

Organized Sex Crimes; from Entrapment to Prevention

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ABSTRACT

Increase of organized sex crimes results in the elimination of feeling of security, hurting the public opinion, weakness of public order and prevalence of lawlessness in the society. Non-criminal preventive solutions for organized sex crimes that are possible after finding the major factors impacting the occurrence of these crimes together with the challenging method of entrapment become highly significant in crime detection because police, by paying its role which is effective present in the society and crime detection, can significantly help in the implementation of the aim which is situational prevention. As the detection of some crimes such as crimes without victims and gaining evidence for proving conviction are often difficult and challenging, police officers sometimes use entrapment for implementing their objectives and in this process the police paves the way for criminal behavior and witness the crime so that they can obtain evidence at the moment the crime is committed and so that they can prosecute and convict the accused. In this study, in addition to paying attention to challenges of using entrapment in entrapping dangerous criminals, the place of this method, before entering the criminal justice system, for prevention of organized and professional crimes is discussed.

KEYWORDS: organized crimes, sex crimes, judicial police, entrapment, situational prevention

INTRODUCTION

The victim who is afflicted with different material and mental damages due to the crime may be identified by specific crime detection method such as entrapment, before entering into the criminal justice system. Therefore, appropriate actions should be taken for supporting the victim and reducing the range of damages resulted from the crime. In this regard, police has a major role in reducing material and mental damages on the victim and in legal support of him. This support can be manifested in the form of paying attention to the victim's rights and dignity, paying attention to his concerns and pains, sympathizing with him and identifying and arresting the criminal, especially in organized crimes, doing preliminary investigations and supporting the legal rights of the victim.

Detection of crime using entrapment has problems and scientific challenges due to the high importance of maintaining the country's security, the organized and transnational aspects of some crimes and in line with new criminal law approach in dealing with some crimes because a criminal justice system which is based on justice and presumption of innocence does not degrade itself to make individuals commit crimes. Therefore, using appropriate structural actions, this method is used for stopping important organized crimes exactly on the verge of criminal behavior. In addition, this is situational prevention in which efforts are made to intangibly identify individuals who have become the target of criminal gangs and save them from becoming a criminal. However, entrapment for criminalization and punishment of organized criminals in sex crimes has problems from an Islamic judicial point of view. However, entrapment can be used for detection of organized sex crimes in cases in which the committed crime is in contrast with the public order, sexual morality and individual rights and freedoms and endangers the security of the country; for example, in the case of women trafficking whose committers exploit women sexually and economically through force, ransom and scam.

Chapter one:

1. Entrapment concept and function in criminal justice system

In civil affairs the parties to a litigation are determined by themselves they make efforts for collecting enough evidence for proving their right in advance. In criminal affairs, the accused should be sought often and proceeding for crimes cannot exist unless after the crime and the committer are detected. There are many crimes that happen and are remained unknown and there are many criminals who easily escape the justice. Therefore, in addition to

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justice authorities (criminal court) and parties to the trial, a position should be dedicated to the police as a authority that has the mission to detect crimes and find their committers.

Entrapment is a strange term and concept in Iranian criminal law and has become mixed with sting operations among Iranian legal writers. Resorting to sting operations does not always remain in its permitted boundaries; entrapment is where the unpermitted range of actions by officers are formed (Goldoozian. Naseri. 90. A. C). The existence or lack of existence of entrapment in Iranian criminal system can be studied from two perspective: one is from the perspective of criminal liability i.e. in the stage of proving the criminality of the incited accused; and the other one is from the perspective of the way of implementation of law i.e. in crime proving stage. Iranian lawmakers, following French lawmakers, have considered entrapment as a factor that limits the freedom of will, while discussing mental force as "inciting" along with "threat". On this basis, the committer of such crimes has no free will in committing the crime and has been forced to commit the crime under the misbehavior of the government's officer (Stephani. Gaston. 77.528). Andin cases in which the origin of the accused's ignorance is the deceitful behavior of the government's officer, due to the lack of power of discernment in the accused, the defendant can be considered absolved of responsibility. However, if we accept that the incited committer has criminal liability and the criminal act can be attributed to him, due to this basic contradiction, the evidence that has been obtained by the officer through deception has no legal validity and cannot have probative value (Ashoori. Mohammad. 79.228).

1.1 criminal justice system authorities' way of intervening in entrapment mechanisms

Police as law enforcer is usually the first institution to which the direct and indirect victims of crimes refer and the judicial criminal proceeding begins through this institution. Therefore, police, compared with other criminal justice authorities, becomes aware of victimization and familiar with the individual and social characteristics of the victims sooner and more. Thus, police is considered as an appropriate databank for the victims. On the other hand, criminal justice is supposed to act for support of the victims of some crimes that need quick intervention. It is police that should, by itself or through another institution, act for meeting the quick demands due to the victimization of the plaintiffs. In an issue such as entrapment, it is evident that judicial action in the form of criminal proceeding process is long. In addition, in fact, the victims of violent and public crimes should be paid attention too quickly and there will be no time for long-term action and its result by judicial institutions. Police, considering the state and complaints of the victims of emergency cases, introduces the victims to medical centers and institutions such as municipality, Welfare Organization and Relief Foundation meet the material and clinical needs of the victims. In some cases, police presence in the peaceful resolving of the problems of victims caused by crime are very effective and helps Welfare Organization and social institutions in doing their duties (Ebrahim.Rajabi.88.22).

The Judge of branch three of sentence execution of branch 21 of Court Ershad in Tehran regarding entrapment in organized sex crimes says:" sex crimes, especially in Iran, are considered to be among class of crimes and as these crimes deal with individuals' fame and dignity and their unfavorable consequences are high, law enforcers cannot directly intervene and the law has not given the judicial institutions such permission expect in cases in which these crimes damage public order and security¹. Also, there is no guarantee that the individuals who enter this subject are not entrapped themselves."²

1.1 the advantages and challenges of entrapment

Entrapment is considered as a replacement for scientific and skilled investigation and it is based on the false belief that employing illegal instruments by police in dealing with recognized criminals or criminal gangs is justified. Therefore, entrapment is considered as a complete defense for a crime. This means that if the jury of the judicial system conclude that the accused has been entrapped, the accused is acquitted and it does not make a difference whether the crime has been a big treason or the evidences against him are strong or even there is no doubt about his criminality. It is necessary for the officers to know the way through which the court determines whether an accused is entrapped and which crime detection techniques are considered as entrapment³. Entrapment by itself is not a defense against a criminal liability but originates from the court's inherent jurisdiction to control methods and protect against misuse of this process⁴.

¹<http://www.gerdab.ir/fa/news/532>

Identification and arrest of a corruption network titled "Cross Iran". After the reports to the moral security police on the activities of an internet group named Cross Iran, the moral police became successful in communicating with one of the main individuals in this group with a definite identity, after months of technical work, and through necessary investigations, finally 25 male and females were arrested and delivered to judicial authorities. The members of this group has illegitimate sexual relationships.

² The author's interview with the judge of branch of sentence execution of branch 21 of Court Ershad, June 10, 2015

³(Entrapment) fall2010 point of, lamed a county district attorney's office

⁴The entrapment defense in internet child luring cases, Brent kettles Canadian criminal law review.December2011.p2

Therefore, as crimes get more complicated and the committers' intelligence increased, especially in the case of repeat offenders, judicial authorities face relative difficulty as traditional methods for detection and proving the crime cannot deal with these crimes and criminals. Therefore, judicial authorities or its law enforcers use methods that degrade their position in the society. On the other hand, resorting to entrapment in crime occurrence state results in the prevention of the crime. Thus, the law enforcers, by depicting a plan for crime and the suspected individual, prevent the occurrence of the crime. Also, entrapment method can have a significant impact in organized and group crimes and lead the criminal towards committing the crime by inciting and deceiving him. This method is used for collecting evidence when there is lack of enough evidence against the accused. (Hasani. Abbasi.91.24). In fact, one of the important advantages of entrapment is that the law enforcer, by creating conditions for the criminal, dominates and controls the potential criminal to prevent the crime in an appropriate time. And this can be one of the verified instances of entrapment for situational prevention of crime, especially dangerous crimes.

Entrapment as a situational preventive method using police and control by governmental organizations and institutions that crime prevention is one of their functions can play a significant role in prevention of organized sex crime. Police, by playing its traditional role which is active presence in the society and crime detection, helps in situational prevention to some extent but the mere presence of police in the society does not result in reduction of crimes, though the presence of police in the society can be considered as an implicit threat to the criminals (Razavi. Mohammadi. 86. 134).

Entrapment is effective for eliminating harmful social environments for the youth, reduction of offence opportunities and prevention of motivating them for committing sex crimes. Prostitution, selling individuals and membership in prostitution groups is a serious danger for girls and women and contributes to their criminality.

In fact it should be noted that in organized sex crime cycle the beginning of the cycle is from the presence of a desperate and at-risk girl or woman such as a runaway girls or a homeless or addicted woman, a girl or a woman who is the target of prostitution groups. The members of the prostitution group, with their experience of the process, know the place and the time for finding their appropriate targets. After the identification of the related individuals, recruitment begins, a stage in which desperate girl or women are lead into the group by different methods and they are forced to surrender to the group's wishes. And in a simple cycle, the desperate women who is harmed and has no choice, after being abused in different ways by the group and becoming victim, has to do what the group wants in order to make a living and maintain her shelter and thus enters the crime process. Therefore, identification of places and groups that pave the way for any crimes, including sex crimes, can highly help in the reduction of such crimes. On the other hand, in Iran, crime detection using entrapment by the police is one of the common ways for combating crime but it faces some challenges which are related to the judicial and legal bases of Iranian criminal justice system and the responsibilities that may be upon the police officer in some conditions (Moghimi.Mehdi.85.149). Doing secret operations by police with the aim of detecting crime has multiple instances including: inducement of the individual in a buy-bust operation, secret wiretapping, introducing one (police) as someone else through phone call and deceiving the individual in this way, use of informant for gaining information, secret surveillance of the individual's personal computer information and the etc. As evident from the instances of police's secret operation and its role in specific operations, police operation can be done in two ways: first way: secret wiretapping of the individual's conversations to do buy-bust operation with police which is done with police's passive intervention. However, in the second way like inducement of the individual to do a buy-bust operation is done by the police's active intervention. One of the accurate definitions of entrapment is: inducement through deception or too much persuasion of the individual to commit a crime by the law enforcer or government's officer in acting for criminal prosecution of the individual. On this basis, basically entrapment should be considered by emphasizing the significant behavior of the law enforcer i.e. active state and inducing the individual to commit the crime, and not based on that individual's inclination.⁵

For example, in the case of an individual who has legal authority and people are referred to him to solve their problems and this individual has illegal requests from them and people have no choice and surrender to his request and the they cannot complaint because of maintaining their fame but the judicial authorities find out in any way, based on the aforementioned article 102 they cannot act. And in a case in which neighbors are certain of sex crimes in a neighboring house considering their knowledge of their neighbor, but neither the crime is evident nor its organized nature, if people request prosecution from the judicial system, based on article 102 G.A.D.K the judicial authority cannot intervene. In addition, without doubt, the society will be afflicted with its negative consequences because based on article 305 G.A.D.K the sex crimes are proceeded directly in a competent court and the authority of the prosecutor is completely taken from him in sex crimes. In conditions in which the aforementioned crime gains public aspect or in conditions in which the victims of sex crimes are individuals who have economic or cultural

⁵sexual abvsa: A journal of Research and Treatment,vol-17,no.3,july 2005

poverty or are minors or wards and have mental defect and low understanding and have been sexually abused, and all of these not only have personal aspect but are completely social problems that need the representative of the public society in dealing with and preventing crimes i.e. the prosecutor to enter the case and prosecution as a representative of the victims and law enforcers. In fact whenever the issue gains social and public aspects and turns into a general and social danger, without doubt the prosecutor and those under his authority i.e. the law enforcers are the first individuals to enter the issue for pursuing people's rights. Therefore, considering the aforementioned points, it is argued that the lack of intervention of the prosecutor in sex crimes based on articles 102 and 306 G.A.D.K, firstly contradicts the inherent duty of the prosecutor who has the duty to make the general security and society's morality healthy and secondly, the lack of legal intervention of the prosecutor and enforcers in sex crimes will have negative consequences and reflections in the mid-term and long term which originates from the law's violation before the lack of authority of the prosecutor in sex crimes. Also, due to the lack of discovery of crime and control by law enforcers many sex crimes become hidden and discovery of brothels is reduced. But the existence of law enforcers and their investigation and prosecution for detecting sex crimes can significantly reduce sex crimes⁶.

It should be pointed out that entrapment, from the perspective of determining citizenship rights and liability, is one of the subjects on which there is silence in regulations and legal procedure of the Iranian criminal law. What points out to the entrapment of officers in the crime occurrence stage as a defense in favor of the accused is not the emphasis on the type of action i.e. inducement to crime but "because the inducement factor is government's officer, the situation is changed and results in the elimination of the accused's liability⁷." Mere attention to the role of incitement and deception and considering this action as a type of forcer that results in the elimination of the accused's liability does not seem to be completely correct. It should be pointed out that considering the silence of the law and Iranian procedure regarding entrapment, some lawyers believe that inducement and incitement for committing a crime, especially when the police is after discovering and arresting criminals and with some preparations incites the criminals for committing crime, are not a part of mental force states (Ardebili. Mohammad Ali.80.90). Though they have considered inducement to result in negation of liability when the employs methods and the individual's tricks for inducing the criminal "distort his will in a way that eliminates his decision-making power" (Noorbaha. Reza.75.57). This group of lawyers have paid attention to the verb of inducement and they consider the accused to have no responsibility when this inducement and deception limits his freedom of will. Some scholars of Iranian criminal laws have tried to compare entrapment with misjudgment (unawareness) of law and subject to be able to consider the entrapment of officers in occurrence of crime a type of factor for elimination of liability. Thus, "if the officer acts in a way that makes the accused to misjudge the legality or illegality of his behavior", considering the relativeness of circumstantial knowledge of the law, the accused will be able to eliminate his criminal liability by proving unawareness of law. However, if mistake means mistaking in subject "which means that the accused, due to the deception of the inducer, make mistake in knowing the identity of him (government's officer)... as the bad intention still exists and as the committer has committed crime due to the unawareness of the official position of the inducer, the negation of responsibility is not permitted" (Yazdian Jafari.Jafari.84.125).

1.1.2 The quality and effects of entrapment against organized sex crimes

Nowadays breaking the norms and criminal behaviors are not just limited to individual actions. The society is faced with gang crimes or the phenomenon of "organized crimes" and the group nature of them has created serious concerns for the society. Police and law enforcers face new problems in detecting and prosecuting such crimes and judicial and administrative authorities often become confused on how to detect and investigate organized crimes. Because, firstly, the detection of the main source of these crimes is extremely difficult and requires having cohesive organizations. Secondly, organized crimes are without boundaries in terms of place and it cannot be easily pointed out where a thing has started and where it has ended. Therefore, as criminals use their achievements, crime detection officers too detect crimes using the new method of entrapment. As a result, community police has replaced traditional police. Despite the attention of moral security police to organized nature of abuse of women and children and creating and managing brothels in internal laws, Iranian lawmaker has not exactly pointed out the organized nature and committing of this crime through gangs but has considered the organized nature in major copying and distribution of pornography and if these activities are instances of corruption on earth, the lawmaker has made applicable the capital punishment otherwise, severe punishments. Therefore police officers have the capacity and talent to identify girls and women who are at risk of being entrapped by prostitution gangs and can save them before they become involved in the gangs by watching these targets in the parks and related places and they can even enter

⁶ <http://dadgostarizn.ir/Default.aspx?tabid=3412&mid=6270&ctl=ArticleView&articleId=106743>

⁷ Ashworth, Andrew, Principles of criminal law ,oxford university.press,1991.p.213

organized gangs who commit sex crimes and do effective actions not only in saving the involved girls and women but also in arresting the gangs' leaders.

1.2.1 Specific entrapment mechanisms against organized crimes

Sex crime circle, especially in its organized form, is very extensive and we face different types of it in the society; examples include abusing girls and women that results in them being exploited sexually and trafficked, internet sex crimes that are often formed in group form and formation of brothels that act in an organized way. Meanwhile, the role of law officers and enforcers in crime detection should not be ignored.

1.2.2 The moment of intervention of criminal justice system authorities against organized sex crimes

Different factors are involved in the formation of a criminal case and the most important of these factors are police and law enforcers. Knowing this group of officers that are effective in the formation of criminal cases, especially in the initial stages and preliminary investigations, plays a significant role in the way authorities judge their performance (Hoseini. SeyedHassan.92.115.117). In this section, it has been tried to discuss the moment of intervention by law enforcers, either by themselves or by order of judicial authorities or order of investigation judges and other competent judicial authorities, that is done for facilitation and providing evidences.

Regarding organized sex crimes that are nowadays mostly in the form of brothels in the country it should be said that determining the identities of these groups are done with cooperation, in a hidden way and without consent and sometimes they are based on conditions of article 64 of criminal procedure code passed in 2013. Moral security police has a significant role in this regard and based on reports penetrates inside sex crime gangs. Currently organized sex crimes are committed in different ways. The places in which runaway girls and young women are entrapped include parks, terminals, illegal beauty salons, motels and other places in which addicted and prostitute women sometimes sell their bodies for obtaining money for their addiction. Also, the sensitivity or moral security police to these places is more. Some criminals commit sex crimes systematically by organizing some groups. By identifying runaway girls and recruiting them into brothels, they deliver these girls to wealthy individuals and gain money. Currently those forming brothels who are mainly middle-aged⁸ have the most significant role in afflicting runaway girls and set a horrible trap for them.

Moral security police or the law enforcers reveal the crimes of these criminals through their special investigations and then arrest the criminals based on the obtained information. The highest level of penetration of law enforcers into sex crime gangs is through the reporting by the victims of sex crimes or the houses in the neighborhood of brothels. Therefore, police is expected to make efforts for detection of crime and identification of criminals, avoid any negligence and implement the orders of judicial authorities on time and in an appropriate form (Ghavam. Mirazim. 89.97).

1.2.3 Strengthening the targets of sex crimes against organized sex crime committers

The weakness of the targets of sex crimes and the necessity for combating the committers of these crimes become evident when the severe consequences of these dangerous crimes in human societies are paid attention to. Sex crimes have very negative social effects and even result in high level of cultural and mental damages and result in increasing corruption and illegitimate relationships, especially in Iran which is an Islamic society and it gives a significant importance to such crimes. Knowing the causes and factors in these crimes is necessary for wakening the damages.

Considering the danger of sex crimes and its vulnerability, most committers of these crimes have an instable condition and mainly live in an environment that paves the way for their criminality. And regarding organized sex crimes, these crimes have also economical profit in addition to sexual exploitation. In this regard, knowing the appropriate condition of the potential victim before the crime is necessary and a victim that has been targeted can have a dynamic role in committing the crime. Situational factors (pre-criminal situations) may intensify or weaken or even stop the anger. In organized sex crimes, in addition to the dangerous state of the committer, the victim's behavior and her relation with the committer and the conditions of the occurrence of the crime are paid attention to and are important, from a criminological perspective, in weakening and preventing this dangerous state which is a dynamic and changing state. Therefore, predicting the state is never definite as human is continuously changing and thus dangerous state is relative and in support-oriented victimology emotional, material and mental supports are highlighted to prevent the potential victim from being entrapped by the criminals. In strengthening the targets of sex crimes against the committers of organized sex crimes, law enforcers, in the form of entrapment, identify girls and women how are appropriate targets for prostitution groups due to specific sexual, mental, social, familial or economic reasons. The reason for this is that these individuals are easily recruited by prostitution groups due to their desperate condition and for obtaining and income or a place to sleep and live in. In this regard, those responsible for detection of organized crimes and prevention police, not necessarily in the form of police but in a form similar to the

⁸ Based on case reading by the author in court of region 21 of Ershad, branch one of sentence execution

committees of these crimes, identify these types of girls in streets, dormitories, and places such as parks and terminals and take them out of the prostitution groups or do not let them join these groups at all and this process means strengthening girls and women who are appropriate targets for sex crime groups but are saved from being desperate and thus they do not have to join these groups. Legal supports and meeting the victims' needs, especially in compensating for them or facilitating it, have a significant role in criminal process (Liz, Jedarophilizolagina 79.133). And this right is very important regarding individuals in organized sex crimes (women and children trafficking, membership in prostitution groups) who, due to dear or emotional damage caused by abuses or misbehaviors, choose silence or isolation. Also, inline with weakening such crimes, having an appropriate life in addition with social security, the bases of a social support system which is victim-focused and in this regard, training police for dignity-oriented behavior with the victim for creating the feeling of peace and security in the citizens are important (Ebrahim. Rajabi. 88.47).

Chapter two:

2. entrapment as a means in situational prevention

Situational prevention which is a situation-oriented approach aims to eliminate crime opportunity through distorting the elements that form the situation. Therefore, place can be considered as one of the basic considerations in any planning for situational prevention because always it is the existence of habitat (place) that results in the hunter (criminal) come to hunt and situational prevention, without paying attention to the criminal's character, efforts for correcting him or eliminating criminal inclinations, merely aims to eliminate the external factors of criminality and reduce the opportunities that are susceptible to committing crime (Zolghadr. Mohammad Bagher et al 382and387and91). On the other hand, "entrapment" as a means in situational prevention is considered as an "opportunity" and one of the situations is pre-criminal situation that encourages and strengthens the decision to commit crime and impacts the assessment of dangers and the degree and level of difficulty of the crime with the hope of gaining advantageous evidence (Ebrahim. Shahram 87.131). Thus, the focus of situational prevention is on the times and places that create the opportunity for committing of the crime, not on the individuals that commit crimes. This type of prevention, by analysis of the conditions that result in committing of different crimes, aims to change management and environment in a way to make the criminal behavior more difficult, more dangerous, less advantageous and less justifiable. In organized sex crimes, using entrapment, the situational preventive solutions are in proportion to the crimes occurring and the law enforcers and officers identify the committers of severe crimes and dangerous criminals and provide the criminal justice system authorities with a measuring and applicable tool for registering and document crimes and reveal the limitations regarding preventive information and procedures. Also, using crime place information, some patterns can be designed to reduce the problems of crime repetition and thus, place (terminals, inns and motels, hotels, parks and ...) of crime has a close relationship with situational prevention and can be considered as one of the relatively stable criteria in planning for this issue (Zolghadr. Mohammad Bagher 91.88).

Therefore, police's main duty is prevention of crime using new methods and it is effective in reducing crimes by playing its role which is active presence in the society and detection of crimes. Surveillance and control of individuals is done by police and security forces in critical neighborhoods and places in which the possibility of sex crimes is high and police's monitoring actions and measures can repair the deviations and problems caused by the crime in the society (Azizi.Akbar.92.133).

2.1 entrapment as a factor for protecting the victim

Situational prevention is one of the solutions for preventing victimization rather than criminals though victimization is the immediate result of crime and prevention of crime will result in victimization and protection of potential victims. It seems that situational prevention is more effective in sex crimes because due to the very negative consequences of this crime on the victim's mind and morale and potential victim's concern (especially in women) of this issue, the help of possible victim can be used for prevention in a more active way. In this regard, some measures such as entrapment are considered for protecting the potential victim and it can be viewed from two perspective: the first perspective: increase of measures for prevention of abuse of organized sex crimes and protection of victims (especially women and children) who have become vulnerable to the actions of organized crime gangs (human and immigrant trafficking). Entrapment is a factor for protection of such individuals who are at the risk of crime in a way that the presence of police or law enforcers in places that are at the increased risk of crime can protect the victims and minimize their vulnerability. Meanwhile, trained police officers, by being present in high-risk laces and communicating with victims and becoming aware of dangerous conditions, can reduce a high percentage of crimes before the victim's presence in the criminal justice system. Therefore, using the first perspective of entrapment, the elimination or reduction of the attractiveness of inducement tools and elimination of factors that result in the inciting or encouragement of the criminal and victim can be achieved. The second

perspective: it is when entrapment is considered as a defense for protecting the potential victim. This means that penal code should consider the observance of human rights, dignity and fame and consider it as one of its basic principles (Rahami. Mohsen and Ali Morad Heidari.82.22).

One of the main institutions related to criminal affairs that a lack of determination of a guideline for it results in basic human right violations is police. Sometimes there is a possibility of trespassing of police from its own rights and authorities and violation of the rights of the accused, especially as observing human right rules by the police impedes quick performing of police operations. Thus, some criteria have been predicted in international documents and internal regulations that should be observed by the police in doing its duties (Moghadasi. Mohammad Bagheri.86.86.). In line with this, entrapment is pointed out as a factor in favor of the accused and prevents the use of inducement and deception by the judicial authorities in the path towards discovering and proving crime. However, if we do not accept the entrapment defense and give judicial authorities the permission to do this act in discovering all crimes, the defense rights of the accused are violated and no one will have the feeling of security and immunity from possible judicial dangers in such a society (Azimzadeh Ardebili, Faeze and Sare Hesabi. 90. 123).

2.2 monitoring measures after taking targets out of sex crime groups

Each society should make efforts for maintaining the fame and dignity of offenders who have become the target of sex crime groups. Meanwhile, the legislator, by entering the criminal policy discussion for controlling crime, can use the participation of social institutions in addition to obtaining penal answers. Participative criminal policy, using people's support and participation (in addition to using legal and judicial tools), tries to achieve favorable criminal policy objectives. In the views of some scholars the new-approach-based criminal policy is a connecting bridge between criminal law and criminology and refers to all penal, social, economic and cultural measures, actions, methods and tools that are given to the related social and governmental authorities by the legislator, in the framework of laws and regulations, for prevention of and combating criminal phenomenon i.e. crime and deviations (Noorbaha.Reaza.88.130). Unlike a penal code, a favorable criminal policy is not dependent on penal policy, it considers correcting social problems, eliminating factors that result in crime, resolving legal discriminations and injustice and treatment of and support of rehabilitation of criminals as its characteristics⁹. Therefore, for combating prostitution groups and sex traffickers and gaining public support in detection of such groups based on judicial criminal policy and participative criminal policy, cooperation among responsible organizations in combating sex crimes and abuses and intensifying the regulations in these cases for prevention of spread and promotion of sex crimes and sexual deviations and caring the offenders against being target of groups, after they are released, seem necessary.

Conclusion

Police, including moral security police, using scientific and effective approaches, try to prevent crimes and insecurity and pave the way for sustainable development and human security and employ new operations such as entrapment. Entrapment operations are done by judicial authorities for commission of crime or obtaining evidence against the intended individual. In other words, entrapment is a situation that becomes in conflict with the individual's free will and decision-making, if it becomes involved in the individual's mind. This situation, in any crime, whether major and organized crimes or simple crimes, results in fulfillment of defense and negation of the accused's responsibility. The justification of this is focused the misbehavior of the government's officer, rather than rather than the inducement and deception by the officer, which results in the degradation of the judiciary's position in people's view.

Though entrapment in obtaining evidence is announced as a forbidden principle, it is exceptionally permitted in major and organized crimes such as terrorist trafficking, drug trafficking, women and children trafficking, formation of brothels and... through employing deceitful ways by the judicial authority on the condition that there is no inducement for committing crim. The justification of this exception in obtaining evidence is related to the dangers of these crimes that directly target the order and interests of the majority of the society. This approach of having security against crimes and insecurities is considered as one of the main components of human security in which police does different activities for maintaining human security. These activities are repressive in some cases and preventive in others but preventive measures have a better position as they are more cost-effective and humane. Among different preventive methods for prevention of sex crimes, situational crime is especially important as the pivots of actions in this type of prevention are society, government and possible victims.

Suggestions

1. The implementation of neutralization of targets of organized sex crimes by creating trained police forces and identification of prostitution centers is recommended. It is also recommended that police incorporate

⁹Azimzadeh Ardebili, Faeze and Sare Hesabi (2011), Criminal policies and their conceptual types. *Law Sublimation*, Year four, No. 15, p. 123

topics on familiarity with the rights and wants of the victims and the role of police in the educational programs.

2. It is recommended that exceptionally, and by legal creation of regulations, the permission of crime detection using entrapment be given in major and dangerous crimes such as organized crimes like money laundering, terrorism, drug trafficking, human trafficking and etc. as the actions by judicial authorities in resorting to traditional evidences are in effective. However, first, the aforementioned crimes should be specified in the law so that the extent of authorities are extended to other crimes. Second, a kind of judicial control should be applied to the way they are applied so that no individual opinion in judicial authorities are applied in resorting to such methods. Third, the limits of the jurisdiction of judicial authorities and the way they are applied should be completely specified.
3. As most victims are entrapped by the sex crime criminals in specific places such as terminals, hotels, coffee shops and the like, the occurrence of crime in these places should be prevented through warning individuals or hanging warning placards or banners. Also, the moral security police should educate people and be present in these places and point out issues such as the reaction of victim, informing police and the harmful consequences of such crimes.
4. Runaway girls and boys and divorced and widowed women join sex crime groups more than others. Organization, complete strengthening and guiding charities and formation of units similar to a family are for keeping and protecting runaway girls and boys and homeless women who are targets of crimes recommended for prevention of sex crimes.
5. The use of women law enforcers for individuals who are at risk of sex crimes has a special role for meeting the needs of girls and women in the society and preventing their vulnerability.

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