love affair, the victims establish an emotional bond with the perpetrator, which complicates detachment from the predicament. Access to the affected people is correspondingly difficult. This article casts light on these and other challenges from the perspective of law enforcement practice and derives concrete tips and recommendations for initiating proceedings and clarifying the facts. The findings come from qualitative interviews with police officers in Germany, who have focused on the area of trafficking in human beings and organised crime for an average of nine years. They were surveyed in preparation for a PhD project on the "loverboy" method in the period from 2017 to 2019, communicatively validated and additionally checked for topicality and supplemented with further themes through the expertise of the department of the Lower Saxony State Criminal Police Office.

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1. INTRODUCTION TO THE PROBLEM

The so-called "loverboy" method describes a modus operandi applied in the offence of trafficking in human beings/forced prostitution (THB/FP) pursuant to Arts. 232, 232a of the German Penal Code (Deutsches Strafgesetzbuch, StGB)[1], in which the perpetrator[2] forces emotional dependency by means of a phoney live affair, in order to place the usually young woman in prostitution (cf. e.g. BKA 2017, 9; CCV 2012, 15).

Phases, courses of action and vulnerability factors are understood by visualising two loverboy cases thought to be typical (cf. Figure 1, page 78).

The self-initiated departure from forced prostitution, e.g. by making a report to the police, is complicated not only by the enormous influence the perpetrator has over the victim; shame, tabooisation,

Source: Körner, content based on BKA 2018, 13; BKA 2019, 15

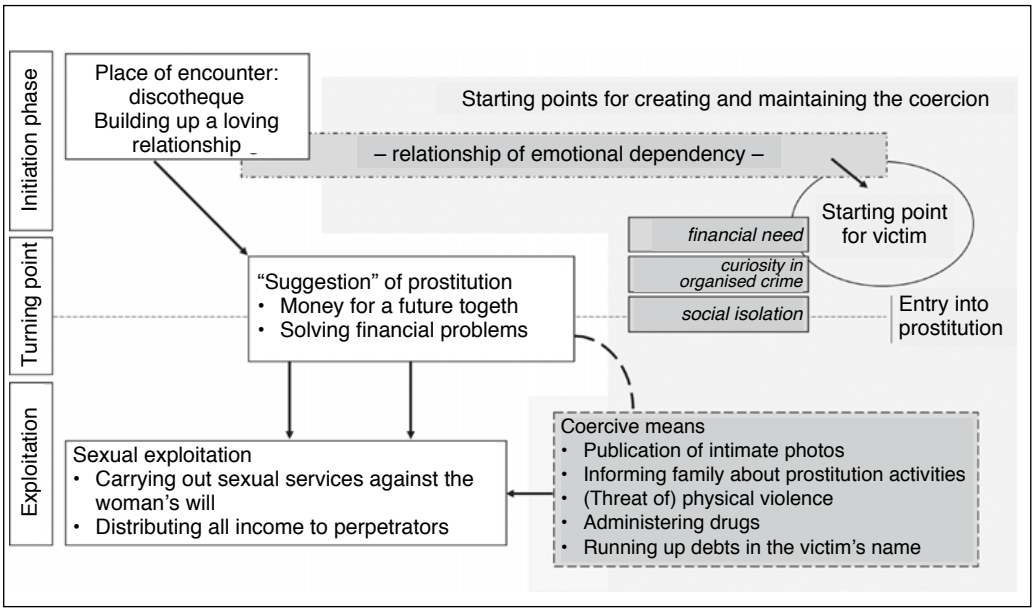

Figure 1: Example case history

a lack of victim awareness and the emotional bond with the perpetrator, combined with simultaneous isolation from the social environment are further factors that reduce the willingness to give evidence and thus make it noticeably more complicated to gain access to the victims (cf. Körner/Völschow 2018, 32 f; Müller-Güldemeister 2011, 22 f).

That is also reflected in the so-called "Hellfeld" – i.e. the cases that have been reported to the police. As with all crimes involving control over others, the number of cases is significantly determined by police activity[3], such that the number of investigative proceedings cannot be evaluated as a representative illustration of what is actually going on or even as an indication of the phenomenon's relevance. The non detected crime (in German so-called "Dunkelfeld") in the area of trafficking in human beings is generally thought to be high; this does not seem to be any different for the loverboy method (cf. BKA 2019, 34; Körner/Völschow 2018, 32 f; Follmar-Otto/Rabe 2009, 28, 61). In the latest evaluation report of the monitoring association of the Council of Europe GRETA (for Germany), the special need for sensitisation, prevention and intervention is therefore identified in conjunction with the loverboy method (cf. Council of Europe 2019, 7, 16, 22, 65).

In the already challenging initiation of proceedings, the shift of making contact and communication to the digital space via social media like Instagram, Facebook, TikTok, Snapchat or dating platforms like Tinder, Lovoo, – also called "loverboy method 2.0" in specialist circles – must also be considered accordingly (cf. CCV 2012, 18 f; Kramer 2020, 438; BKA 2018, 10). Such communication channels are conducive to the loverboy method in two ways. On the one hand, social platforms provide the perpetrators with a largely anonymous space in which to target their search for potential victims via publicly available information and images (cf. CCV 2012, 18). On the other, interactions in the digital space also often go hand in hand with a certain carelessness or lowered inhibitions regarding the exchange of personal and intimate details, which in turn gives rise to better opportunities for perpetrators to build

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up a relationship of trust within a very short space of time (cf. CCV 2012, 18 f; Rack/Sauer 2020, 24 f).

Initial estimates on the effects of the contact restrictions and social distancing regulations resulting from the change in cohabitation caused by COVID-19 shows that young women in particular are currently suffering from increased feelings of loneliness (cf. Schmid 2020; pronovaBKK n.y.). The extent to which this also impacts loverboy method 2.0 can only be guessed at, at the present point in time. It is conceivable that acquaintances are currently increasingly being sought through social media, while perpetrators are experiencing easier access in their targeted courting of potential victims due to increased social neediness. Furthermore, the (temporary) closures of brothel-like businesses is causing the prostitution trade to increasingly move into the private domain, which is almost impossible to control, thereby complicating access channels for the police in the long term.

2. CENTRAL CHALLENGES

2.1 Statutory regulations and their consequences for police practice

Before a chronological consideration of the courses of action and challenges in the investigative procedure (IP) takes place, elements of the criminal offences in Arts. 232, 232a StGB, which came into force in October 2016, and the applicable Prostitutes Protection Act (Prostituiertenschutzgesetz, ProstSchG) passed in June 2017 regarding possible restrictions or effects on police work are looked out, without making fundamental statements declarations or getting into detailed debates in the legislative process.[4]

2.1.1 Offence of trafficking in human beings/forced prostitution

Following ratification of Directive 2011/36/EU of the European Parliament and of the Council into national legislation, the hope on the part of law enforcement agencies was that they would be able to resort to more easily manageable criminal offences in the future (cf. BKA 2016a, 1; Bundesregierung/Deutscher Bundestag 2016a). Three and a half years after expiry of the deadline, implementation took place in Germany with the entry into force of the law for improving the combating of trafficking in human beings on 16.10.2016. The new criminal offences are more strongly aligned with the internationally recognised UN definition in Art. 3 of the so-called Palermo Protocol (cf. United Nations 2000). The criminal offence of trafficking in human beings for the purpose of sexual exploitation formally couched under Art. 232 StGB (old version) was transitioned with minor changes to Art. 232a StGB on forced prostitution (cf. BMJV 2016) (see Figure 2).

Although Art. 1 (15) of the EU Directive states "so that the investigations and law enforcement relating to the trafficking in human beings can be successfully carried out, their initiation should in principle not be made dependent upon reporting or accusation by the victim," initial estimates would suggest that this aspect remains insufficiently considered in the new regu-

Source: Körner

Abstract: **Forced prostitution § 232a** (1), (1) and (2) StGB

"Anyone who, taking advantage of a situation of necessity or the helplessness inherent in their stay in a foreign country, **induces**

1. another person to take up or continue in prostitution or
2. to perform sexual acts which exploit him or her on or in front of the perpetrator or a third party or having it done by the perpetrator or a third party is punishable by imprisonment for a term of between six months and ten years."

Figure 2: Abstract on forced prostitution pursuant to Art. 232a German Penal Code (StGB)

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lations (cf. BKA 2016a, 4; Renzikowski 2017, 358–363). The need for change in this regard was seen under the old offence in the formulation of the "causing to happen", according to which the decision to pursue an exploitative employment relationship goes hand in hand with an influencing of will by the perpetrator, which "in principle [can] only be confirmed by a victim statement, as it is [...] almost impossible to prove from outside using purely objective criteria whether and how a decision was arrived at" (BKA 2016a, 2). However, tying a successful prosecution to the victim statement is highly problematic in the offence area as the willingness to make a report or give evidence is very low out of fear of reprisals, mistrust of the law enforcement agencies or even shame (c. Helfferich et al. 2010, 1; BKA 2016a, 2 f). With the new formulation of "initiating", a broader understanding should now be created, under which any mental influences are also to be subsumed, without presuming a "special intensity or stubbornness" (Bundesregierung/Deutscher Bundestag 2016a, 33). However, experts also fear restrictions of effective law enforcement here because, depending on the legal interpretation, the proof of "initiating" could also require a victim statement (cf. BKA 2016a, 4; Renzikowski 2017, 362).

Almost five years after its introduction, initial impressions from the practice of law enforcement and sentencing confirm this assessment; concerns therefore persist that the focus will shift to crimes that are easier to prove, which in turn allows undetected crime to remain high and complex structures to develop further[5].

This is joined by the problem of sentencing, which is deemed to lenient given the severity of the committed human rights violation. Precisely because criminal proceedings are often concluded by reaching a "deal" and the sentenced passed is generally light – compared, for example, with narcotic offences – the surveyed representatives of the special commissions deem the necessary signalling and deterrent effect to be flawed. Moreover, a lenient sentence or a low sentencing rate ultimately results in victims being less motivated to make a report or the hoped-for clear criminal consequences failing to materialise, so that the high levels of mental stress that the victim is exposed to during criminal proceedings does not always end in an appropriate "cost-benefit relationship", much to the chagrin of the surveyed parties.

According to assessments from law enforcement practice, it is therefore worth striving to define objective parameters, through which, in the presence of stable evidence, a judgement or at least the initiation of proceedings does not have to be built up solely on the basis of the victim statement.

2.1.2. Prostitutes Protection Act

With the goal of improving the Prostitution Act, which came into force in 2002, the Prostitutes Protection Act (ProstSchG) came into force on 1 July 2017 with the aim of improving the working conditions of prostitutes by means of stricter commercial regulations and working conditions, among other things. The now mandatory (health) counselling and registration can also simplify the identification of forced prostitution (cf. Bundesregierung/Deutscher Bundestag 2016b; BMFSFJ 2015, 31–33). This in turn requires specially trained personnel in order to identify persons as potential victims who find themselves in circumstances of emotional dependency and may not (yet) have developed a sense of injustice (cf. Council of Europe 2019, 26–30; Hoffmann 2013, 18 f; Helfferich et al. 2010, 138–140). The states are responsible for giving form to the counselling; the extent to which

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specific training courses are provided for counsellors thus various nationwide (cf. BMFSFJ 2020; MHKBG NRW 2019, 5). The fear remains that forced acts of prostitution – i.e. also those in loverboy cases – shift to private areas that cannot be controlled, in order to circumvent notification, "where they are difficult for agencies and counselling institutions to reach" (MHKBG NRW 2019, 7) and thus there is again no improvement in undetected crime.

From a police perspective, the formulation of "competent agency" in connection with the monitoring of the prostitution business also proves problematic, as on a municipal level it is primarily the public order office that is furnished with corresponding decision-making and organisational powers (cf. Bundesregierung/Deutscher Bundestag 2016b, Art. 30 (1) ProstSchG). This in turn is not an optimal solution in the event that a functioning working relationship between the specialist commission and the brothel operators or also with the persons working in prostitution has previously formed within the scope of regular environmental checks and this relationship cannot be continued. The Federal Criminal Police Office links the observed decline in case number to factors including the implementation of the ProstSchG because "in some states, checks are performed in connection with the ProstSchG by law enforcement agencies that are likely to focus less on the identification of victims of trafficking in human beings" (BKA 2019, 9). At the same time, however, highly promising cooperation exists between the police and public order office in Frankfurt am Main, in order to be able to continue performing the checks necessary for law enforcement without restriction (cf. ibid.). On the way to a functioning cooperation, both actors should (1) identify the overlaps or objectives of the environmental checks, (2) coordinate concrete measures for optimising the work procedures with the inclusion of the legal framework, in order finally to (3) decide on the long-term collaboration through cooperation agreements.

2.2 Possibilities for initiating proceedings

Against the background of the legal framework, highly promising options for initiating proceedings are outlined below, with the focus being on how to approach the victim, because personal evidence continues to be an important factor for success in the initiation of investigative proceedings.

2.2.1 Environmental checks and confidence-building

As a general rule, specialist commissions carry out environmental checks in brothels or dating flats several times a week. Such measures consume resources and require appropriate levels of staffing. If the staffing need for specialist commissions is measured by the number of investigative proceedings completed, this is to be viewed as a less than purposeful reference measure, as the case numbers are known not to reflect the true picture. Staff cuts would therefore necessarily result in a reduction in the numbers of investigative proceedings, as the initiations of proceedings in the offence area of trafficking in human beings is closely connected to the police activity (cf. Körner/Völschow 2018, 37). In the past five years, an average of 55 % of the investigative proceedings can be traced back to police activities (own account cf. BKA 2015, 4; BKA 2016b, 6; BKA 2017, 7; BKA 2018, 6; BKA 2019, 8).

This high proportion makes clear "how important proactive police activities in the crime field of sexual exploitation are for being able to initiate investigative proceedings" (BKA 2019, 9). Environmental checks offer value added here in both a

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short and long-term form. Initial moments of suspicion can arise during the check if identification papers of the prostitutes cannot be produced or are handed over via third parties, or doubts exist as to legal gainful employment due to a lack of EU citizenship. However, according to previous findings, recruitment via the loverboy method is primarily applied to the country's nationals (cf. Müller-Güldemeister 2011, 22, 27; Scheer/Dufner 2015, 19–23; Zietlow/Baier 2018, 52 f), so that the helplessness specific to foreigners (pursuant to Art. 232a (1) StGB) seems to be a less tangible approach for police measures. In this modus operandi, the (very) young age of the victims is in fact described as characteristic and should therefore always be considered as a relevant feature (cf. van San/Bovenker 2013, 72) because it results in better handling by the police. If the young woman is under 21 years of age and thus falls under the protective age limit pursuant to Art. 232a (1) StGB, she can actually be questioned in order to clarify the voluntary nature of the prostitution activity outside of the brothel-like centre. Regular environmental checks also generate long-term accessibility when the police officers are identified and accepted as reliable, trustworthy contact persons through their constant presence.

When dealing with the potential victim, apart from the setting – a conversation should always be held in a protected place out of earshot of other prostitutes or the pimp – there are three important aspects to note:

(1) The attitude with which the police officer enters into the interaction is crucial for the extent to which the victim trusts the police officer and a sustainable approach is created. For this, it is essential to permit a change of perspective and to understand that – in the sense of a constructivist understanding – situations and the content of talks are always assessed and interpreted against the background of one's own experience (cf. Ellis 1977) (see Figure 3).

As described at the beginning, the victim finds themselves in an emotional bond with the perpetrator and may adhere to the recently promised future together or the short-term prospect of working as a prostitute (cf. Figure 1, page 78). Out of love and the desire for affection and recognition, she behaves loyally or perhaps does not realise the injustice being done to her through forced prostitution in this "infatuation phase". Mental or physical violence can also take place, whereby the victim is prevented from making a report to the police either through blackmail or the use of violence (cf. CCV 2012, 16–18; Kähler 2015, 202–206; Helfferich et al. 2010, 138–140; Müller-Güldemeister 2011, 22–24; BKA 2019, 10). With this in mind, the aim should therefore be to signal an understanding, empathetic and at the same time protective posture in order to break down any reservations, fears and uncertainties.

(2) Even if the victim's behaviour appears less verifiable from the police

Source: Körner, based on Müller-Güldemeister 2011, 22–24

Perception of police	SITUATION	Perception of victim
There is an initial suspicion of sexual exploitation.	The earnings from prostitution are handed over in full to the "loverboy".	I am working for our future together and my boyfriend manages the money.
In addition to the mistreatment, the offence of dangerous bodily harm is committed.	The "loverboy" has used overwhelming violence in an argument with the victim.	I provoked him and did not keep to the agreements, so I'm at fault.
The perpetrator is guilty of direct pimping.	The "loverboy" lets several women work for him in prostitution.	But I'm his main woman, who he loves more and the other women are just exploited.

Figure 3: Examples of different perceptions

perspective, communication must not be evaluative, admonishing or reproachful, as this causes lasting damage to attempts at building trust. The attitude is also reflected in respectful and approachable communication. Choosing to speak too informally can generally be perceived as showing a lack of respect or imposing a sense of hierarchy. On the other hand, agreeing to communicate informally can also remove the feeling of distance and initiate an interaction based on trust. The officers should also be conscious of their "police-speak" and note that any problems of comprehension that arise are not to be assessed as the victim having an inferior cognitive ability. There are benefits to modifying the language used in order to avoid specialist terms or complicated sentence structures from generating any sense of artificial distance (cf. Körner et al. 2017, 115–118).

(3) When dealing with potential victims, the factor of time also plays a decisive role. Even if there is a certain amount of pressure in policing to substantiate the work done through numerical figures or to ensure that casework produces visible results as quickly as possible, officers should work calmly and without rushing on the higher goal of initiating proceedings by building up trust with prostitutes. Ultimately, this will also be noticed by the potential victim. Given the complex emotional involvement, often over an extended period of time, as well as existing uncertainties and fears, it is not possible to expect a "loverboy" victim to trust a stranger they only met a few minutes ago. Rather it is a question of spotting non-verbal signals or hints as indications of a predicament by proceeding with extreme sensitivity and openness. If the situation authentically permits the creation of a pleasant conversational atmosphere about an innocuous topic (e.g. whether the person comes from this city or has friends and family here), an impression of the person's bearing and their physical and mental constitution can also be formed at the same time.

Even if the person does not immediately trust the officer, they should be offered police assistance and protection as well as a confidential channel through which they can be reached. This increases the chance that when the victim decides to make a report, they speak to someone at the police who is sensitised to the offences in question. In addition, reference should be made to the possibility of seeking assistance from a counselling centre specialising in trafficking in human beings, with which a close, cooperative collaboration ideally exists.

2.2.2 Cooperation with specialist counselling centres on trafficking in human beings

If the police identify an acute emergency during an environmental check, the counselling centres do valuable and unburdening work by promptly organising housing in safe accommodation, so that the support and stabilisation process can begin right away. This in turn also has an impact on the stability of the affected person in her role of victim witness. Especially in the context of the "loverboy" phenomenon, an often ambivalent behaviour can be observed in the victim and – without appropriately close supervision – their return to the perpetrator is likely (cf. Kähler 2015, 205).

Yet, beyond the checks, the cooperation between the police and counselling centres can support the process, although the differences between the respective professional assignments first have to be understood and accepted. Thus, psychosocial counselling is not a central object of police work, nor will staff at specialist counselling centres try to "investigate" information of relevance to the police during their conversations with the victim (for more on

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the mandate and work of the counselling centres, cf. Tanis/Richter 2015, 173–176). Counselling at a counselling centre does not require the victim to have been identified as such when making a report; the counselling centres do not necessarily push for a report to made either.

However, in the course of the stabilisation process and after clarifying the (legal) options, victims can become willing to trust the police, provided they are supported by the counselling centre (cf. Tanis/Richter 2015, 173–176; Ott 2017, 225–228; Kähler 2015, 195–205). This is the latest point at which a close, most officially regulated connection possible between the counselling centre and the special commission for organised crime proves relevant for initiating contact via the shortest routes available. An example of how the collaboration can be institutionally anchored is the cooperation concept developed by the government-state working group on trafficking in human beings, such as, for example the circular decree on "Collaboration for the protection of victims of trafficking in human beings aimed at sexual exploitation and of forced prostitution" first passed in 2014 and updated in 2020 in Lower Saxony (cf. BMFSFJ 2007; Niedersächsisches Ministerium für Inneres und Sport/Niedersächsisches Ministerium für Soziales, Gesundheit und Gleichstellung/Niedersächsisches Justizministerium 2020).

2.3 Investigation of the criminal offence

Once the first hurdle of the law enforcement procedure has been successfully taken with the successful initiation of proceedings, the next step is to investigate the criminal offence. This section looks at various investigative approaches and challenges that are particularly commonplace in loverboy cases, with attention also being given to personal evidence in particular.

2.3.1 Hidden investigative phase

Initial clues or indications of sexual exploitation do not necessarily lead to open investigative proceedings. It can make complete sense to start investigating under cover, in order to place the evidence on a more stable footing, to identify (further) perpetrators and victims and to advance the clarification and attribution of individual contributions to the crime.

In order to be able to comprehend criminal offences and/or personal connections, hidden observations, telecommunication monitoring (TM) and – depending on the nature of the proceedings – the use of undercover investigators (UI) and police officers who are not openly investigating (NoiP) can be used to build up a stable foundation of evidence. These are, however, costly and time-intensive courses of action which, for formal reasons, cannot be resorted to either as they are often linked to the condition of making a victim statement.

Last but not least, structural investigations that take place in the context of organised crime can provide information about previously unknown involvement in crime and functions of the criminal networks. Even if this does appear abundantly clearly in the "Official Police Crime Statistics" data, individual cases in the offence of trafficking in human beings/forced prostitution prove that organised criminal structures are sometimes active. In the past five years, around 1.5 suspects per investigative proceeding were investigated, although it should be noted as a limiting factor that it is formally sufficient to identify one suspect per investigative proceeding. Investigations in other countries cannot always be realised smoothly and promptly (cf. Zietlow/Baier 2017, 13), meaning that perpetrator structures acting in the background may remain hidden. Accordingly, the actual occurrence is suspected to be higher.

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This now gives rise to the question of the extent to which the loverboy method is used by precisely such perpetrator structures as a targeted recruitment method or whether the loverboy – as is suspected due to the bilateral relationship between perpetrator and victim – acts as sole perpetrator. Estimates on this can currently be derived mainly from individual cases and a Dutch perpetrator survey of loverboys. Van San and Bovenkerk (van San/Bovenkerk 2013) note that the perpetrators, away from the sexual exploitation, are involved in smaller criminal networks that, however, primarily operate on an "opportunistic basis". In the Netherlands, complex organisational networks are less of an issue than criminal opportunistic structures (cf. also CCV 2012, 22). In contrast to this, according to information provided by the respondents, occasional organised structures are established in Germany which are located in the biker environment and/or outside the country with starting points in southeastern Europe.

The spectrum is sufficient to make judgements based on the case descriptions, from perpetrators acting on their own – possibly even opportunistically – to more or less structured connections with a division of labour through to occasional perpetrators also involved in larger (biker) groups, so that tactics in the investigative proceedings in the "loverboy" context should preclude the investigation of further-reaching perpetrator structures from the outset.

2.3.2 Transition to the open investigative phase

If sufficient evidence has been collected or there is an acute danger for the victims, the transition to the open investigative phase is initiated. This must proceed totally strategically in order to be able to bring material and personal evidence safely into the investigative proceedings.

Apart from illegal items such as arms or narcotics, larger valuable items (these include, for example, cash, cars, expensive jewellery) that are suspected of having been obtained through illegal transactions can be secured in the context of searches and confiscations. The so-called "follow the money" approach, i.e. the tracing of money transfers, e.g. via Western Union, is also a good idea in terms of procedural strategy. Ultimately, the dominant aspect of sexual exploitation – even if this results in rape with the goal of breaking down resistance (cf. CCV 2012, 17) – is less a sexual motive than a desire for profit.[6]

Due to the relatively simple "maximisation of their profit with a simultaneous reduction in the risk of being discovered" (BKA 2015, 5), forced prostitution proves to be a worthwhile business. An effective approach to combating this, in order to remove all the benefits of the unlawful act from the perpetrator, therefore lies in the seizure of assets under criminal law. The statutory innovation on the seizure of assets under criminal law, which entered into force on 1 July 2017, should simplify

Source: Körner, cf. Bundeslagebilder Menschenhandel

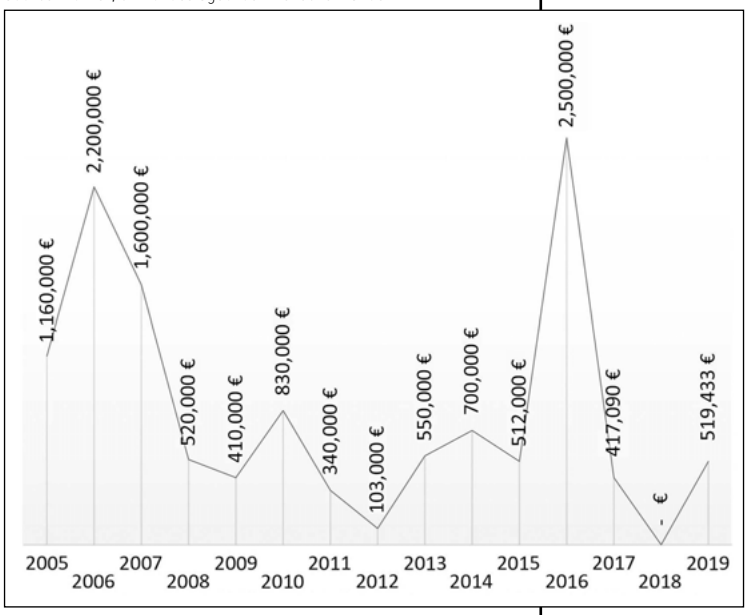

Figure 4: Asset seizure

the procedure for courts and public prosecutors, the provisional securing of assets acquired through criminal activity, and legally anchor the subsequent confiscation of the proceeds of crime in the long term. Victim compensation should also be associated with less effort (cf. BMJV 2017). The assets seized annually in investigative proceedings in the area of forced prostitution most recently amounted to approximately € 500,000[7], although it is not possible to make any differentiation by loverboy cases (cf. Figure 4, page 85).

The transition to the open investigative phase can also be heralded with the enforcement of an arrest warrant. In this case, the arrest can be perceived as a signal both for the field of crime and for the victims themselves. The willingness to testify is often connected with the certainty that the perpetrator is in police custody, as otherwise reprisals are feared. However, the perpetrator is not the only source of danger; for example, if he has good connections with organised crime, acquaintances can give information as to the whereabouts of the victim. In principle, there is the possibility of witness or victim protection. Yet especially in the case of young woman, practice representatives see difficulties in implementing this, as the victims often do not wish to leave their surroundings and/or are heavily networked via social media and are unwilling to abide consistently by the terms of the protection programme. Even without special protection, the victim is to be shielded as well as possible from the influence of the perpetrator or his environment, as the victim is often pressured into not giving evidence as a way to avoid criminal proceedings. In loverboy cases, the emotional bond with the perpetrator is challenging in this regard if the process of detachment is not yet advanced enough, and the victims may even have a feeling of sympathy.

2.3.3 Personal evidence

The general problems described above of a low willingness to give evidence regarding the offence of trafficking in human beings can also be transferred to cases in which recruitment took place using the loverboy method. Apart from shame, the fear of reprisals or even suspected corrupt policing structures (cf. Helfferich et al. 2010, 49), another circumstance is central to this modus operandi:

Due to the initial and possibly also ongoing perceived partnership connection – often in combination with a lack of previous experience of an equal relationship among young affected persons (cf. CCV 2012; Bubenitschek et al. 2011, 539) – there "frequently remains the hope of having to do this [Ed.: the prostitution] only for a short while and then being able to continue the 'love relationship' as a normal couple" (Scheer/Dufner 2015, 23). In this context, Helfferich, among others, (Helfferich et al. 2010, 171–179) refers to the process of detaching from the love relationship, which is necessary for the willingness to testify. Only then can the sense of injustice be promoted through emotional distance and reflection, resulting in the victim statement and, as a consequence of that, the willingness to give evidence (cf. Helfferich et al. 2010, 138–141).

To promote a sense of injustice and (emotional) detachment from the perpetrator, an interdisciplinary interaction of a wide range of stakeholders is essential. From the – initially in the belief of a partnership-supporting – consent to engage in prostitution (cf. Müller-Güldemeister 2011, 22–24; Figure 1, page 78; Figure 3, page 82), a gateway can be constructed for the defence tactics used by the opponent. The supposed voluntary nature is instrumentalised as a point of attack, in order to challenge the credibility and integrity of the victims (cf. Scheer/Dufner 2015, 23).

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There is an urgent need at this point for further sensitisation of the law enforcement agencies and courts as well as declarations on the prevailing dynamics, vulnerabilities and coercive processes of the loverboy method[8]. Overall, winning over victims of the loverboy method as stable victim witnesses proves to be challenging in police practice. Despite statutory innovations, proceedings succeed and fail on the basis of personal evidence, so investigating officers must always be concerned about encouraging and maintaining the willingness to testify. Ideally, this can be done in close cooperation with the counselling centres, which carry out stabilisation work in parallel, but also presumes that the interaction on the police side is framed with empathy and background knowledge of the said dynamics, in order to build up a trusting working relationship (cf. Berresheim/Capellmann 2013, 95; Sticher/Schicht 2019, 22).

Indeed, a successful approach via the contact and orientation phase or report phase, as it is referred to in the international literature, has a decisive impact on the interrogation process (cf. Kelly et al. 2013, 170; Heubrock/Palkies 2008, 602–604). After all, an interrogation is not an everyday event, "which often involves uncertainties and fears" (Körner/Lemme 2020, 51). Giving a specific form to both the initial interaction and the setting is decisive in the case of unstable loverboy victims who tend towards ambivalent behaviour. Fourteen interrogation areas and techniques have been identified as relationship-building (Kelly et al. 2013, 170 f): Apart from basic courteous and respectful manners (such as, for example, offering something to drink, providing smoking breaks), a decisive role is played by transparency over procedures, patience as well as the ability to adapt one's language. In order not to allow any hierarchical disparity to dominate the interaction, it is also recommended to leave out judgemental and admonishing statements and instead to signal empathy and understanding of the victim's situation. Especially in this area of crime, in which intimate details and potentially retraumatising content necessarily have to be examined in depth in order to investigate the facts of the crime incl. qualifying features, attention should also be paid to appropriate proximity or distance, the seating arrangement and also the elimination of external interference when creating the setting (cf. Gahleitner et al. 2019, 7 f; Heubrock/Palkies, 2008, 603 f; Haas/Ill 2013, 6; Schicht, 2012, 37, 50).

Therefore, particularly with a view to the necessity of personal evidence, the trust-building design of the interrogation should not be "under-prioritised", in order to also generate long-term access to victims of the loverboy method in this way.

3. CONCLUSION

For as long as there are no improvements to criminal law regarding the offence of forced prostitution, personal evidence remains essential for the initiation of proceedings and successful investigation. The resource and effort that the law enforcement agencies have to invest in creating and maintaining access to victims are correspondingly high. Nevertheless, further approaches to investigation and the initiation of proceedings (e.g. via structural investigations, observations, telecommunication monitoring or financial investigations) should be exhausted, in order to progress the hard-to-prove crime through the phases of the criminal proceedings with incriminating evidence.

Personal contact with loverboy victims requires an understanding of their vulnerable situation in order to be able to interact with appropriate authenticity and empathy and to advance a relationship built on trust.

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If the victims continue to find themselves in a close emotional bond with or even dependency on the perpetrator, ambivalent behaviour (e.g. withdrawal of the report and return to the perpetrator) and a lack of awareness of injustice frequently accompany the investigative proceedings, thus demanding a high degree of patience, empathy and indulgence on the part of police officers – despite the understandable frustration caused by the unstable foundation of evidence.

The specific challenges make the constant explanation and sensitisation of police as well as non-police stakeholders indispensable to prevent the hard-won willingness of the victim to give evidence from evaporating due to a lack of empathy when dealing with victims. Ultimately, this requires further research into the dynamics as well as the empirical and systematic identification of case histories including the theoretical "loverboy modus operandi".

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[1] *This article makes reference to German legislation, which now describes the considered offence as forced prostitution pursuant to Sec. 232a of the Penal Code (StGB), following implementation of Directive 2011/36/EU on 16 October 2016.*

[2] *This article assumes the combination of a male perpetrator and a female victim, without negating the existence of other gender combinations. The descriptions are primarily based on the cited case examples of the surveyed police representatives, but also on the findings of prior investigations into the loverboy method.*

[3] *Unlike, for example, residential burglary, so-called "control offences" are rarely brought to light on one's own initiative and their disclosure requires increased police activity (cf. Birkel 2014).*

[4] *Refer to the sources listed in the further literature for in-depth discussions of the legal frameworks.*

[5] *Unless otherwise indicated by the provision of a source, the presented content results from the conversations with representatives of law enforcement practice and the departments of the Lower Saxony State Criminal Police Office.*

[6] *For context-related use of this form of speech in connection with investigations in the area of organised crime, e.g.: https://www.juris.de/jportal/portal/page/homerl.psml?cmsuri=/juris/de/nachrichten/zeigenachricht.jsp&nid=jnachr-JUNA201003633 (19.04.2021); https://www.gdp.de/gdp/gdpbupo.nsf/id/DG_13_BZG Zoll_FOLLOW-THE-MONEY?open (19.04.2021); https://www.welt.de/politik/deutschland/article184206070/Organisierte-Kriminalitaet-Die-Clans-setzen-sich-in-der-Provinz-fest.html (19.04.2021).*

[7] *No values are available for 2018; therefore, € 0 does not mean that no assets were secured.*

[8] *In the author's PhD project shortly to be completed, precisely these and other factors are investigated and then published against the background of a successful transfer from science to practice.*

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