

Human Trafficking in the United States: Improving Law Enforcement Responses and Policy Implications

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The International Problem of Human Trafficking

- Trafficking in persons is not a new phenomena
 - May be a newly defined “social problem”
 - Estimates of hundreds of thousands possibly millions of persons trafficked across international border each year
 - GAO Report
 - Human rights violation
 - Conditions of unfree labor
 - Physical violence, rape, severe trauma
 - Criminal threat
 - Second most profitable illegal enterprise behind drugs
 - Generates billions in profits and believed to be increasing
 - Terrorism and Organized Crime
 - Profits from trafficking may facilitate terrorist activity
 - Geographic pathways across borders



Human Trafficking in the United States

- ❑ Legislative Response:
 - ❑ Victims of Trafficking and Violence Protection Act 2000
 - ❑ Passed by congress October 2000 (PL 106-386) reauthorized in 2003, 2005
 - ❑ Makes trafficking victims eligible for benefits and services (requires certification from HHS, T-Visa)
 - ❑ Enhanced penalties for slavery, involuntary servitude and peonage from 10 to 20 years
 - ❑ Allowed criminal sanctions to be applied when psychological coercion used to hold victims in bondage (previously limited to physical force or threats)
 - ❑ Ranked countries into tiers of trafficking response
 - Sanctions to those countries whose governments have not taken adequate steps to prevent trafficking
 - ❑ Provides resources to law enforcement to begin identifying, investigating and prosecuting cases of human trafficking

- ❑ Despite legislative action, little known about true extent of the problem in the United States




Definition of Human Trafficking in the United States

The United States Trafficking Victims Protection Acts 2000 defines severe forms of trafficking in persons as:

- ❑ **Sex trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud or coercion or, in which the person forced to perform such an act is under the age of 18.
- ❑ **Labor trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage or slavery.

In U.S. definition of trafficking does not require movement.



We have a law, we have some response, now what do we need to know?

- Research on trafficking lacking in three main areas:
 - Extent of Trafficking Offending and Victimization
 - How many people
 - Under what conditions
 - Where
 - Dynamics of the crime
 - General theory of phenomena
 - Varieties of criminal networks
 - Conditions which facilitate victimization
 - How have (and should) organizations respond to the problem of human trafficking
 - Law enforcement
 - Non-law enforcement government officials
 - NGOs, service providers
 - Movement advocates



Focus of Current Project: Law Enforcement Response

- Attempting to understand how local police identify, investigate and report trafficking incidents throughout the United States.

- Three main components:
 - National survey of 3,500 local, county and state law enforcement agencies
 - Case studies of 32 BJA funded human trafficking task forces
 - Intensive case studies in Boston, Phoenix, Houston

- Research conducted in partnership with Dr. Scott Decker and Dr. Nancy Rodriguez at Arizona State University and Dr. Vincent Webb at Sam Houston State University



Goals of Current Project

- Provide baseline information about the quantity and quality of current law enforcement responses to trafficking including:
 - Degree to which law enforcement identifies trafficking in persons as problem in their local community
 - Number and characteristics of human trafficking victims who have come to the attention of law enforcement
 - Number and characteristics of offenders who have come to the attention of law enforcement
 - Understand the mechanisms through which law enforcement identifies and responds to victims



Goals, continued

- Identify successful models for recognizing, reporting and intervening in situations of human trafficking:
 - Best practices for victim identification
 - Strategies to respond and provide services to victims of sex and labor trafficking
 - Investigation challenges in human trafficking cases
 - Cross-jurisdictional/agency challenges faced by local, county and state law enforcement in identifying, investigating and intervening in human trafficking operations



Theoretical Underpinning of Research

- Conceptual similarities to long standing research on “emerging crime” identification and response
 - For example, our present understanding of trafficking is similar to our understanding of hate crime 15 years ago
 - No reliable estimate of number of hate crime victims
 - Resistance from local law enforcement to idea of hate crime
 - No protocols in place for identification and investigation of hate crimes
 - Local law enforcement faces challenges in identifying victims
 - Victims do not meet classic victim stereotype
 - Victims from groups with historically poor relationships with the police
 - Investigation may involve delving into immigration issues

Theoretical Underpinning of Research, Continued

- Trafficking not seen as a local problem by the police or the local community
 - Misconceptions about nature of human trafficking, relationship of crime to other local disorder issues (gangs, local violence, organized crime, drugs).
 - May not fit into priorities, routines or structure of local agency
 - Structural decisions about responsibility for trafficking investigations in particular unit (e.g. Vice) shape the types of cases that will be made.

- Requires strong cooperation with external agencies with whom local law enforcement may have little or poor previous contact
 - Federal law enforcement (FBI, ICE) U.S. Attorneys, local service providers
 - Requires sharing information in an area where there may be limited trust and fear of local interference and/or inexperience



National Survey

- 3,500 local, county and state law enforcement agencies
 - Random national sample
 - Supplemented with all local agencies serving a population over 75,000
 - Supplemented with all law enforcement agencies participating in BJA funded anti-trafficking task forces

- Two part survey
 - Short survey to chief or highest ranking officer about attitudes toward human trafficking and extent of problem within their local community
 - More detailed survey to be filled out only by agencies that have identified trafficking victims or investigated a trafficking case since 2000.

- To date
 - Two mailings
 - Phone follow-up



Task Force Case Studies

- ❑ Goals of case studies
 - ❑ Understand the structure and operation of each of the 32 task forces
 - ❑ Identify goals, successes and common challenges of each task force
 - ❑ Draw comparisons between the experiences of human trafficking task forces to research on other multi-agency task force initiatives.

- ❑ Methodology
 - ❑ Data collected via multiple points of contact throughout 18 month period
 - ❑ Quarterly questionnaire to 32 BJA funded Human Trafficking Task Force coordinators about task force activities
 - ❑ Semi-structured interviews with task force coordinators and focus groups with task force members across sites on particular topic areas (e.g. victim identification, facilitating victim cooperation, community outreach, law enforcement training).
 - ❑ Site visits to selected task forces and interviews with task force members



Intensive Case Studies

- Goals of Intensive Case Studies
 - Ongoing field research design
 - Rich and detailed analysis of task force operation

- Methodology
 - Three Sites Boston, Houston and Phoenix
 - Attend all task force meetings
 - Individual semi-structured interviews with all individuals involved in task force activities
 - Multiple points of contact with task force members over 18 month period
 - Observe meetings of individual task force member organizations
 - Observation of trainings, community outreach activities and planning meetings where possible

What we are learning - Identification

- ❑ Local law enforcement initially resistant to idea that trafficking is a problem in their community
 - One or two cases sometimes needed to establish what trafficking investigations actually are
 - ❑ Oh “that problem,” yes we have “that problem”
 - Misconception about scope and nature of trafficking

- ❑ Necessity of local law enforcement to develop partnerships to assist in identification
 - Victims often do not seek police assistance
 - Service providers who understand both victim trauma issues and nature of criminal enterprise of trafficking
 - ❑ 24 hour a day response may be critical

- ❑ Non-traditional partnerships with regulatory agencies, code enforcement, hospitals seems promising

- ❑ Public and victim identification
 - May take direct outreach into areas/workplaces where at risk for victimization



What we are learning - Investigation

- Immigration Status increases the challenges of assisting victims and prosecuting cases

- Need for Inter-Agency Cooperation
 - Often goals and mandates are different, sometimes incompatible

- Can ignite or increase inter-agency conflict



What we are learning - Investigation

- ❑ Need to identify types of trafficking victimization and develop strategies for investigation and prosecution within each type
 - Major differences between strategies used for various types of trafficking investigations (sex trafficking, labor trafficking, combinations)
 - Victims from different countries of origin, transit and destination all face common as well as uncommon challenges

- ❑ Need to decrease reliance on victim testimony
 - Multiple challenges if victim testimony is the only evidence
 - ❑ Victims may be more likely to testify if they know that their information is not the only information the government has
 - Requires agencies to use new tools such as communication and computer investigations or combine investigative strategies (e.g. drug crime investigation techniques and victim services for domestic violence)



What we are learning – Macro-Challenges

- ❑ Catch 22 – must prove human trafficking is a real problem in communities to get resources, services and attention

- ❑ May not be able to identify victims without resources, services and attention

- ❑ Even when victims are identified they are usually not tracked
 - ❑ Few individuals charged with trafficking crimes



Smuggling Vs Trafficking

- Smuggling and Trafficking seen as different crimes
 - TVPA excludes Smuggling
 - Smuggling makes cases more difficult to prosecute

- Smuggling and Trafficking are more linked in reality
 - What begins as smuggling may turn into trafficking

- Important to consider present situation as distinct from prior decisions



Ongoing Research and Discussion

- First step in identifying scope of problem is to understand whether or not law enforcement have and recognize they have come into contact with trafficking victims and offenders
 - Training for law enforcement
 - Victim identification
 - Victim interviewing techniques

- Community awareness about true nature of the problem

- Research in U.S. and Internationally about nature and extent of trafficking
 - Very limited understanding of networks and flow of trafficking victims and offenders through and to various parts of the world.



Moving Forward: Need for Human Trafficking Data Mapping and Assessment

To reliably identify and compile information about the extent of human trafficking offenses and victims critical to scan currently available data source to identify areas of data that can be enhanced or standardized and areas of data that need to be developed

- *Law Enforcement*
 - Assess the human trafficking information existing in *event level* information from law enforcement.
 - Examples: incident reports, calls for service, missing person reports, and arrest records.

- *Other Governmental Records:*
 - Identify where information about human trafficking not captured in law enforcement records, such as those identified above, is collected in other governmental records
 - Examples: Department of Labor, City, State and County Code Regulators, Inspectional Services, Department of Health, and Department of Social Services

- *Non-Governmental Records:*
 - Identify information on trafficking incidents that could be provided in a systematic fashion from non-governmental organizations (NGO) such as social service providers, shelters, international/immigration advocacy groups.
 - Survey all non-law enforcement agencies to identify victims at multiple points. Compare survey data to official records to help facilitate use of population estimation techniques to help researchers determine the size of both the identified and unidentified human trafficking victim population.