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Document Title: Finding Victims of Human Trafficking

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Document No.: 224393

Date Received: October 2008

Award Number: 2007-VT-BX-0001

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NORC FINAL REPORT

FINDING VICTIMS OF

HUMAN TRAFFICKING

GRANT # 2007VTBX0001

NORC
at the UNIVERSITY OF CHICAGO

Presented to:
National Institute of justice
Office of Justice Programs
U.S. Department of Justice
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Washington, DC 20531

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SEPTEMBER 2008

TABLE OF CONTENTS

ABSTRACT	V
EXECUTIVE SUMMARY	VI
Study Design and Methodology	vi
Summary.....	ix
Recommendations for Policy and Practice	x
INTRODUCTION	1
BACKGROUND	3
U.S. Initiatives To Combat Human Trafficking	3
Investigative and Prosecutorial Issues.....	4
Department of Justice Task Forces on Human Trafficking	6
METHODOLOGY	8
Advisory Group	8
Instrument Development	10
<i>Gateway Questions</i>	10
<i>Screening Device</i>	12
<i>Telephone Interview Instrument</i>	14
<i>Mail-Out Statistical Surveys</i>	17
<i>Case Review Instrument</i>	19
Testing the Screening and Telephone Interview Instruments.....	20
SAMPLE	21
County Sample Selection	21
Within County Sample Selection	22
Weighting	23
County Profiles	24
FINDINGS	28
Definitions of Human Trafficking.....	30
<i>Major Findings Related to the Definition of Human Trafficking</i>	36
Persons Engaged In Human Trafficking	37
<i>Major Findings Related To Persons Engaged In Human Trafficking</i>	40
National Estimates of Counties Experiencing Human Trafficking	40
Characteristics of Interview Respondents and Responding Agencies	42
Challenges To Identifying and Working With Victims	42
Recognizing Signs and Symptoms.....	44
Willingness to Prosecute Trafficking Cases: States With and Without Statutes	45
Overcoming Barriers to Assisting Labor Trafficking Victims	46
Demographic Characteristics of Persons Engaged In Human Trafficking	47
Victims	48
<i>Major Findings in Demographic Characteristics of Victims of Human Trafficking</i>	50
Perpetrators	51
<i>Major Findings in Demographic Characteristics of Perpetrators of Human Trafficking</i>	53

NORC Final Report

Criminal Justice System Intervention	54
<i>Major Findings Related to Criminal Justice System Intervention</i>	55
Comparisons between Sex Trafficking and Work in the Sex Industry	56
<i>Gender Differences</i>	57
<i>Age Differences</i>	57
<i>Race and Ethnicity Differences</i>	58
<i>Nationality Differences</i>	58
<i>Residence Differences</i>	59
<i>Location Differences</i>	59
<i>Enforcement Response</i>	59
Major Findings Comparing Sex Trafficking and Work in the Sex Industry.....	60
<i>Gender Differences</i>	60
<i>Age Differences</i>	60
<i>Race and Ethnicity Differences</i>	60
<i>Nationality Differences</i>	61
<i>Residence Differences</i>	61
<i>Location Differences</i>	61
<i>Criminal Justice System Response</i>	62
Estimated Dollar Amount from Commercial Sex Economy	62
<i>Scenario 1: Illegal Massage Parlor/Spa</i>	63
<i>Scenario 2: Freelance, High-Level WORKER IN THE SEX INDUSTRY/Illegal Escort</i>	64
<i>Scenario 3: Street-Level Prostitution</i>	64
Summary.....	65
Findings from Four Site Case Review.....	66
<i>Cases With Signs of Human Trafficking</i>	66
<i>Attention of Law Enforcement/Differences In Enforcement</i>	66
<i>Case Specific Information</i>	67
<i>Background on Case Review Sites</i>	68
<i>Cross-Site Review of Differences In Law Enforcement and Investigative Focus</i>	68
DISCUSSION AND RECOMMENDATIONS	73
Recommendations for Policy and Practice	76
Recommendations for Future Research	78
REFERENCES	79
APPENDIXES	81
APPENDIX 1: STATES WITH ANTI-TRAFFICKING LAWS	
APPENDIX 2: SCREENING SCRIPTS USED TO IDENTIFY RESPONDENTS	
APPENDIX 3: INFORMED CONSENT FORM	
APPENDIX 4: LAW ENFORCEMENT QUESTIONNAIRE	
APPENDIX 5: PROSECUTOR QUESTIONNAIRE	
APPENDIX 6: SERVICE PROVIDER QUESTIONNAIRE	
APPENDIX 7: MAIL-OUT SURVEYS	
APPENDIX 8: HUMAN TRAFFICKING CASE REVIEW FORM	
APPENDIX 9: POPULATION OF BORDER COUNTIES	
APPENDIX 10: WEIGHTING PLAN FOR HUMAN TRAFFICKING STUDY	

LIST OF TABLES AND FIGURES

TABLE 1:	SAMPLING FRACTION BY STRATUM	22
TABLE 2:	BASE WEIGHTS	23
TABLE 3:	AVERAGE DEMOGRAPHIC CHARACTERISTICS BY STRATUM	25
TABLE 4:	COUNTY AND RESPONDENTS BY DATA COLLECTION TYPE	28
TABLE 5:	RESPONSE RATES BY STRATUM.....	29
TABLE 6:	LAW ENFORCEMENT RESPONSE TO DEFINITIONAL VIGNETTES	35
TABLE 7:	COUNTIES REPORTING HUMAN TRAFFICKING	38
TABLE 8:	LAW ENFORCEMENT REPORTED TRAFFICKING BY SAMPLE STRATA	39
TABLE 9:	NATIONAL ESTIMATES.....	41
TABLE 10:	COUNTIES REPORTING TRAFFICKING BY RESPONDENT GROUP	47
TABLE 11:	GENDER AND AGE FOR VICTIMS OF HUMAN TRAFFICKING.....	48
TABLE 12:	RACE AND ETHNICITY OF VICTIM	49
TABLE 13:	PLACE OF RESIDENCE FOR VICTIMS	50
TABLE 14:	FREQUENCY VICTIMS ARE U.S. CITIZENS.....	50
TABLE 15:	GENDER AND AGE FOR PERPETRATORS OF HUMAN TRAFFICKING	52
TABLE 16:	RACE AND ETHNICITY OF PERPETRATOR.....	53
TABLE 17:	PLACE OF PERPETRATOR RESIDENCE	53
TABLE 18:	INVESTIGATIONS, ARRESTS, PROSECUTIONS, CONVICTIONS, INCARCERATIONS OF PERPETRATORS ...	55
TABLE 19:	COUNTIES REPORTING WORK IN THE SEX INDUSTRY	57

LIST OF FIGURES

FIGURE 1: COUNTIES AND RESPONDENTS BY DATA COLLECTION MODE.....	29
FIGURE 2: TOTAL UNIQUE COUNTY AND RESPONDENT NUMBERS.....	30

ABSTRACT

This study responds to a congressional mandate to (1) identify victims and potential victims of domestic trafficking; (2) determine whether victims have been identified as such by law enforcement; and (3) explore differences between sex trafficking and unlawful commercial sex. It examines human trafficking experiences among a random sample of 60 counties across the United States.

Study findings emphasize both confusion about how human trafficking is defined and a general lack of awareness of the issue. In states with anti-trafficking statutes, 44 percent of law enforcement respondents and 50 percent of prosecutors report that their states do not have or they are not aware of having anti-trafficking legislation. In general, law enforcement, prosecutors, and service providers respondents could not: (1) differentiate between severe and non severe forms of human trafficking; (2) distinguish trafficking from smuggling; (3) differentiate domestic and international trafficking; (4) identify types of trafficking (sexual and labor), or (5) state the elements of trafficking. Until these ambiguities are removed (e.g., what is not “severe” trafficking), it will be difficult to inform the public and key stakeholders about what to look for and how to address it.

The absence of definitive data on the amount of domestic human trafficking reflects not only a lack of awareness but an absence of adequate recordkeeping systems to track human trafficking investigations. Thus, in addition to training, law enforcement and service providing organizations need accurate recordkeeping systems if we are to gain a fuller picture of the extent of human trafficking victimization in the United States.

Our examination of interagency linkages suggests that communication gaps among agencies contribute to the paucity of cases. Jurisdictions with task forces emphasize that interagency communication and standardization of cooperation in addressing trafficking are likely to yield more and better documented cases. Our findings suggest an association (primarily in large counties) among local awareness levels, enforcement approaches (reactive versus proactive), and the presence or absence of state trafficking statutes.

Findings demonstrate that: (1) it is difficult to identify victims of sex trafficking within the larger scope of commercial sex; (2) commercial sex economies are concentrated in large urban areas; and (3) street level work in the sex industry is being supplemented by escort services, massage parlors, and traffickers that advertise on the Internet. Thus, focusing enforcement efforts on street level workers in the sex industry is less likely to uncover sex trafficking than investigations targeting less visible illegal commercial sex activities.

EXECUTIVE SUMMARY

INTRODUCTION

Human trafficking is a newly recognized but fast-growing criminal industry. Within the last decade it has become a global issue affecting nearly every country in the world. The United States is recognized primarily as a destination rather than a source or transit country for trafficked human beings. Currently, however, little is known about the extent of human trafficking in the U.S. The crime is hidden; victims are reluctant to view themselves as victims or to report it due to fears of deportation by US authorities and reprisals by their traffickers. Traffickers move easily across borders and thus are rarely arrested or prosecuted. And, as we have learned in our study, key local stakeholders that typically would be the source of information about conduct of this nature lack the awareness and training to make them effective in addressing the issue.

The Trafficking Victims Protection Reauthorization Act passed by Congress in 2005 expanded the trafficking focus and concern to include “domestic trafficking in persons” and sought to enhance the “protection of victims of trafficking in persons” by heightening public awareness of the growing problem in this country. The Act also called for the collection of data; a comprehensive statistical review and analysis of human trafficking data; and a biennial report to Congress on sex trafficking and unlawful commercial sex acts.

This study responds to that Congressional mandate. It examines human trafficking experiences among a random sample of 60 counties across the United States. In contrast to prior research that focused mostly on how Federal authorities’ handle victims and perpetrators, this study, conducted by the National Opinion Research Center at the University of Chicago (NORC), examines experiences with human trafficking at the local level across the United States and seeks to:

- 1) identify victims and potential victims of domestic labor and sex trafficking;
- 2) determine whether they have been identified as victims by law enforcement; and
- 3) explore differences between sex trafficking and unlawful commercial sex (henceforth referred to as “work in the sex industry”).

STUDY DESIGN AND METHODOLOGY

This exploratory study uses a variety of methods to examine the progress local and state governments and service providing organizations have made in their efforts to combat human trafficking. Because most of the available research on human trafficking has focused on the issue from an international perspective, this study is limited to human trafficking that occurs within the U.S. As such, the focus is on state and local organizations. The study design includes a three-pronged research approach.

- ▶ Stage One: Conduct telephone screening interviews and interviews with local human trafficking stakeholders in the 60 sampled counties, including at least two law enforcement representatives, one prosecutor, and two service provider organizations.

- ▶ **Stage Two:** Conduct mail-out surveys with law enforcement, prosecutors, and service providers in each selected county. The mail-out survey addresses several questions of interest that do not lend themselves to immediate responses in a telephone interview; in other words, respondents generally need to research statistical records to respond to the questions.
- ▶ **Stage Three:** Select four sites to visit and code case files of potential human trafficking cases. The sites selected include two counties with state anti-human trafficking laws and two without such laws. We also achieved regional variation in selecting our sample, with one site in the West, one in the Midwest, one in the South, and one in the Mid-Atlantic region.

Study Sample. The sample for this study consists of 60 counties from 30 different states. Of the 30 states, 20 had some form of anti-human trafficking legislation in place and 10 states did not. Part of the sample was drawn purposively and the remainder was drawn in stratified random fashion. Prior to selecting counties from among the 3,141 counties in the United States, we eliminated the 52 counties that participated in U.S. Department of Justice (DOJ) funded trafficking task forces as they are being investigated in a separate study. From among the remaining counties, the 20 most populous counties were selected with certainty. The remaining counties were grouped into six strata by geographic region of the country and law enforcement agency size. These strata represented population size, geographical location (namely on the U.S. border), and regions of the country.

FINDINGS

Law enforcement, prosecutors, and many service providing organizations are just beginning to grapple with the issue of human trafficking, whether or not their state has anti-trafficking statutes. For states that have passed anti-trafficking laws, one of the initial challenges is determining how to educate the public, law enforcement, prosecutors, service providers, and other key stakeholders about the law and how to recognize the nuances of the specific offense conduct. In those counties that have had some experience with state anti-trafficking criminal statutes, we observed heightened awareness of the problem and recognition of potential signs for victimization. However, knowledge about human trafficking is very limited outside major metropolitan areas. Anecdotally, it seems that having state anti-trafficking statutes may increase awareness of the crime by law enforcement and service providers if training is provided to them.

Further analysis of our data support what prior research has found: large metropolitan areas, and, to a lesser extent, border counties, are more likely to experience trafficking in persons than are other parts of the country. However, even in these jurisdictions there are so few cases of trafficking in persons that respondents were reluctant to provide stereotypical generalizations about the “typical” trafficking perpetrator, victim, or purchaser.

Based on our review of law enforcement and prosecutor case records in four counties, two of which have both state laws and human trafficking task forces (raising the visibility of the problem), we found a greater number of potential trafficking cases in those states than those without anti-trafficking laws or other statewide efforts to address human trafficking. Whether attention to the problem led to the task forces and laws or the latter stimulated attention to trafficking is unclear. However, where specialized training has occurred, investigators appear to write particularly well detailed reports even when the incidents eventually

were not identified as trafficking cases. Thus, raising local awareness may have led to innovations in targeting the issue with a law enforcement response that increases the likelihood of uncovering trafficking behavior. This of course is all the more important to recognize, as sex and labor trafficking are by nature very hidden illegal activities. Therefore, defining human trafficking more clearly and increasing awareness through systematic training are necessary first steps for law enforcement if they are to recognize and pursue human trafficking cases.

A primary finding of this study is that there is both confusion about how human trafficking is defined and a general lack of awareness of the issue. Given this lack of a clear understanding of what constitutes human trafficking, it is not surprising that law enforcement officials in most counties do not report many cases of either labor or sex trafficking. In fact, law enforcement, prosecutors, and service providers respondents alike could not: (1) differentiate between severe and non severe forms of human trafficking (as is emphasized in the legislation); (2) distinguish trafficking from smuggling; (3) differentiate domestic and international trafficking-definition issue; (4) identify the types of trafficking (sexual and labor), or (5) state the elements of trafficking. Until certain ambiguities are removed regarding the definition of human trafficking (e.g., the distinction between “severe human trafficking” and what is not “severe” trafficking) it will be difficult to inform the public and key stakeholders about what to look for and how to address it.

Service providers tended to be more aware of human trafficking in general as well as the distinctions between trafficking and smuggling and between sex trafficking and the sex industry than investigators. However, most lack training on human trafficking, especially in rural areas and do not keep statistics that distinguish or otherwise identify human trafficking victims among those they assist. Thus, in addition to training, service providers need accurate recordkeeping systems if we are to gain a fuller picture of the extent of human trafficking victimization in the United States.

Our examination of interagency links also suggests that communication gaps among agencies contribute to the paucity of cases. Frequently, law enforcement officers could not identify individual service providers with whom we might talk about human trafficking issues. While social service providers readily identified local law enforcement they were often reluctant to contact them. Although there is more communication among law enforcement agencies within individual counties and with their local prosecutors, this is not necessarily the case regarding human trafficking. While local and Federal law enforcement agencies sometimes work cooperatively on human trafficking cases, a number of jurisdictions identified tensions and a lack of cooperation that hamper investigations and accurate recordkeeping. Jurisdictions with task forces where agencies emphasize the importance of better communication and systematize inter-agency cooperation in addressing human trafficking are likely to have more and better cases, as illustrated by two of our case study sites.

Our findings primarily in large counties suggest a relationship among local awareness levels, enforcement approaches (reactive versus proactive), and the presence or absence of state trafficking statutes. Respondents consistently reported higher levels of awareness and a greater number of cases in sites with state trafficking statutes, state or local Human Trafficking Task Forces, training on the issue, and collaboration with other agencies including Federal authorities. Similar findings emerged from the 4-county case review process. Sites without trafficking statutes and task forces had lower levels of awareness; were largely untrained in identifying the signs and symptoms of trafficking; and employed reactive enforcement

strategies. The case review process further suggests that law enforcement officials in sites without trafficking statutes had limited means at their disposal to address the problem of trafficking. Often the only statutes available to them resulted in lesser charges, generally misdemeanors and lower penalties than are included in the Federal code.

In many ways, the policy implications gleaned from this study are clearer than the definition of human trafficking. In order for the U.S. to more effectively identify, address and measure the scope of human trafficking there must be: 1) a clearer definition of human trafficking; 2) training for practitioners and awareness campaigns for the general public; 3) more resources for both investigation of complex cases and for support and assistance to victims who often are treated as criminals; 4) greater interagency communication and cooperation; 5) consistent (i.e., state and Federal) recordkeeping and data collection efforts and 6) consideration of adopting state statutes addressing human trafficking.

Our efforts to measure the scope and cost of the commercial sex economy, and the role of human trafficking in it, were largely unsuccessful. What we did learn, however, is that it is difficult to define and clearly identify victims of sex trafficking within the larger scope of commercial sex, that commercial sex economies are concentrated in large urban areas, whereas many of the small jurisdictions do not have such problems, and that the more traditional (“visible”) street level work in the sex industry is being widely supplemented by escort services and sex traffickers that advertise on the Internet in many large metropolitan areas and massage parlors with unlicensed workers. Thus, a focus of enforcement efforts on street level work in the sex industry is less likely to find sex trafficking than investigations targeting less visible and more complex commercial illegal sex economies, including massage parlors/spas and escort services.

SUMMARY

Not unlike domestic violence or sexual harassment in the early 1980s or stalking and hate crimes in the 1990s, trafficking in persons (particularly domestic trafficking) is a concept as well as a legal term with which law enforcement, prosecutors, and many service providing organizations have had little experience. They are just beginning to encounter and grapple with the problem, whether or not the state has anti-trafficking statutes. For states that have anti-trafficking laws in place, the next step, which is still in its initial phases, is to educate the public, law enforcement, prosecutors, service providers, and any other key stakeholder who should be aware of the statute and the nuances of the specific offense conduct. It is clear from our data that in those counties that have several years of experience with state anti-trafficking criminal statutes, there is heightened awareness of the problem itself and recognition of potential signs for victimization.

Knowledge about human trafficking however is very limited outside major metropolitan areas. Law enforcement officials stated some familiarity with the term “human trafficking” but could not clearly define it and were more likely to define it as smuggling or transportation of persons than identifying the coercive aspect of forced or unwanted activity. While many law enforcement respondents noted that U.S. citizens as well as foreigners could be trafficked, they often associate human trafficking with illegal immigrants and criminal behavior surrounding their illegal status.

Our examination of interagency links also suggests communication gaps. Frequently, law enforcement could not identify individual service providers with whom we might talk about human trafficking issues. There is

more communication among law enforcement agencies within individual counties as well as local prosecutors (though not necessarily about human trafficking). Law enforcement and service providers are just beginning to recognize the importance of working together on this multi-faceted problem.

The absence of definitive data on the amount of domestic human trafficking reflects not only a lack of awareness but the absence of recordkeeping systems that keep track of human trafficking investigations. Indeed, in states without statutes defining human trafficking as a (state) crime, cases that arise are handled as Federal offenses and prosecuted in Federal district courts or are handled by other often misdemeanor statutes (e.g., soliciting for prostitution) that rarely are recorded or subject to further analysis. The reluctance of victims to turn to the police for fear of deportation also contributes to underreporting.

In conclusion, our findings suggest that local awareness levels and enforcement approaches were associated with whether or not sites had state trafficking statutes. That is, law enforcement respondents in sites with state trafficking statute were more aware of the issue and were more likely to have received training and to have implemented proactive strategies to respond to the problem. Sites with state trafficking statutes also were more likely to have collaborated and/or to be actively collaborating with Federal authorities in responding to the problem. Below are select recommendations for policy and practice.

RECOMMENDATIONS FOR POLICY AND PRACTICE

- ▶ Expand and provide training to law enforcement and prosecutors that clearly distinguishes among smuggling, human trafficking, domestic human trafficking, sex trafficking, and work in the sex industry; and how to identify, investigate, make cases against perpetrators and find assistance for (and gain cooperation from) victims.
- ▶ Increase the availability of specialized training for law enforcement, prosecutors, and social services, and implement through cross-training (as is common in Europe) as a way to standardize the definition of human trafficking and increase communication and cooperation among them in dealing with human trafficking victims.
- ▶ Develop and provide technical assistance on maintaining adequate recordkeeping systems at the local level (law enforcement, prosecutors and service providers) to track and monitor sex-related cases and investigations
- ▶ Make resources available for law enforcement and service providers to focus on human trafficking offense conduct that involves U.S. citizen victims.

INTRODUCTION

Human trafficking is a newly recognized but fast-growing criminal industry. Within the last decade it has become a global issue affecting nearly every country in the world. The United States is recognized primarily as a destination rather than a source or transit country for trafficked human beings. Currently, however, little is known about the extent of human trafficking in the U.S. The crime is hidden; victims are reluctant to view themselves as victims or to report it due to fears of reprisals by their traffickers and deportation by US authorities. Traffickers are hard to identify and move easily across borders so rarely are arrested or prosecuted. And, as we have learned in our study, key local stakeholders that typically would be the source of information about trafficking conduct lack the awareness and training to make them effective in addressing the issue. In states that have anti-trafficking statutes, 44 percent of law enforcement respondents and 50 percent of prosecutors reported that their states did not have, or they were not aware of whether their states had anti-trafficking legislation. In addition, those local communities in which training and recognition of the problem have occurred suffer from lack of funding to hire staff and provide financial resources required to address the specific problem of domestic trafficking.

Both the legislative and research focus on trafficking in persons is recent. In the U.S., the problem was first addressed by the Clinton Administration and the 106th Congress in 1997 (CRS, 2002). In 2000, Congress enacted the Trafficking Victims Protection Act (TVPA) that provided the first statutory guidelines for addressing human trafficking offenses. The Act (TVPA, 2000) identified “severe forms of trafficking in persons” and defined it as:

Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The Act authorized the creation of programs to assist victims and an Interagency Task Force consisting of members from the Departments of State, Justice, Health and Human Services, Defense, and the Office of Management and Budget to address the problem in this country. The Trafficking Victims Protection Reauthorization Act passed by Congress in 2005 expanded its focus and concern to include “domestic trafficking in persons,” which can be loosely defined as U.S. citizens, particularly children and youth, who are victims of human trafficking in the United States, and sought to enhance the “protection of victims of trafficking in persons” by heightening public awareness of the growing problem in this country. The Act also called for the collection of data, a comprehensive statistical review and analysis of human trafficking data, and a biennial report to Congress on sex trafficking and unlawful commercial sex acts.

This study responds to that congressional mandate. It examines human trafficking experiences (and to a lesser extent commercial sex acts) among a random sample of 60 counties across the United States. In contrast to prior research that has examined the issue from a Federal perspective, this study conducted by the National Opinion Research Center at the University of Chicago (NORC), examines experiences with human trafficking at the local level across the United States. The specific aims of the research are to:

- 1) identify victims and potential victims of domestic labor and sex trafficking;
- 2) determine whether they have been identified as victims by law enforcement; and
- 3) (explore differences between sex trafficking and unlawful commercial sex (henceforth referred to as “work in the sex industry”).

To achieve these goals we collected data through telephone interviews with local law enforcement, prosecutors, and service providers; a mail-out statistical survey completed by knowledgeable officials in those jurisdictions; and an examination of case files in four local communities. This latter effort consisted of reviewing incident and arrest reports and charging documents for a variety of offenses that might involve criminal conduct with characteristics of human trafficking. Through this method, we not only gained a sense of how local authorities handle these types of cases but also the ways in which trafficking victims “fall through the cracks” in the interfaces between local and Federal judicial systems as well as among local, state, and Federal law enforcement and social service systems.

The emphasis in this exploratory study is on the difficult investigative and prosecutorial issues involved in dealing with a complex form of multijurisdictional organized crime and the extent to which local officials have responded to it. We focus on the prevalence, context, and characteristics of human trafficking cases and victims across the study sites. And, to the extent the data permit us to address specific congressional concerns, have sought to achieve several goals: (1) describe and document the numbers of unidentified victims of various forms of human trafficking; (2) interpret the issues, opportunities, and barriers for law enforcement in dealing with victims, building cases, and apprehending and prosecuting traffickers; (3) identify the characteristics of victims and perpetrators of human trafficking; (4) determine the number and types of cases that involve trafficking behavior that are charged as other offenses; and (5) examine the barriers encountered by law enforcement and service delivery organizations in responding to suspected perpetrators and victims of human trafficking. Additionally, we consider definitional issues and shortcomings in the term “trafficking” – underscoring the difficulties in studying this issue.

This report is organized according to the various groups we interviewed, not by specific counties, although there are times when we examine data according to regional classifications (i.e., sampling strata). We have made every effort to maintain the confidentiality of participating counties. We begin with a discussion of the literature related to human trafficking. We follow this with a discussion of the methodologies employed to complete the study and a description of the sample of counties and their characteristics. We next present the primary findings, followed by a wider discussion of findings and implications. Finally, this report considers recommendations for policy and practice and provides additional research questions raised by this study.

BACKGROUND

Human trafficking is a global issue that affects nearly every country in the world (Aghatise, 2004). Estimates of the number of victims, mostly women and children, trafficked internationally range from 700,000 to 4 million (U.S. State Department, 2004; Everts, 2003). The majority of victims come from Asia, Latin America, the Caribbean, and Africa; however, in recent years an increasing number are trafficked from East European countries (Laczko et al., 2002). Destinations most frequently include Asia, the Middle East, Western Europe, and North America (Miko & Park, 2004). However, little is known about the extent of trafficking in persons in the United States.

Human trafficking in the United States, widely recognized as a destination rather than a source or transit country, takes on many faces, including labor exploitation and forced labor, debt bondage, prostitution, and illegal adoptions (State Department, 2004; Shirk & Webber, 2004). Although difficult to estimate precisely, recent estimates suggest that between 14,000 to 17,500 women and children are trafficked into the U.S. each year, mostly from Latin America, Asia, and Eastern Europe (State Department, 2004). However, earlier estimates were much higher.¹

Human trafficking and strategies for fighting human trafficking must be viewed from both global and national perspectives (Gershuni, 2004; Everts, 2003). While some countries have become fairly sophisticated in thinking about the problem, others have just begun to focus on the issue. The United Nations (U.N.) led the effort to establish international standards for human trafficking, and through its Protocol to Prevent, Suppress and Punish Trafficking in Persons defined trafficking in persons as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (U.N., 2000).

U.S. INITIATIVES TO COMBAT HUMAN TRAFFICKING

Since the late 1990s, human trafficking has gained increased attention in the U.S. The problem was first addressed by the Clinton Administration and the 106th Congress. In November 1997, the U.S. and the European Union agreed to a joint initiative to combat human trafficking (CRS, 2002). Since then the U.S. has worked with other European organizations, including the Group of Eight, the U.N., and the Organization for Security and Cooperation in Europe (OSCE) (Miko & Park, 2004).

The U.S. has responded to the issue of trafficking in persons by enacting four major pieces of legislation. The Trafficking Victims Protection Act (TVPA), passed in October 2000, provided the first statutory guidelines to address human trafficking offenses. TVPA allocated \$95 million to protect victims and penalize criminals,

¹ Estimates ranged from between 45,000-50,000 (Richards, 1999; Hyland, 2001; Gilman, 2001; Leuchtag, 2003).

provided assistance to foreign countries to deter trafficking, and authorized the creation of programs to assist foreign national victims. TVPA also established the Office to Monitor and Combat Trafficking in Persons in the Department of State and an Interagency Task Force to assist in the coordination of anti-trafficking efforts. Membership of the Interagency Task Force to Monitor and Combat Trafficking in Persons, established in February 2002, includes the Departments of State, Justice, Health and Human Services, and Defense, the Office of the Directorate of National Intelligence, Office of Management and Budget, and the U.S. Agency for International Development. Other agencies attend meetings as appropriate. The task force is chaired by the Secretary of State.

In April 2003, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act) was enacted. PROTECT permitted law enforcement officers to prosecute Americans that travel abroad to abuse minors. In December 2003, the Trafficking Victims Protection Reauthorization Act (TVPRA) reauthorized the TVPA. TVPRA mandated new information campaigns to combat international child sex tourism, refined certain aspects of Federal criminal law, and created a new civil action provision to allow trafficking victims to sue their traffickers in Federal court (State Department, 2002; 2004).

In December 2005, Congress enacted the Trafficking Victims Protection Reauthorization Act 2005 (TVPRA, 2005), which reauthorized the TVPA and expanded the laws. Congress broadened its focus and concern about human trafficking in the TVPRA-2005 by looking specifically at (1) “trafficking in conjunction with post-conflict and humanitarian emergency assistance,” (2) combating “domestic trafficking in persons,” and (3) enhancing the “protection of victims of trafficking in persons” by heightening awareness through “access to information,” building prosecutions, and initiating “a pilot program to establish residential treatment facilities in foreign countries for victims” of human trafficking (42 U.S.C. § 14044). Congressional goals with respect to TVPRA 2005 make clear the need to shift some focus to domestic trafficking and to gather data to inform policymakers as they struggle to combat human trafficking. To date we have found no clear definition of “domestic trafficking”; rather, when the term is used, there seems to be an expectation that people will know what it means. One of our struggles in conducting this study has been this lack of definition. For example, respondents sometimes would ask whether it includes women who are moved from place-to-place to engage in activities that respondents were inclined to call “domestic trafficking,” irrespective of whether or not the trafficked person was a U.S. citizen. As mentioned above, the Act emphasizes the need for a comprehensive statistical review and analysis of human trafficking data, beginning with “severe forms of trafficking in persons,” and continuing with biennial reports to Congress on sex trafficking and unlawful commercial sex acts.

Finally, in January 2007, Congress reiterated its concern with human trafficking by introducing a bill to authorize appropriations for fiscal years 2008 through 2010 for continuing efforts to combat trafficking in persons (H.R. 270).

INVESTIGATIVE AND PROSECUTORIAL ISSUES

Human trafficking is a complex issue involving elusive perpetrators and powerless victims; challenges that generally increase the difficulty of investigating and prosecuting human trafficking cases. To date, most existing research and literature focuses on the nature of human trafficking and on Federal and international

case statistics to document government efforts. There is very little that pertains to investigation and prosecution issues.

Although enslaving people is not new, modern-day human trafficking has emerged only recently as a significant domestic and international issue (Shirk & Webber, 2004; Gershuni, 2004). Because human trafficking is an intricate form of transnational organized crime, successful law enforcement efforts require a combination of factors. To effectively address human trafficking, law enforcement needs:

- ▶ a unique combination of investigative skills;
- ▶ interagency cooperation;
- ▶ local knowledge of the potential trafficking venues (e.g., workers in the sex industry, massage parlors, nail salons, brothels, truck stops, domestic labor/servitude, agriculture, construction, sweatshop factories, restaurants, and janitorial laborers);
- ▶ an understanding of the issues that make victims particularly vulnerable,
- ▶ various victim recruitment methods used; and
- ▶ knowledge of many of the intricate (domestic and international) legal issues involved.

In addition, law enforcement and those providing services to victims of trafficking in persons must understand the scope of the offense conduct. For example, human trafficking does not necessarily involve transportation of victims (although it often does); rather, trafficking in persons involves “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion,” whether for labor or sex trafficking (TVPA, 2000). The issue is exacerbated further by the inherent difficulty in disaggregating sex trafficking victims and perpetrators from workers in the sex industry – a topic we examine more closely in this report.

Despite the fact that human trafficking is one of the fastest growing and most profitable criminal enterprises in the world, law enforcement efforts have failed to keep pace with the issue for several reasons. First, traffickers and trafficking victims are difficult to identify. U.S. traffickers generally are not affiliated with large, sophisticated syndicates. Rather, they involve individuals or families with only loose associations to organized crime networks and co-conspirators in source and transit countries (Richards, 1999). To dismantle trafficking networks abroad, U.S. law enforcement must work closely with foreign government officials from source and transit countries; however, trafficking occurs in many areas of the world where the U.S. Government has limited leverage. In addition, trafficking may not be explicitly illegal in some source and transit countries, and in some areas of the world that prohibit trafficking, it may not be enforced (Hyland, 2001).

To complicate matters further, human trafficking is a highly mobile enterprise. Thus, when law enforcement efforts are successful in one region, traffickers often simply move to other regions and continue their operations (International Organization for Migration, 2005). Our discussions with local law enforcement officials confirm that this also applies in the United States. When an area becomes “hot” (comes to the attention of law enforcement), traffickers move their operations to other parts of a city or other regions of the country. Traffickers use travel routes that make it difficult to detect trafficking, and law enforcement agencies (including U.S. Border Patrol officials), legal advocates, and nongovernmental organizations lack specialized training to recognize victims (Hyland, 2001). Without appropriate training, law enforcement

officials may come upon victims and mistake them for illegal immigrants, arresting and eventually deporting them (Laczko, 2002; Florida State University, 2003).

In addition to difficulties in identifying trafficking operations, law enforcement agencies are faced with other obstacles once trafficking organizations have penetrated or otherwise taken root in the U.S. For example, victims may not speak English or may be otherwise unable or unwilling to contact authorities (Everts, 2003; Shirk & Webber, 2004). They may fear retribution from traffickers who often isolate victims from the public and physically, emotionally, and sexually abuse them into submission (Melby, 2004). Traffickers often force victims into labor to pay off debt or threaten them with incarceration for immigration-related violations if they contact law enforcement (Leuchtag, 2003; Watts & Zimmerman, 2002). Even when willing to cooperate with law enforcement, victims are less willing to testify in court for fear of reprisal or deportation (Main, 2002).

In the event law enforcement officials identify traffickers, obstacles still inhibit successful prosecution. Individual states have begun the arduous process of addressing human trafficking in their local communities. By the end of December 2007, 33 states had adopted human trafficking statutes, although standardization and comprehensiveness vary across states.² Local prosecutors in states without trafficking statutes may apply other charges, such as false imprisonment, abduction, involuntary servitude, peonage, money laundering, extortion, kidnapping, and enticement/kidnapping into slavery. However, since fines, penalties, and sentences are not specified for trafficking offenses, the risk for traffickers is minimized and successful prosecutions are made more difficult (TVPA, 2000).

DEPARTMENT OF JUSTICE TASK FORCES ON HUMAN TRAFFICKING

Local law enforcement officers, victims' services providers, and other social service agency personnel are generally the first to encounter incidents of human trafficking within the U.S. To date however, local prosecutors have made only limited use of state and local statutes to prosecute traffickers. The TVPRA-2005 provides a more robust mechanism for prosecuting human trafficking at the Federal level. Yet this prosecutorial tool is only the first of many steps required to deal with human trafficking. Obstacles continue to face prosecutors due to the problem's complexity and the inherent challenges posed by the differing agendas of local law enforcement authorities, victim service agencies, and Federal law enforcement.

Recognizing that local authorities are more familiar with their own jurisdictions and better suited to identify trafficking victims, DOJ developed and implemented a new concept for investigating and prosecuting human trafficking cases at the local level, i.e., multi-disciplinary task forces. The Department would provide the funds and technical support to aid local authorities in developing the requisite tools and training to identify victims and perpetrators, thus, leveraging new Federal statutes with local knowledge and staff resources. The first three task forces were tested in Philadelphia, Atlanta, and Phoenix, followed by five more (Tampa, Newark, Houston, Northern Virginia, and St. Louis). DOJ used information gleaned from these task forces to increase its knowledge base, guide policy and direction on domestic trafficking, and inform the development of

² See listing at Appendix 1

(<http://www.centerwomenpolicy.org/programs/trafficking/facts/documents/TraffickingStateLawsFactSheetOctober2007.pdf>)

subsequent research solicitations. In addition, a number of states including California, Minnesota, and Washington have created their own state task forces that currently are working on state-specific legislation, training, and other issues.³

³ For examples of their contributions, see Minnesota Office of Justice Programs, 2006; Office of Crime Victims Advocacy, 2004; Human Rights Center, 2005; and California's excellent web site, <http://safestate.org/index.cfm?navId=442>.

METHODOLOGY

Given the paucity of data on investigations of human trafficking at the local level, this is an exploratory study whose findings must be regarded as preliminary. It uses a variety of methods to examine the progress local and state governments and service providing organizations have made in their efforts to combat human trafficking. To address congressional concerns, this study is limited to human trafficking that occurs within the U.S. and is focused on state and local organizations. The study design includes a three-pronged research approach with the first two stages occurring simultaneously over several months.

Stage One: Conduct telephone screening interviews and interviews with local human trafficking stakeholders, including two law enforcement representatives, one prosecutor, and two service provider organization representatives. Also, conduct brief telephone interviews with state officials for the selected counties to determine overall state experience with human trafficking.

Stage Two: Send “mail-out” statistical surveys to law enforcement, prosecutors, and service providers in each selected county. These surveys address several questions of interest that do not lend themselves easily to immediate responses in a telephone interview, because respondents generally would need to search internal records to respond appropriately. Stages One and Two would be conducted simultaneously, while the full interviews would be conducted only in jurisdictions and agencies indicating awareness of and involvement in human trafficking cases.

Stage Three: Based on a review of data from the first two stages, select four sites to visit and code case files of potential human trafficking cases. This permits the identification of cases that may have started as human trafficking cases or have indications of human trafficking activities but ultimately resulted in arrests and prosecutions for other offenses. Cases also may start as some other offense only to determine upon further investigation that they include aspects of human trafficking. The four sites include two counties with state anti-human trafficking laws and two without state legislation. Site selection also includes regional variation, with one in the West, one in the Midwest, one in the South, and one in the Mid-Atlantic regions.

ADVISORY GROUP

To ground our work, we selected an advisory group of widely recognized experts on the issue of human trafficking, particularly trafficking in the United States. The group included knowledgeable law enforcement and service providers as well as academic experts in human trafficking and prostitution. We were interested primarily in trafficking within the U.S. and, secondarily, in the difference between unlawful commercial sex acts and sex trafficking. Therefore, we included a prostitution research expert to assist in developing questions and help the onsite research team recognize signs of human trafficking or activities consistent with typical prostitution cases in arrest records or prosecutor case files.

Our goal in identifying an advisory group was to ensure a group with broad knowledge, representing multiple and varied stakeholders, by providing support and authoritative guidance to the methodological and interpretive aspects of our study. Members of the advisory group included:

- ▶ **Terry Coonan, Executive Director of the Coalition Against Human Trafficking in Southwest Florida.** Professor Coonan has been a consultant on human trafficking issues with law enforcement officials and human rights groups nationwide as well as in Russia, Thailand, and Kazakhstan. He was a lead investigator on the 2003-2004 FSU Human Trafficking Research Project that resulted in the report *Florida Responds to Human Trafficking*. Most recently, he designed the teaching curriculum for the U.S. Justice Department on human trafficking and in the past year has trained police, sheriffs, and FBI agents throughout the US on this topic. Professor Coonan serves on the faculty of Florida State University.
- ▶ **Nancy Matson, Director, Crime and Violence Prevention Center, California Attorney General's Office.** Ms. Matson serves as Chair of the California Task Force on Human Trafficking. She has worked in the field of crime prevention at the state level for more than 27 years. In 2007, she was appointed Director of the Prevention Center (having been the Deputy Director for more than four years) to which she provides leadership, direction, and oversight for statewide prevention programs, research, and legislative support services, the production of public education materials and campaigns, and the Publications and Media Units.
- ▶ **Kimberly J. Mitchell, Ph.D. and Co-Principal Investigator, Crimes against Children Research Center, Family Research Lab, University of New Hampshire.** Dr. Mitchell has worked extensively with juvenile prostitution and other child victimization issues, and is a strong research methodologist in the area of child and family victimization and violence. She is an Assistant Professor of Psychology at the Crimes Against Children Research Center of the University of New Hampshire. Dr. Mitchell's research interests include youth Internet victimization, juvenile prostitution, and missing children. She has authored numerous papers on the incidence, risk, and impact of child victimization and domestic violence.
- ▶ **Bradley Myles, National Program Director, Polaris Project, Washington, DC.** Mr. Myles currently serves as the National Program Director for the non-governmental organization, Polaris Project, and speaks and trains widely on human trafficking-related issues, including testifying before the U.S. Congress. He also serves on the DC Task Force on Trafficking in Persons. The Polaris Project is dedicated exclusively to combating human trafficking and modern-day slavery. It operates the Greater DC Trafficking Intervention Program (DC TIP) to combat human trafficking in the District of Columbia, Northern Virginia, and Southern Maryland.
- ▶ **Amanda Noble, Ph.D., Research Program Specialist, Crime and Violence Prevention Center, California Attorney General's Office.** Dr. Noble works directly with Ms. Matson on the California Alliance to Combat Trafficking and Slavery Task Force. She is responsible for the statistics and the various research efforts undertaken by the task force. She served as a contributing writer to the task force report, *Human Trafficking in California, Final Report (2007)*.
- ▶ **Harvey Sloan, Human Trafficking Unit, Seattle Police Department, Coordinator of the Seattle Anti-Trafficking Task Force.** Detective Sloan is a Vice Detective with the Seattle Police Department and has worked on human trafficking cases for several years, spearheading much of the work in the King County area. He provides human trafficking training to officers on Seattle's Trafficking Response Team as well as the department as a whole. He assists law enforcement

organizations nationwide as they begin to establish programs aimed at combating human trafficking.

In addition, the following Federal agency representatives served as members of the advisory group:

- ▶ **Karen Bachar, Social Science Analyst and Project Monitor**, Office of Research and Evaluation, National Institute of Justice, U.S. Department of Justice.
- ▶ **Shereen Faraj, International Programs Officer**, Office to Monitor and Combat Trafficking, U.S. Department of State.

After project staff completed a preliminary draft of the modular questionnaires, we sent advisory group members copies of the draft interview instruments, methodology plan, and study protocols. Subsequently, they participated in a lengthy round of conference calls to elicit their comments, advice, and approval. The advisory group provided extensive and sound comments related to the interview instrument that we incorporated in the study design; for example, following their strong suggestion to collect statistical questions via a separate mail-out survey. They also provided nuances to a number of questions and suggested the removal of others. Prior to finalizing the instrument, the revised versions were distributed back to the advisory group for final comment.

INSTRUMENT DEVELOPMENT

The study's goal is to find victims of trafficking in persons. To accomplish this goal, we cast our data collection net as widely as possible, including any community stakeholders that might have reason to encounter these victims; that is, law enforcement, social service providers, and prosecutors. To maximize our response rate among stakeholders, we use three methods of providing information with responses coming from any or all methods. These methods include: (1) a screening device that identifies those respondents that have had contact with human trafficking victims; (2) a full-length interview for those respondents that have had contact with trafficking victims and are identified by themselves and others as "one of the most knowledgeable people in their office regarding the issue of human trafficking"; and (3) a mail-out statistical survey to each respondent group seeking official organizational data capable of addressing the specific requirements in the Trafficking Victims Protection Reauthorization Act 2005 (TVPRA, 2005). For each of the interview instruments and the mail-out survey, we developed a core set of questions that applied to all respondent groups. We then developed separate questions directed at the mission and activities of each of the three organizational groups.

GATEWAY QUESTIONS

A key feature of the screening device and full-length interview is a series of "gateway" questions in which individual respondents are asked detailed questions related to the three activities of interest to Congress: labor trafficking, sex trafficking, and work in the sex industry. In general, the screening devices start with broader gateway questions related to human trafficking overall. We use the gateway questions as indicators of trafficking.

In the screening devices, gateway questions consist of a series of questions designed to determine an organization's experience with human trafficking. For example, police chiefs and sheriffs or their designees are asked the following series of questions:

- ▶ Is there someone in your department you would say is the most knowledgeable about human trafficking activities?
- ▶ Would anyone in your Vice Unit or Narcotics Unit be a logical place to start?
- ▶ Is there any other unit that might be able to assist us in answering questions about potential trafficking in persons' activities?
- ▶ Is this because you have no human trafficking activities in _____ County?

If responses to these questions indicate no experience with human trafficking, the department or agency is not administered the full-length interview.

The gateway questions in the full-length interview are more probing. That is, we ask an initial question that inquires directly about activities of interest, following these with questions about specific criminal conduct indicative of human trafficking. For labor trafficking, the following gateway questions are asked:

- ▶ Has your department had any **labor** trafficking cases or investigations?
- ▶ Has your department had immigration cases in which the immigrant was forced to surrender his or her identification papers or legal documents?
- ▶ Has your department worked with or investigated any victims of labor trafficking?

Negative responses to all three labor trafficking gateway questions result in skipping the detailed questions about labor trafficking including questions about victim and perpetrator demographic characteristics.

For sex trafficking, the following questions are asked:

- ▶ Has your department investigated any **sex** trafficking cases; that is, cases in which sex is induced by force, fraud, or coercion or the induced person is a minor?
- ▶ Has your department investigated any minors involved in prostitution with a pimp?
- ▶ Has your department investigated any prostitution cases that involved violent pimps?

As with labor trafficking, negative responses to all three sex trafficking gateway questions result in skipping out of detailed questions related to sex trafficking.

For work in the sex industry (prostitution), the following gateway question is asked:

- ▶ Do you have experience investigating or working with those engaged in work in the sex industry?

This question is followed by questions related to those who purchase sex from workers in the sex industry and victims of sex trafficking:

- ▶ About how many purchasers of sex in the sex industry or prostitution does your department arrest in a year?

- ▶ About how many purchasers of sex from victims of sex trafficking does your department investigate in a year?

Negative responses to these questions skip a respondent not only out of detailed questions related to work in the sex industry, but out of questions comparing work in the sex industry and sex trafficking as well as questions related to cost estimates for these activities.

Gateway questions for service providers serve the same purpose as described above but are worded to be consistent with their mission. These include:

- ▶ [Of the clients served by your organization] about how many are human trafficking victims?
- ▶ Does anyone else in your organization work with victims of human trafficking?
- ▶ Does your organization service victims of **labor trafficking**?
- ▶ Does your organization come in contact with perpetrators of **labor trafficking**?
- ▶ Does your organization serve victims of **sex trafficking**?
- ▶ Does your organization come in contact with perpetrators of **sex trafficking**?
- ▶ In addition to providing services to victims of labor and/or sex trafficking, do you also provide assistance to workers in the sex industry or prostitution?

Negative responses result in skipping more specific questions about these activities just as they do for negative responses from law enforcement and prosecutors.

SCREENING DEVICE

The purpose of the telephone screening device was to ascertain the degree to which an organization had experience working with trafficking in persons activities. Because we were making cold calls when we initially contacted law enforcement, prosecutors, and service providers, we created screening devices for each of these conversations (see Appendix 2).⁴ In addition to a set of core questions asked of each respondent group, organization-specific questions were included to provide context and statistical information for each organization. With the expectation that this might be the sole conversation or response we received from an organization, the screening devices asked the principal human trafficking questions. For example, the law enforcement screening device included the following questions:

- ▶ How does your department define human trafficking? How about severe forms of human trafficking?
- ▶ Do victims of human trafficking include both U.S. citizens and foreign nationals?
- ▶ Does your state have laws that address human trafficking?
- ▶ Please tell me about any experience you and your department have had with human trafficking cases; for example, have you been involved in human trafficking investigations, training programs, arrests, or prosecutions?

⁴ In each of the scripts presented in Appendix 2, there is reference to an Informed Consent Form. See Appendix 3 for copy of the Informed Consent.

- ▶ How many human trafficking cases has your department investigated in the past year?
- ▶ To date, how many perpetrators of human trafficking cases has your department arrested?
- ▶ Have personnel from your department worked with law enforcement from other local, state, or Federal agencies on human trafficking investigations; or have you or anyone else in your department participated in a human trafficking task force?
- ▶ In other jurisdictions, we have found that certain types of other offenses frequently involve human trafficking conduct. Have you had any of the following types of cases that had characteristics of human trafficking? (This is followed by a series of potential offenses and an open-ended other offense category.)

We ended the interview by asking for referrals for service provider organizations, prosecutors, and the person or organization to which statistical information from their department was sent.⁵ In many counties, particularly the smaller jurisdictions that did not have vice or narcotic units, the chief of police and/or the sheriff of the county responded to the brief screening instrument and that was the extent of our contact with law enforcement in those counties (except all counties received the mail-out statistical survey). For those counties in which we interviewed the police chief or sheriff, our goal was to determine whether these jurisdictions had any human trafficking activities; therefore, we asked the following:

- ▶ Is there someone in your department you would say is the most knowledgeable about human trafficking activities?
- ▶ Would anyone in your Vice Unit or Narcotics Unit be a logical place to start?
- ▶ Is there any other unit that might be able to assist us in answering questions about potential trafficking in persons' activities?
- ▶ Is this because you have no human trafficking activities in your county?

The police chief or sheriff either served as a respondent or made a referral to officers and/or deputies within specialized units of their departments or agencies. If the police chief or sheriff offered a referral, we noted the contact information and thanked him or her. If the police chief or sheriff reported that we should go ahead and speak to him or her, we either conducted the interview immediately or set an appointment to conduct the interview at a later date. For the most part, when the chief of police or sheriff of the county served as the respondent, the full telephone interview was unnecessary because their counties had little to no human trafficking activities. Many times they said something like, "I'm sure they're out there, but we haven't seen any."

For the prosecutor screening device, the same kinds of questions were asked in terms of experience, definitions, and state laws. However, the following specific questions were asked as well:

- ▶ How many labor and sex trafficking cases has your office investigated in the past year?
- ▶ How many labor and sex trafficking cases has your office prosecuted in the past year?

⁵ We aimed to send the statistical (mail-out) survey in advance of completing telephone interviews; however, this did not always work in practice.

- ▶ How many prostitution or work in the commercial sex industry cases has your office investigated and prosecuted in the past year?
- ▶ Have you or anyone in your organization worked with local law enforcement on human trafficking investigations or served on human trafficking task forces?

As with law enforcement, prosecutors who made referrals provided the contact information or they agreed to the interview themselves.

The service provider screening device was somewhat different, although the core questions related to experience, definitions, citizenship, and state laws were included. The other related questions included:

- ▶ How many victims of human trafficking has your organization assisted in the past year?
- ▶ What kinds of services do you provide these victims?
- ▶ How many victims of human trafficking have you or your organization identified but not necessarily worked with in the past year?
- ▶ How did you encounter these individuals?
- ▶ Have you or anyone else in your organization worked with local law enforcement on human trafficking investigations or served on human trafficking task forces?

After initial contact with service providers, four outcomes resulted: (1) no human trafficking victim experience, (2) a referral to a member of the organization's staff, (3) an interview with the initial contact, or (4) an appointment for an interview at a later date.

TELEPHONE INTERVIEW INSTRUMENT

The purpose of the telephone interview was to capitalize on local experience and knowledge as a means of furthering our understanding about human trafficking in general and trafficking within the United States in particular. The comprehensive telephone interview instruments consisted of a core set of questions for all respondents complemented by modules that applied specifically to local law enforcement officials, prosecutors, and service providers. We purposefully built initial questions in response to questions posed by the National Institute of Justice (NIJ) and addressed issues raised in the TVPRA 2005. We compared these questions with those asked in prior human trafficking research involving law enforcement response to human trafficking (e.g., Clawson, Dutch, & Cummings, 2006; Farrell, McDevitt, & Fahy, 2007). In this way, we maximized lessons learned in prior research and adopted consistencies with prior research where possible.

The first section in the law enforcement instrument, *Introduction and Definitional Issues*, focused on the department's understanding and definition of human trafficking, individual and departmental experience with human trafficking, respondent credentials, and protocols, procedures, or guidelines for human trafficking investigations and arrests. In addition, we provided four brief scenarios involving criminal conduct and asked the respondents to tell us whether each represented human trafficking, which provided some context about how the respondent thought about human trafficking. (The full instrument is included in Appendix 4).

The second section, *Investigative Process*, addressed the nuts and bolts of how a potential trafficking case moved from identification to potential prosecution. It focused on training and its effect, the process of investigating human trafficking cases (i.e., the case began as some other offense but ultimately led to a human trafficking investigation or the converse, the case began as human trafficking but the investigation shifted to another offense type), means for identifying perpetrators and victims of human trafficking, officer recognition of human trafficking victims or potential victims, locations where trafficking occurs, prosecutorial involvement, referrals, and service provider assistance to law enforcement.

The third section, *Relationship Summary*, examined relationships among the various human trafficking stakeholders. Questions included: How would you characterize your department's relationship with local social services agencies, Federal law enforcement, other local or state law enforcement, local prosecutor, and U.S. attorneys. The literature suggests that success combating human trafficking requires a certain degree of cooperation and coordination among stakeholders. This section sought to determine the degree to which organizations work together and coordinate activities.

The fourth section, *Characteristics of Perpetrators and Victims of Human Trafficking*, asked about the particulars of local labor and sex trafficking cases, their perpetrators, and their victims. For both labor and sex trafficking, there were three screening questions, as described above that determined whether to administer the questions in this section. For labor trafficking:

- ▶ Has your department had any labor trafficking cases or investigations?
- ▶ Has your department had immigration cases in which the immigrant was forced to surrender his or her identification papers or legal documents?
- ▶ Has your department worked with or investigated any victims of labor trafficking?

By asking these three questions, we hoped to include any potential labor trafficking cases, even if they were not labeled as such. For sex trafficking:

- ▶ Has your department investigated any sex trafficking cases; that is, cases in which sex is induced by force, fraud, or coercion or the induced person is a minor?
- ▶ Has your department investigated any minors involved in prostitution with a pimp?
- ▶ Has your department investigated any prostitution cases that involved violent pimps?

Again, our intent was to identify jurisdictions with potential sex trafficking cases that may not have been labeled as such. If any of the gateway questions for either labor or sex trafficking were answered in the affirmative, demographic characteristics of perpetrators and victims were sought (e.g., gender, age, race, ethnicity, and residence). In addition, we asked questions related to the average numbers of perpetrators and victims involved in labor and sex trafficking investigations; difficulties the department experienced identifying, working with, and attempting to assist victims of labor and sex trafficking; and steps taken to overcoming those barriers.

The fifth section, *Sex Trafficking vs. Work in the Sex Industry*, was designed to develop an understanding of how respondents viewed the differences, if any, between victims of sex trafficking and workers in the sex industry. We began with a screener question that asked whether the respondent had experience working

with those engaged in the sex industry. If the response was negative, this section and the next two sections were skipped. For those with experience, we asked about the differences between locations in which law enforcement encountered sex trafficking victims and locations in which they encountered workers in the sex industry. The section also asked a series of questions about the differences in demographic characteristics between the two groups. The section ended with a question about the differences in the activities themselves and how law enforcement understood those differences.

The sixth section, *Purchasers of Sex Trafficking vs. Purchasers of Services in the Sex Industry*, focused exclusively on purchasers and began with two screener questions: (1) About how many purchasers of sex in the sex industry or prostitution does your department arrest in a year? (2) About how many purchasers of sex from victims of sex trafficking does your department investigate in a year? If the response was “none” or “don’t know,” the respondent skipped out of this and the following sections. Questions in this section included: (1) various demographic characteristics of purchasers of sex in the sex industry; and, (2) differences in enforcement of laws for sex trafficking versus work in the sex industry.

The seventh section, *Dollar Value of the Commercial Sex Economy, including Sex Trafficking and Work in the Sex Industry*, was designed to address congressional concerns about the negative impact of the burgeoning commercial sex economy. A method for securing this information was difficult to conceptualize, given that we were not interviewing perpetrators or purchasers of either sex trafficking or work in the sex industry. However, our strategy, developed with the assistance of our advisory group, included taking the three most likely locations in which work in the sex industry occurred in each sampled county and asking the following questions about each location:

- ▶ About how many of those who provide sex in the sex industry would you say are involved at that location in an average 24-hour period?
- ▶ In general, how many pimps or perpetrators of work in the sex industry are involved in that location during a 24-hour period?
- ▶ In general, how many johns or purchasers of sex in the sex industry are involved at that location during a 24-hour period?
- ▶ About how much, on average, does it cost per transaction at that location in your country?
- ▶ Do you have any idea how much the pimp or perpetrator takes off the top from these transactions at that location in your county?
- ▶ Do you have any idea, on average, how much money johns or purchasers of sex in the sex industry provide in the way of tips?

The same set of questions was asked about the three most likely locations in which law enforcement might find victims of sex trafficking. Although this complex section of the interview produced findings with only limited generalizability, it nonetheless provided a foundation for addressing this question in future research.

The final section of the interview, *Ending*, concluded the interview by asking if there was anything else we should know about human trafficking in that county. It also described Stage Three of the study and asked if they thought we might gain access to official files to review and code potential human trafficking cases should their counties be selected.

For the prosecutor interview instrument (see Appendix 5), Sections 1 through 6 mirrored law enforcement except substituting “prosecution or acceptance for prosecution” for “investigation or arrest.” The dollar value of the sex industry questions were eliminated because our pilot interviews indicated that prosecutors would be unlikely to be able to respond. The final section, instead, asked about plea negotiations and their results.

The service provider interview instrument was pared down from the law enforcement and prosecutor instruments (see Appendix 6). The first section served the same purpose as the other instruments, but asked about clients served as well as details about the organization, its mission, clientele, funding, longevity, and organizational status. The second section, *Services Provided*, focused on the kinds of clients served, including both victims of sex trafficking and workers in the sex industry, as well as the kinds of services rendered. It asked about workers in the sex industry and whether they exhibited characteristics of sex trafficking, as well as the organization’s practice of working with other service providers or law enforcement on human trafficking-related issues. The other questions in this section replicated questions in the other instruments related to referrals, coordination and obstacles to coordination with other organizations, and means of victims coming to the organization’s attention.

The next section of the service provider instrument asked about victims served and perpetrators encountered. Section 4 of this instrument focused on the differences between sex trafficking and work in the sex industry and asked a single question: Do the victims of sex trafficking differ from workers in the sex industry in terms of their sex, age, race and ethnicity, nationality, residence, or in any other way? How do they differ? The respondent skipped out of this section if he or she reported little or no experience with work in the sex industry. Section 5, *Experience with Law Enforcement*, delved more deeply into the relationship between the organization and local, state, and Federal law enforcement. Questions included assisting law enforcement, referring victims to law enforcement, receiving referrals from law enforcement, aiding law enforcement in gaining victim cooperation, task force activities, nature of collaborations, obstacles to collaborations, impressions of law enforcement recognition of human trafficking, and the overall relationship. Section 6, *Ending*, which concluded this interview, simply asked whether there was anything else we should know about human trafficking in their community or whether there were other people they thought we should interview.

MAIL-OUT STATISTICAL SURVEYS

The mail-out statistical survey had a dual purpose: (1) to collect statistical information related to trafficking and unlawful commercial sex in a way that would enhance data accuracy, and (2) reduce the length of the telephone interview. The statistical information sought was a direct request in the TVPRA-2005. The following items were included in the law enforcement mail-out surveys and were asked for two time periods: October 2006 through October 2007 and October 2005 through October 2006.

- ▶ Number of labor trafficking investigations undertaken by the department
- ▶ Number of labor trafficking arrests made by the department
- ▶ Number of labor trafficking cases that remain open
- ▶ Number of labor trafficking cases accepted for prosecution
- ▶ Number of sex trafficking investigations undertaken by the department

- ▶ Number of sex trafficking arrests made by the department
- ▶ Number of sex trafficking cases that remain open
- ▶ Number of sex trafficking cases accepted for prosecution
- ▶ Number of work in the sex industry investigations undertaken by the department
- ▶ Number of work in the sex industry arrests made by the department
- ▶ Number of work in the sex industry cases that remain open
- ▶ Number of work in the sex industry cases accepted for prosecution

Separate mail-out surveys went to prosecutors and service providers in the selected counties. Mailing the surveys to the three organizations allowed for contrasting numbers as interpreted by the various stakeholders. Prosecutors also were asked to provide numbers for the two time periods identified above. The prosecutor survey differed from law enforcement with the addition of the following items.

- ▶ Kinds of charges for labor trafficking perpetrators
- ▶ Guilty pleas to charges for offenses with dimensions of labor trafficking
- ▶ Guilty pleas to labor trafficking charges
- ▶ Guilty pleas at trial to charges for offenses with dimensions of labor trafficking
- ▶ Guilty pleas at trial to labor trafficking charges
- ▶ Number of labor trafficking defendants convicted regardless of charges
- ▶ Number of labor trafficking defendants convicted of labor trafficking charges
- ▶ Number receiving sentences of incarceration regardless of charges
- ▶ Number receiving incarceration sentence for labor trafficking charges
- ▶ Average sentence length for defendants incarcerated regardless of charge
- ▶ Average sentence length for defendants incarcerated convicted of labor trafficking
- ▶ Proportion prosecuted by local, state, and Federal criminal justice systems

These same additional questions were asked for sex trafficking offenses and work in the sex industry offenses. The prosecutor mail-out survey was the lengthiest and most complex because of congressional interest in the outcomes for labor and sex trafficking and work in the sex industry offenses. It also yielded the fewest responses.

Service provider organization surveys focused on questions consistent with the kinds of contact service providers might have had with victims of trafficking in persons. Again, the questions referred to the two time periods identified above and included:

- ▶ Number of labor trafficking clients served
- ▶ Number of labor trafficking clients referred to law enforcement
- ▶ Number of labor trafficking arrests resulting from referrals

- ▶ Number of these labor trafficking arrests accepted for prosecution
- ▶ Number of these labor trafficking cases resulted in convictions

These questions also were asked for sex trafficking clients and clients who work in the sex industry.

While there was overlap across the three mail-out surveys, each was designed to address the unique perspective of each stakeholder group in terms of their experience with human trafficking offense behavior, victims, and perpetrators. By sending mail-out surveys to each respondent group in each county, we hoped to address congressional concerns and obtain at least minimal information from each county. (For copies of each mail-out survey, see Appendix 7.)

CASE REVIEW INSTRUMENT

The purpose of the case review effort was twofold: (1) to identify cases that may have started as human trafficking cases or had dimensions of human trafficking activities but ultimately resulted in arrests and prosecutions for other offenses; and (2) to identify cases that may have started as some other offense but were later found to have attributes of human trafficking. The case review process offered an opportunity to examine offense conduct not charged as human trafficking that might have characteristics of human trafficking and determine whether or not those cases, in fact, had human trafficking characteristics. By reviewing actual case files, we intended to gain a clearer understanding of the process by which cases with possible aspects of human trafficking were investigated and prosecuted by local authorities. Ultimately, this exercise was designed to assist us in identifying victims of trafficking in persons who would not appear in official trafficking statistics.

To facilitate this aspect of the study and to maintain consistency across sites, we developed a standard case review coding form (see Appendix 8). The form facilitated coding and enumerated such things as numbers of victims, perpetrators involved in each case, demographic characteristics, places of residence, offense conduct, as well as other contextual case characteristics. We provided each jurisdiction with a listing of state criminal statutes that we wanted to examine, and we asked that they pull 20-25 of their most recently closed cases associated with these statutes. Working directly with our county-level law enforcement contacts, we identified typical offenses under which cases involving dimensions of trafficking in persons offenses were generally charged – regardless of whether they were officially charged as trafficking offenses. After identifying likely state code violations, we worked with local law enforcement to identify, retrieve, and code case files for those offenses to see whether we could identify any as possible trafficking cases. We reviewed available case documents, including such things as incident reports and charging documents. Prosecutor files were reviewed in one county and law enforcement records in the other three counties. We adopted this strategy to determine whether prosecutorial files yielded comparatively richer detail and therefore might provide a more fruitful venue for conducting such research in the future.

We based our case review instrument on a case coding sheet we used when coding homicide cases at the U.S. Department of Justice Capital Case Unit for a prior NIJ study (Newton, Johnson, & Mulcahy, 2006). Our goal was to collect as much information as we could on each case to explain why and the extent to which some offenses that involved human trafficking were charged under different statutes. The data elements included: offense type, number of charges, description of offense conduct, number and demographics of perpetrators, number and demographics of victims, original charges, and plea information.

TESTING THE SCREENING AND TELEPHONE INTERVIEW INSTRUMENTS

We developed matrices of each screening and telephone interview instrument to ensure that questions were included that responded either to the TVPRA 2005 or NIJ grant requirements. The draft instruments were sent to the advisory group for comment. Following revisions, based on advisory group comments, we conducted a pilot test of each instrument in the Washington, DC, metropolitan area. The instruments were tested using face-to-face interviews to allow for different kinds of probing than would occur during the formal interviews (e.g., does this question make sense to you?). We interviewed four law enforcement officials (two with a Special Victims Unit and two with a Vice Unit), two service providers, and one prosecutor. Revisions based on the pilot tests were sent to the advisory group and NIJ prior to incorporation in the screening and telephone interview instruments. Our most significant finding in the pilot test was that it was critical to interview someone in the Vice Unit in law enforcement in addition to someone from a unit that might encounter labor or sex trafficking victims, such as Major Crimes, Violent Crime, Special Victims Unit, and Investigative Unit (in the jurisdictions that have such units).⁶

⁶ Smaller jurisdictions typically did not have the personnel necessary to break staff out into separate units.

SAMPLE

The sample for this study consisted of 60 counties, from 30 different states. Of the 30 states, 20 had some form of anti-human trafficking legislation in place by April 2007 (the approximate start of our study period) and 10 states did not ⁷ There are 3,141 counties in total in the U.S., including DC. However, because counties that participated in U.S. Department of Justice (DOJ) funded trafficking task forces were being investigated in a separate study, we were required to remove those counties from our sampling frame, immediately creating an inherent bias in our study. This prevented our study from developing a true random sample of counties in the U.S., and presented an important challenge for our work. The 52 counties with DOJ-funded task forces were large, urban centers and had allocated the DOJ funds to building awareness and focus on trafficking in persons' issues and education/training. By purposefully excluding this important and knowledgeable portion of the population, which includes nearly a quarter of the total U.S. population (see Table 1), our study results likely would be biased in that they were likely to underestimate respondents' overall experience with human trafficking as well the number of victims and perpetrators in the U.S. involved in domestic sex or labor trafficking.

COUNTY SAMPLE SELECTION

The National Directory of Law Enforcement Administrators (NDLEA), which provides the most comprehensive, up-to-date listing of law enforcement agencies across the country, was used to construct the sampling frame. Following removal of the counties with DOJ-funded task forces, the remaining 3,089 counties were grouped into six strata by geographic region of the country and size of the agency. These strata represented population size, geographical borders, and regions of the country. Table 1 summarizes characteristics of the ultimate sample.

⁷ By December 2007 the number of states with anti-trafficking legislation had increased to 33.

TABLE 1: SAMPLING FRACTION BY STRATUM

STRATUM NUMBER	STRATUM	NUMBER COUNTIES (N)	SAMPLE SIZE (n)	POPULATION TOTALS	PERCENT POPULATION (ALL STRATA)	SAMPLING FRACTION
1	Largest 20 Counties 8	20	20	27,096,105	0.3%	1.000
2	Border Counties	310	13	32,539,232	17.9%	0.042
3	Northeast	162	4	28,551,302	9.0%	0.025
4	Midwest	966	8	46,095,644	15.5%	0.008
5	South	1,247	11	48,367,036	23.0%	0.009
6	West	384	4	17,539,221	10.7%	0.010
	DOJ Task Forces	52	---	81,233,366	23.6%	---
TOTALS		3,141	60	281,421,906	100.0%	---

A stratified random sample of 60 counties was selected from the frame. The largest 20 counties were included in the sample with certainty and represent Stratum 1. We elected to include the largest counties with certainty based on prior research that suggested increased prevalence in more populated areas (e.g., Farrell et al., 2007; Clawson et al., 2006). Nevertheless, because counties with DOJ-funded task forces tended to be in large, urban jurisdictions, these jurisdictions will be under-represented in our study. The remaining sample of 40 counties was allocated to Strata 2-6 roughly proportional to the total population. The exception to this allocation was in Stratum 2, representing border counties, which was sampled at a higher rate than the remaining four strata. The reason for this exception was that the literature suggested that human trafficking may be more prevalent in border than interior counties. In identifying border counties, we sampled from a larger number of counties than previous studies. Counties along the Canadian border and counties with ocean access were included in addition to the counties along the Mexican border (see Appendix 9 for listing of the population of border counties from which our sample was drawn).

To select the sample, the counties in each stratum were sorted by population and an equal probability sample was selected systematically. This selection method ensured good representation of counties of all sizes in each stratum, with the possible exception of large jurisdictions as mentioned above.

WITHIN COUNTY SAMPLE SELECTION

From each of the 60 selected sites, two service providers, two local law enforcement officials, and one prosecutor were selected for interviewing. This selection process was not random. The strategy for selection was two-fold: (1) we began with chiefs of police and sheriffs of counties as identified by the NDLEA and asked them to refer us to the person in their departments or agencies most knowledgeable about human trafficking; and (2) we sought Internet information for of each the respondent groups. If the chief or sheriff reported no human trafficking activities, this or the remaining part of the screening interview concluded our interaction with those agencies. Once referred to a knowledgeable person, we conducted interviews to

⁸ Geographic representation in this group varies widely with five Western counties, six Southern counties, five Midwestern counties, and four Northeastern counties.

determine the extent and nature of trafficking activities in those counties. We also asked this respondent to identify a member of the Vice Unit (or comparable unit) with whom we might speak. Finally, we asked this person for service provider organization and prosecution referrals.

If law enforcement reported no human trafficking and we concluded working with them, we turned to our Internet research to identify service provider organizations that might take an interest in human trafficking issues (e.g., Catholic Charities, Salvation Army, Victim Witness Protection Agencies, domestic violence, sexual assault, and other religious-affiliated organizations). We called these organizations and asked to speak to the director or a staff person knowledgeable about human trafficking issues.

Both approaches, however, left us dependent upon the person with whom we spoke to either provide us with a respondent or serve as a respondent him or herself. In the larger departments, we sought to speak to someone in the Vice Unit and someone from a unit that might encounter labor or sex trafficking victims, such as Major Crimes, Violent Crime, Special Victims Unit, and Investigative Unit. We had no pre-conceived understanding for appropriate prosecutor or service provider respondents depending instead on law enforcement respondents. Most were able to identify the local prosecutor and/or chief of major crime units within the District [County; Commonwealth; City] Attorney’s Office. Information about service providers was less frequently available, so we relied more heavily on Internet searches to identify appropriate respondents in each jurisdiction.

WEIGHTING

In constructing our sampling frame, human trafficking base weights were computed as the reciprocal of the inclusion probability (the probability of selection)

$$\prod ij = 1 , \text{ if case is certainty}$$

$$\prod ij = n / N , \text{ if case is uncertainty,}$$

where n/N is the case selection probability, n is the stratum sample size, and N is the stratum population size. Note that all base weights within the same stratum should be equal.

TABLE 2: BASE WEIGHTS

STRATUM NUMBER	STRATUM	$\prod ij$	BASE WEIGHT
1	Largest 20 Counties	1.000	1.00
2	Border Counties	0.043	23.38
3	Northeast	0.025	40.00
4	Midwest	0.008	120.38
5	South	0.009	114.73
6	West	0.011	95.00

Anticipating non-response to the surveys, we adjusted for non-response by increasing the weight of the respondents in each stratum to compensate for the non-respondents in each stratum. Because there were several surveys in this study, we performed this adjustment separately for each survey. For example, if county

i in stratum h was a respondent to questionnaire j , then the weight for all of its responses on questionnaire j would be:

$$w_i^j = bw_i * \frac{1}{RR_h^j}$$

That is, the base weight for cases that responded to a given survey would be inflated by the stratum-level response rate for that survey.

The final result of this process was a set of five weights for each selected county, one for each questionnaire. When a county did not respond to a given questionnaire, the corresponding weight had a missing value.

COUNTY PROFILES

In this section, we provide a general description of the counties represented in our sample. Although general, these descriptions provide some context for the overall findings. In addition, we hope to show that, with respect to demographic characteristics, our sample is fairly representative of the country as a whole. We present demographic characteristics for each of the six stratum represented in our sample, including population size, race and ethnicity, average income, and age. Table 3 summarizes the average demographic characteristics for each of the stratum. The characteristics within each stratum vary considerably.

For example, if we focus on the 20 largest counties, we see a wide range of populations and a large difference between the highest and lowest county-wide percentages for two racial and ethnic categories. The populations among the 20 largest counties range from approximately 900,000 to approximately 2.8 million, with an average population of 1,354,805. Within racial and ethnic categories, African Americans range in county-wide percentages from a low of 1.7 percent to a high of 43.2 percent and Hispanic background ranges from 0.9 percent to 54.4 percent among these largest counties. As mentioned above, the geographic distribution among these 20 counties ranges across the entire country.

In the 20 largest counties, the median household income is \$51,138. Roughly, 11 percent of the total populations in these counties live below the poverty line. Nevertheless, there is considerable variability among the median family incomes, with two counties having incomes of approximately \$38,500 and one having a median family income of approximately \$81,000. The average age for these 20 counties is 37 years and although this average is quite consistent across the 20 counties, there is some variability regarding age groups. For example, county-wide populations for the age category “over age 65” range from a low of 8.6 percent to a high of 23.2 percent and for the age category “under age 18,” the populations range from 21.3 percent to 32.3 percent.

The stratum representing border counties includes four Southern counties, two Western counties, six Midwestern counties, and one Northeastern county. The average population size for the 13 counties is 137,551; however, the populations across counties range from a low of 3,824 to a high of 335,227. As shown in Table 3, residents of the border counties are generally white. There is, however, ethnic variation among this group. One of the border counties has more than 75 percent of its population composed of American Indians. African American representation ranges from less than one percent to approximately 30 percent. Similarly, Hispanic populations range from less than one percent in two counties to one with almost 85

percent. Most of the border counties are rural with a strong agricultural, ranching, livestock, and/or forest products industries.

TABLE 3: AVERAGE DEMOGRAPHIC CHARACTERISTICS BY STRATUM

CHARACTERISTIC	LARGEST COUNTIES (STRATUM 1)	BORDER COUNTIES (STRATUM 2)	NORTHEAST COUNTIES (STRATUM 3)
POPULATION	1,354,805	137,552	114,007
AGE	37	37	38
RACE			
WHITE	70.1%	80.9%	94.6%
AFRICAN/AMERICAN	14.8%	6.0%	1.4%
ASIAN	5.2%	0.8%	0.7%
OTHER	7.2%	10.3%	1.8%
MULTIRACIAL	3.1%	2.0%	1.3%
ETHNICITY			
HISPANIC	16.1%	11.8%	3.8%
MEDIAN INCOME	\$51,138	\$34,187	\$40,461
PERCENT BELOW POVERTY LEVEL	11.0%	6.2%	9.4%**
CHARACTERISTIC	MIDWEST COUNTIES (STRATUM 4)	SOUTH COUNTIES (STRATUM 5)	WESTERN COUNTIES (STRATUM 6)
POPULATION	58,467	63,194	54,110
AGE	39	36	38
RACE			
WHITE	96.2%	68.7%	92.8%
AFRICAN/AMERICAN	0.9%	25.9%	.3%
ASIAN	0.4%	1.6%	.9%
OTHER	1.7%	2.7%	4.2%
MULTIRACIAL	0.8%	1.1%	2.0%
ETHNICITY			
HISPANIC	1.0%	4.0%	7.4%
MEDIAN INCOME	\$35,092	\$30,856	\$35,723
PERCENT BELOW POVERTY LEVEL	12.2%	19.3%	13.2%

** Represents only two of the four counties.

The median household income among border counties in our sample is \$34,787, the lowest among the strata, but a range in income smaller than other strata, from a low of about \$26,000 to a high of almost \$45,000. Despite having a lower median income than Stratum 1, half as many individuals live below the poverty line in these border counties (i.e., six percent of the total population). As with the largest counties, the average age among border counties is 37 years, but the range is greater – from 29 years to 44 years. The range in

population under age 18 is from 21 percent to 33 percent and, for those over the age of 65, the range is almost 10 percent to greater than 18 percent.

Four Northeastern counties are represented in our sample (Stratum 3). The average population size for these counties is 114,007; however, as with the first two strata, the population ranges from about 250,000 to 50,000. Along with Stratum 4 (Midwestern Counties), the Northeastern counties have the highest rates of white populations (average of 94.6 percent), with all four counties in excess of 90 percent white, leaving little variation among the other racial and ethnic categories. The average age across counties is approximately 38 years; however, there is considerable variability among the counties with respect to population rates below 18 years and above 65 years. For example, only about 6 percent of the total population in one county is under the age of 18, while nearly 24 percent of other county populations are under 18 years of age. For the Northeastern counties, the median household income is \$40,461 with little variability in median household incomes across the counties. Nearly 10 percent of the population in the Northeastern counties lives below the poverty level.

The eight Midwest Counties in Stratum 4 have an average population of 58,467, with a considerable range from about 4,000 to nearly 300,000. Fully 96 percent of the population across these counties is white. The median household income for these counties is \$35,092 with more than 12 percent of the total population living below the poverty line. The average age of the people in these eight counties is 39 years of age, ranging from an average age of 34 in one county to an average age of 44 in another. In one county, almost 30 percent of the population is under the age of 18 and only about 7 percent above the age of 65, in contrast to another county in which 25 percent of its population is 65 years and older.

In the Southern counties (Stratum 5), the median income is only \$30,856 with nearly 20 percent of the population living below the poverty level. Eleven counties are included in Stratum 5 with an average population of 63,194 and a wide range from a low of 6,500 to a high of greater than 350,000. The Southern counties have the lowest proportion of white residents and the highest of African American residents. Fully 25 percent of the population in these counties is African American, with rates ranging from 3 percent to nearly 60 percent. Hispanics range from a low of less than 1 percent to more than 20 percent. The median household income is the lowest among the six strata, averaging only \$30,000, but with a broad range from \$24,264 to \$63,831.

The median age in these counties is 36 years with the extremes being 25 years of age for one county and 40 years for another. The variability across age groups is pronounced. For example, in one county about 18 percent of the population is under the age of 18; in another about one third of the population is under 18. Similarly, the percent of the population over 65 ranges from 6 to 20 percent.

Finally, Stratum 6 consists of four Western counties with an average population of 54,110 that ranges from 3,800 to about 170,000. As in the other strata, more than 90 percent of residents in the Western counties are white. However, there is some variation in rates of Hispanic background within these counties ranging from 4 percent to 11 percent. The median household income is \$35,723 with 13 percent of the total population living below the poverty line. One county has a median household income of \$42,019 while the remaining Western counties have a median household income in the low \$30,000. The average age for the Western counties is 38 years in which two counties have a median age in the low 40s and two have a median age in the low 30s. The percent of population over 65 ranges from 12 to 22 percent.

In summary, our sample of counties is quite variable and, in this way, similar to the nation as a whole. For example, the population of the United States in 2006 is estimated at 300,000,000, but the population of U.S. counties ranges from a high of 9,519,338 to a low of only 414 residents. Across the U.S., 73.9 percent of the population is white and although whites represent the highest racial category in our sample, it does not rise to the percentage of whites in the U.S. as a whole. The national median income is \$48,201 with a total of 12 percent of the population living below the poverty level; very similar to our sample. Only one of our strata, i.e., the 20 largest counties, has a median income above the national average. In many ways our sample mimics the U.S. population as a whole; however, because our sample excludes 52 counties with DOJ-funded task forces (generally in large, urban counties), the sample in Stratum 1 most likely under-represents all large U.S. counties.

FINDINGS

Our primary focus was on contacting an official at local law enforcement organizations; once that was completed we attempted to reach local prosecutors and service provider organizations. Of the 60 counties in our sample, we spoke to someone with law enforcement affiliation in each of the 60 counties, to someone in local prosecutor offices in 55 counties, and someone in service provider organizations in 50 counties. This did not necessarily mean that we spoke to a person able to respond to a screening or telephone interview. Our goal was to interview two law enforcement officials, a local prosecutor, and two service provider organization representatives in each jurisdiction. In total, we completed the following number of interviews and surveys for each of our respondent groups (see Table 4). We completed more than twice as many screening interviews as full length interviews with law enforcement officials because in many counties there was no human trafficking activity to report. Therefore, it was unnecessary to conduct the telephone interview ⁹The response rate for counties was 92 percent among law enforcement officials, 38 percent among prosecutors, and 65 percent among service provider organizations.

TABLE 4: COUNTY AND RESPONDENTS BY DATA COLLECTION TYPE

DATA COLLECTION TYPE*	LAW ENFORCEMENT	PROSECUTORS	SERVICE PROVIDERS
	County/Responses	County/Responses	County/Responses
MAIL-OUT SURVEYS	36/40	7/7	13/13
SCREENING INTERVIEWS	42/59	21/22	28/40
TELEPHONE INTERVIEWS	17/26	2/2	14/21

*More than one type can come from any one county; therefore, summing data sources for the 60 counties is not appropriate.

With our initial focus on law enforcement, it is not surprising that the response rate for law enforcement is much higher than for the other two respondent groups. For five of the six strata, we completed responses from 90 percent or higher with three stratum reaching 100 percent. In Table 5, we illustrate response rates according to the six strata represented in our sample. In calculating response rates, we included a response as any completed document (i.e., mail-out survey, screening interview, or full interview) from a single county. For those counties in which we had multiple responses, we count those as one response.

Among law enforcement officials, the stratum representing the South has the lowest response rate, but it is 82 percent, a high response rate for surveys of this kind. Looking by strata, more law enforcement respondents came from Stratum 1 (i.e., 19 respondents), which is not surprising given that it had the largest number of counties (n=20). Stratum 1 represented the 20 largest counties in the sample and they were selected with certainty. These counties each had populations in excess of 900,000 and were selected with certainty because the human trafficking literature suggested that large, metropolitan areas were more likely to have human trafficking activities than would smaller cities, towns, and rural areas. ¹⁰ However, the higher response rates resulted because there were more people to call, more specialized units, and greater

⁹ The terms “screening interview” and “telephone interview” are used to distinguish interview types. However, the screening interview also was conducted telephonically.

¹⁰ See County Profiles above for discussion of counties represented in each stratum.

familiarity with and frequent participation in research, generally. In many ways, it was less a matter of geography than size of jurisdiction.

TABLE 5: RESPONSE RATES BY STRATUM

STRATUM	NUMBER	LAW ENFORCEMENT RESPONSE	PROSECUTOR RESPONSE	SERVICE PROVIDER RESPONSE
Largest 20 Counties	20	19 (95%)	3 (15%)	11 (55%)
Border Counties	13	11 (85%)	6 (46%)	9 (69%)
Northeast	4	4 (100%)	3 (75%)	4 (100%)
Midwest	8	8 (100%)	4 (50%)	7 (88%)
South	11	9 (82%)	4 (36%)	5 (45%)
West	4	4 (100%)	3 (75%)	3 (75%)
TOTALS	60	55 (92%)	23 (38%)	39(65%)

With multiple data collection sources, the unit of analysis and the loss of respondents and counties became confusing. Figure 1 illustrates how we moved from 60 counties with potentially 300 respondents to counties and respondents by data collection mode. This figure does not show, however, the overlap in counties and respondents across data collection source. Figure 2 takes those overlapping numbers into account, resulting in responses from 198 respondents and 56 counties.

FIGURE 1: COUNTIES AND RESPONDENTS BY DATA COLLECTION MODE

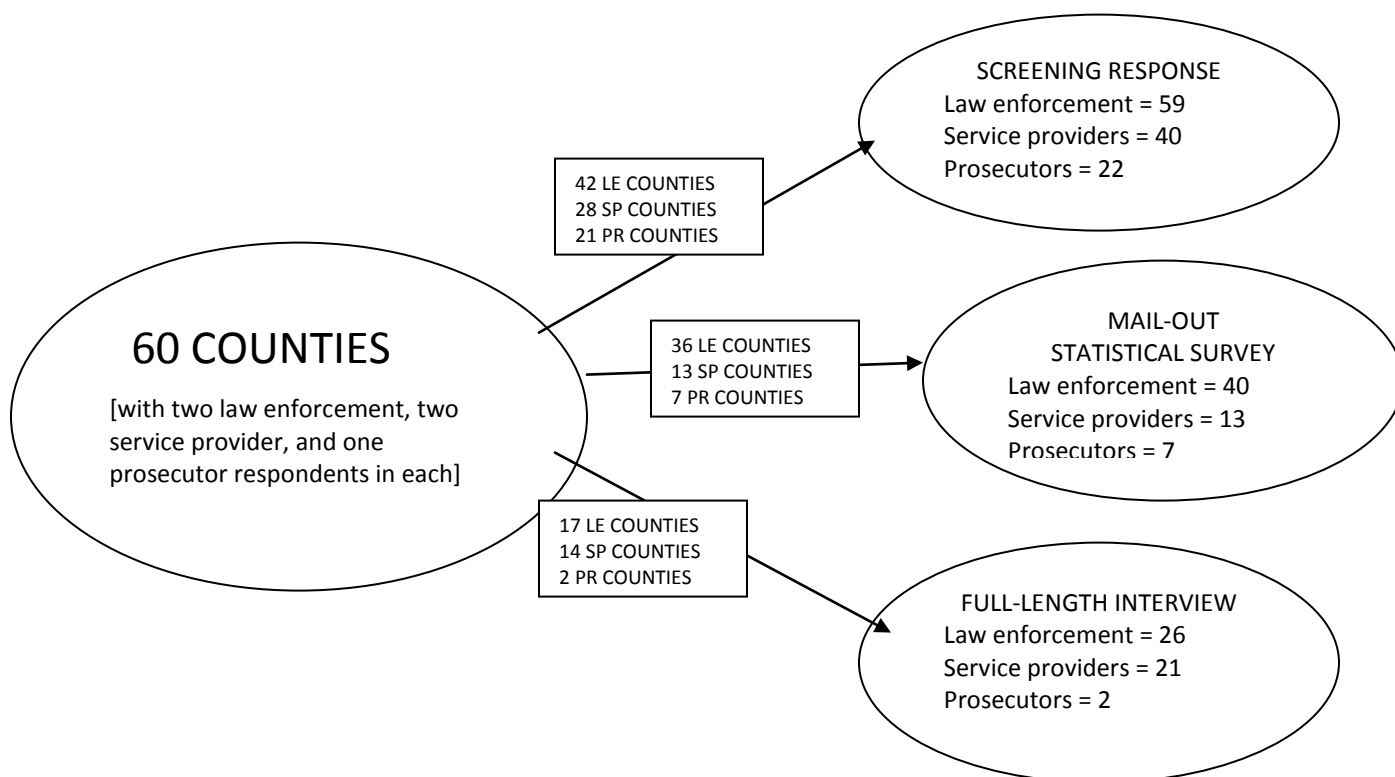


Figure 1 shows the contribution each data collection source made to the county and respondent totals. For example, in the screening device, we see that the law enforcement (LE) screener resulted in 42 county and 59 individual respondents. Similarly, the service provider (SP) screener resulted in 28 counties and 40 individuals and the prosecutor (PR) screener resulted in 21 county and 22 individual respondents. Figure 2, then, removes duplicating counties and respondents.

FIGURE 2: TOTAL UNIQUE COUNTY AND RESPONDENT NUMBERS

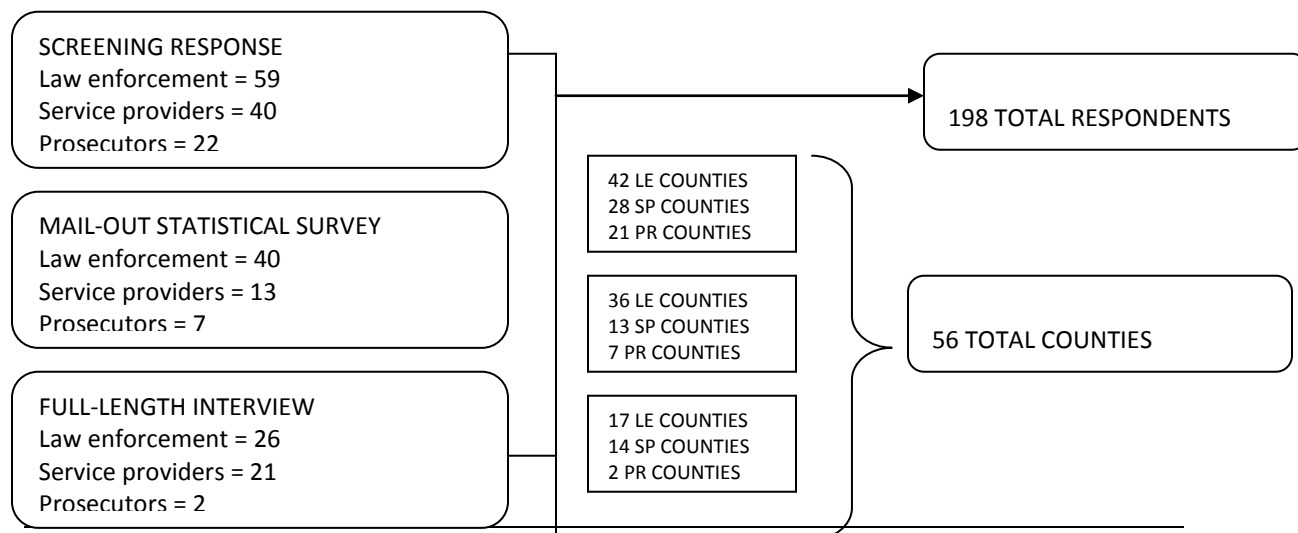


Figure 2 takes into account the overlap across the various data collection modes. In this figure, we show the results from Figure 1 and remove duplications (e.g., we received a mail-out survey and conducted a screener interview, which resulted in a double count). By eliminating the duplication, we have a final sample of 56 counties and 198 individual respondents.

DEFINITIONS OF HUMAN TRAFFICKING

The popular and academic literature raises questions about what is meant by the term “human trafficking” and how it differs from “domestic human trafficking.” The TVPA carefully identifies “severe forms of human trafficking,” but does not address any other kinds of human trafficking. Similarly, it addresses the need to focus on domestic human trafficking, but does not provide a definition of what it means by domestic. Researchers and respondents are left to provide their own definitions, opening a gap in interpretation that can be filled by very contradictory understandings of the meaning. One consistent definition belies the complexity of the issue and suggests the unlikely possibility that one size fits all.

To examine how key players in the fight against human trafficking define and understand the meaning of human trafficking, one of the first questions asked of all respondents was how they and their organizations define human trafficking and, failing an organizational policy or definition, to provide their personal understanding of the term. The definitions they provided varied widely within each of the three respondent groups (i.e., law enforcement, prosecutors, and service providers) but did not differ greatly across groups. In each group at one end of the spectrum, there were those who were unfamiliar with the term “human

trafficking” such as the law enforcement official who stated flatly, “I’ve never heard of it,” the prosecutors who asked for a definition or stated “I’m familiar with the buzz word but don’t know the definition,” and the service provider who said, “I have heard the term but I don’t know what it is exactly...maybe smuggling stuff in.” At the other end of the spectrum, several law enforcement officials defined human trafficking by citing the TVPA definition or the state law, particularly in responses to the mail-out survey. Far fewer of the prosecutors were able to define it without reaching for the summary of state laws on their desks and generally the service providers, while familiar with the term, were less familiar with the official or legal definition. In fact, most respondents in each group provided definitions that contained some elements of the legal definition of human trafficking in layman’s language but were not comprehensive, were overly inclusive and vague, or focused on smuggling and included the need for some form of transportation.

Respondents’ definitions fell into five overlapping groups: (1) statements that their department had neither a policy nor definition (so that the respondent did not provide any); (2) incomplete definitions, identifying elements of the offense (e.g., forced prostitution but not labor trafficking) usually focusing on the victim; (3) definitions focused on transportation or smuggling but including some aspects of trafficking usually focused on the perpetrator; (4) attempts to define it by providing examples, often identifying particular source countries or related offenses; and (5) complete definitions often citing the statute or reading the statute and providing all elements of the legal definition. Each is illustrated below.

There was little awareness of the differentiation between work in the sex industry (prostitution) and sex trafficking. Some respondents spontaneously identified juvenile involvement as different but only a few, primarily urban investigators working in juvenile or vice units, recognized that it is legally defined as trafficking. Two types of situations were identified as involving juveniles. In several rural counties, law enforcement respondents cited instances of parents selling their children; in larger urban settings officers focused on juveniles in the sex industry who were runaways said to be involved in “survival sex” and were subject to a “controller” who managed them. Similarly, there was limited awareness of the distinction between smuggling and human trafficking except among the few urban counties that have experience with trafficking cases.

Some respondents declared that their jurisdiction and agency had no human trafficking policy and stopped; others, when asked to provide their own definition, made statements such as, “There’s no department definition. Basically it’s restricting human beings by bringing them here and selling them for prostitution.” While many had heard the term “human trafficking,” their understanding of it was vague and sometimes inaccurate. Knowledge of the definition of human trafficking was closely related to having received training and/or conducting investigations of actual cases. These examples were illustrative of larger, urban counties. In contrast, law enforcement officials in rural counties often had little to no information or awareness about human trafficking but were well aware of issues related to illegal immigration; thus, contributing to definitions of trafficking more appropriate to smuggling (e.g., “crossing the border”).

In those counties with some form of state legislation or statewide task forces, the definition of trafficking in persons most often mimicked the Federal statute. However, the Federal definition explicitly identified the definition as “severe forms” of trafficking in persons and the state statutes used this severe form definition to define human trafficking generally. Very few respondents were able to distinguish severe forms of trafficking from any other trafficking; so long as a situation involved force, fraud, or coercion, knowledgeable

respondents regarded it as trafficking. Many clearly were not familiar with the legal distinction, stating “I think any form of human trafficking is severe” and “trafficking is trafficking.”

Examples of definitions focused on smuggling and/or movement of persons include:

- ▶ We don’t have a definition here. I assume it would be the transfer of illegal aliens into or through the county going to some other destination.
- ▶ Bringing females into the U.S. with the intent to prostitute them.
- ▶ Bringing someone from another country either voluntarily or by force and selling the services or forcing them to work against their will.

The incomplete efforts to define human trafficking by providing specific examples include the following statements:

- ▶ Migrant workers from Mexico and South America used in labor trade, also from Asia.
- ▶ Illegal immigrants brought from Mexico by someone bringing them here for illegal purpose.
- ▶ Human trafficking is defined as when any individual is exploited from a labor or sex standpoint; for example, forcibly made to transport narcotics or stolen goods.

Illustrative of the more complete and accurate definitions provided by law enforcement, albeit in lay terms include the following:

- ▶ Exploitation of the individual’s sexuality and/or labor for profit.
- ▶ The illegal exploitation of a person or persons for the financial benefit or sexual gratification of another.
- ▶ The taking of one’s freedom by force, coercion, or false promises for labor or sexual exploitation.
- ▶ The exploitation by force, fraud, or coercion of vulnerable people for forced labor, domestic servitude, or commercial sex operations.
- ▶ The recruitment, transportation, harboring, or receipt of people for the purpose of exploitation.
- ▶ The use of humans for sexual or labor purposes without their consent, through coercion or threat.
- ▶ Any person that has been forced to relocate without full consent; this could include prostitutes, laborers, sex slaves, and mail order brides.

Prosecutors generally were not inclined to provide a definition, sometimes asking the interviewer for their definition. Furthermore, they generally were unaware of whether human trafficking was defined in state law. Most prosecutors reported that their offices had no definition for human trafficking and had not handled any cases of trafficking. As one put it, “We don’t have a definition of it, no internal policies, but if such a case arose we would follow the law.” Unlike law enforcement for which there appeared to be some difference between definitions from urban and rural areas, prosecutors from rural jurisdictions were as likely as those from large, urban centers not to know the definition of human trafficking. It should be noted, however, that in the large, urban areas, we interviewed assistant county prosecutors in Vice, Major Crimes, and Sexual

Violence Units, for example. In smaller jurisdictions we often interviewed the chief county prosecutor, an elected official. This difference may have some effect on our findings.

Illustrative of prosecutors incorrectly defining human trafficking as smuggling are the following statements:

- ▶ We have no definition, but I associate it with trucks loaded with illegal immigrants coming into the U.S.
- ▶ We've looked at it along the lines of kidnapping or bringing someone here against their will or without their consent.
- ▶ It's moving people from a small kid to a large number of illegal immigrants against their will and for illegal purposes, also smuggling.
- ▶ I'd define it as someone bringing someone illegally in by force or trickery like bringing girls who think they're coming here for a job and pressed to become prostitutes. I also have the image of bringing immigrants in trailers where they suffocate. It also could involve child abduction in domestic dispute cases...I have not given it much thought.

More complete definitions include:

- ▶ We understand it to mean the compelling of human beings to engage in sexual or commercial activities by force or coercion for the monetary profit of a third party.
- ▶ We don't have a formal definition. We understand what it is – the use of force or coercion to obtain sex or other services for monetary gain.

As with law enforcement and prosecutors, service providers defined human trafficking in a variety of ways. Some did not know what it was as illustrated by the statement, "I don't know; never thought about it. I've heard of it but don't know what it is... maybe smuggling stuff." Others gave definitions that involved illegal activity and transportation across state and international borders such as the following, "Individuals crossing some Federal line somewhere (in our case most likely Canada and Mexico) and possibly selling people," and "Moving a person from one place to another non-consensually, especially international frontiers."

Many respondents with whom we spoke were associated with centers serving victims of domestic violence and sexual assault, resulting in a focus more on sexual rather than labor trafficking. For example, one defined it as, "Women held hostage by male partners and required to work." Another stated, "Human trafficking is when women are forced into doing something they don't want to do like prostitution or a marriage where she is promised something and made a slave." Others tended to be on the right track but missed some elements (e.g., "Someone from another country who is told she will have a job in the United States and when they get here that's not the case. They're in bondage and their visa is held by the trafficker"); reaching for a definition through an example or single type (e.g., "Is it like kidnapping someone for sexual purposes?"; and "It's like prostitution...and not just underage girls but adult women too").

Training also made a difference in service provider responses. Those that worked for an organization that received financial support and/or training provided by Catholic Charities, the Salvation Army, or other organizations funded by Federal grants or had received training through their state domestic violence and sexual assault task forces were more likely than law enforcement or prosecutors to provide definitions in

keeping with the Federal definition provided in the TVPA (and some stated, “we define human trafficking in accordance with the TVPA” or “according to Federal law”). In rural counties, service providers sometimes acknowledged that they may have provided assistance to human trafficking victims without labeling them as such. A troubling finding is that several service providers suggested that we speak to the police or sheriff department to get our information, explaining that they would be the ones to handle trafficking victims or cases in their communities. They seemed unaware that victims would be fearful of and reluctant to deal with law enforcement. Examples of service providers with more complete definitions include:

- ▶ Anyone who is being exploited for labor or sex. Someone who is being coerced and does not have full disclosure of the arrangements is being threatened or forced to continue in a situation that’s not voluntary.
- ▶ Someone taken against their will from one area to another (including a foreign country) and used either in prostitution or other kinds of labor.
- ▶ Simply put, it’s forced labor or forced prostitution. If it involves a minor in prostitution of any kind, it’s human trafficking regardless of the context.
- ▶ It’s the business of luring, transporting, or keeping people for exploitive services, either sex or labor work.

Two overlapping factors seemed to affect whether or not respondents could define human trafficking and if so, the level of detail inherent in that definition. First, we found differences in definitions provided by those in states with anti-trafficking legislation and in states without legislation. Law enforcement and service providers in states with anti-trafficking laws more readily provided definitions of human trafficking; however, this was not the case with prosecutors. But, second, and arguably more important, those states with anti-trafficking legislation that have formed statewide task forces have put forth important resources and training programs to educate their officials and communities about human trafficking. Disentangling the effects of these two factors is beyond the scope of the present study but should be considered as part of an effort to bolster local understanding of the problem

In contrast to the screening interview, interviewers implementing the long interview with law enforcement and prosecutors provided the TVPA definition then asked respondents whether or not that was the definition used in their departments. These respondents tended to state that their departments’ definitions mirrored the Federal definition as provided in the TVPA but as the interview proceeded, it often became clear that the definition they actually used varied from it.

To better understand how law enforcement and prosecutor respondents defined human trafficking, we provided them with four short vignettes that depicted conduct that might constitute human trafficking. We stressed that it was not a test but a way to view their definition in a specific context. The four vignettes were kept vague intentionally in anticipation of respondents seeking clarification or limiting their responses in accordance with the lack of detail. Because there are only two prosecutor responses and the vignettes were not asked of service providers, we provide only the law enforcement responses in Table 6.

TABLE 6: LAW ENFORCEMENT RESPONSE TO DEFINITIONAL VIGNETTES

Vignette 1: A 15-year-old runaway in a large city becomes involved with a pimp and is arrested for prostitution. She she/he be considered a victim of trafficking?			
	YES	NO	MISSING*
LAW ENFORCEMENT (n=26)	16	7	3
Vignette 2: Women, in what police suspect is a brothel, claim to be living there of their own free will. Is this human trafficking?			
LAW ENFORCEMENT (n=26)	4	19	3
Vignette 3: A 25-year-old woman in a large, urban U.S. city is forced into prostitution routinely by a pimp. Should she be arrested for prostitution or is this human trafficking? ¹¹			
LAW ENFORCEMENT (n=26)	18	5	3
Vignette 4: In a wealthy section of the city, parents hire a nanny from a foreign country to take care of their children. Does this represent trafficking in persons?			
LAW ENFORCEMENT (n=26)	1	21	4

*Missing cases result from combining script and full length interviews. When an interviewer shifted from the script to a full interview, early questions in the full length interview were omitted, including the vignettes.

With the facts as written and adhering to the Federal TVPA definition of severe forms of human trafficking, responses should have been “yes” to Vignettes 1 and 3 and “no” to Vignettes 2 and 4. If a respondent said that the behavior was not human trafficking, we asked what it would take to make the example into a trafficking in persons’ case. Most law enforcement subjects provided correct answers although the prostitution-related vignettes were more likely to result in an incorrect response than the labor-related vignette. In response to Vignettes 2 and 4, subjects were asked what would be needed to make the vignette into a case of human trafficking. They correctly stated that it would take “force, fraud, or coercion” and it would need to be against the person’s will.

In summary, we learned, surprisingly, that the key stakeholders (law enforcement, prosecutors, and service providers) we expected to identify and work with the victims and suspects of human trafficking at the local level knew very little about human trafficking other in a vague and often incorrect way. When respondents provided definitions, they often reflected smuggling activities as opposed to trafficking, missed elements of it, or defined it through a single example of one type. Law enforcement and service providers in rural areas were vaguely aware of trafficking probably as a result of exposure to media stories rather than training. Nevertheless, a small cadre of law enforcement officials, primarily those in states with anti-trafficking legislation, was well versed in trafficking definitions and activities, and was involved in investigating cases. Also, a small group of service providers in a variety of counties large and small had received training, were familiar with Federal and state definitions, and were working with victims.

In hindsight, we are skeptical of the approach we used to obtain definitional information in the full-length interview. That is, in an effort to standardize definitions across respondents in the lengthy interview, we provided the key elements of the TVPA definition of human trafficking and asked respondents if and how their definitions might differ from the TVPA definition. We then asked respondents to use the TVPA definition as they respond to questions throughout the interview. It became clear during the interview process that respondents did not use the standard definitions; rather, they used their own definitions. This was especially

¹¹Interviewers were trained to document the response appropriate to the human trafficking question.

true with respondents' understanding of "severe forms" of human trafficking – for which Congress has particular concerns – and human trafficking generally. For local respondents with human trafficking experience, they clearly made no distinction between "severe forms" and other forms of human trafficking, referring often to the need for "force, fraud, and coercion," terms we used to define severe forms of trafficking.

In addition, it is clear that we did not describe in sufficient detail the meaning of domestic trafficking. Domestic trafficking refers to trafficking that originates and ends within the borders of the U.S. and involves U.S. citizens. This is much more limiting than the way in which it is described by respondents, which results from a lack of clarity in the way questions were asked. Therefore, our results related to human trafficking that occurs within the U.S. includes the trafficking of foreign nationals to the U.S. and within its borders.

In an effort to clarify human trafficking generally from domestic human trafficking, we included a code for country of origin within the case review coding instruments we used for the four on-site visits. We found, however, that country of origin was not available consistently and when available, was not clear whether those arrested were long-time residents or even naturalized citizens of the U.S. Therefore, this attempt to identify cases of domestic human trafficking proved inconsistent. In sum, our overall findings refer to trafficking within the U.S. rather than domestic trafficking.

MAJOR FINDINGS RELATED TO THE DEFINITION OF HUMAN TRAFFICKING

- ▶ Despite efforts to try to standardize the definition of human trafficking across interviews, respondents did not use the standard definition; rather, they used their own definition.
- ▶ Respondent definitions varied widely within each of the three respondent groups (i.e., law enforcement, prosecutors, and service providers) but did not differ greatly across groups.
- ▶ Law enforcement and service providers in states with anti-trafficking laws and statewide task forces more readily provided definitions of human trafficking.
- ▶ What constitutes human trafficking is not well understood by practitioners; respondents had little knowledge of human trafficking other than in a vague and often incorrect way.
- ▶ Most respondents provided definitions that contained some elements of the legal definition of human trafficking in layman's language but were not comprehensive, were overly inclusive and vague, or focused on smuggling and included the need for some form of transportation.
- ▶ Respondents' definitions fell into five overlapping groups: (1) statements that their department had neither a policy nor a definition (so that the respondent did not provide any); (2) incomplete definitions, identifying elements of the offense (e.g., forced prostitution but not labor trafficking) usually focusing on the victim; (3) definitions focused on transportation or smuggling but including some aspects of trafficking usually focused on the perpetrator; (4) attempts to define it by providing examples, often identifying particular source countries or related offenses; and (5) complete definitions often citing the statute or reading the statute and providing all elements of the legal definition.
- ▶ Few respondents recognized that juvenile involvement in prostitution was legally defined as trafficking, except primarily those urban investigators working in juvenile or vice units.

- ▶ There was limited awareness of the distinction between smuggling and human trafficking except among the few urban counties that have experience with trafficking cases.
- ▶ Very few respondents were able to distinguish severe forms of trafficking from any other trafficking; so long as a situation involved force, fraud, or coercion, knowledgeable respondents regarded it as trafficking.
- ▶ Knowledge of the definition of human trafficking was closely related to having received training and/or conducting investigations of actual cases
- ▶ Compared to law enforcement, service providers are more aware of the distinctions between trafficking and smuggling and between sex trafficking and in the sex industry.
- ▶ Respondents across the board could not: (1) differentiate between severe and non severe forms of human trafficking as is emphasized in the legislation; (2) distinguish trafficking from smuggling; (3) differentiate domestic and international trafficking-definition issue; or (4) state the elements of trafficking.
- ▶ There was very little awareness of the differentiation between work in the sex industry (prostitution) and sex trafficking
- ▶ Respondents who worked for organizations that received financial support and/or training were more likely to provide definitions in keeping with the Federal definition provided in the TVPA.

PERSONS ENGAGED IN HUMAN TRAFFICKING

The majority of respondents reported no human trafficking activities in their counties, although some would report that “it might be here, but we haven’t seen it.” We used the screening device, telephone interview, and mail-out surveys to establish the numbers for each county. We began asking about human trafficking, broadly; that is, whether respondents had investigated, prosecuted or witnessed human trafficking cases or cases with human trafficking-like conduct, and followed with questions about labor and sex trafficking specifically. Respondents in three counties were uncertain about the number of human trafficking cases, generally, but felt more confident when queried about labor and sex trafficking specifically (see Table 7). Of counties with law enforcement responses (51 counties when reviewing all response vehicles), 55 percent (n=28) reported having no human trafficking cases. However, when asked about labor and sex trafficking, the responses were fewer (representing 40 counties) but the trafficking activities lessened; law enforcement respondents in 88 percent of the counties (i.e., 35 of the 40 counties with law enforcement responses) reported no labor trafficking and 65 percent reported having no sex trafficking (n=26).

TABLE 7: COUNTIES REPORTING HUMAN TRAFFICKING

ORGANIZATION	HUMAN TRAFFICKING	NO HUMAN TRAFFICKING	MISSING	NO RESPONSE
LAW ENFORCEMENT	20	28	3	9
PROSECUTORS	11	10	10	29
SERVICE PROVIDERS	24	15	0	21
	LABOR TRAFFICKING	NO LABOR TRAFFICKING	MISSING	NO RESPONSE
LAW ENFORCEMENT	5	35	0	20
PROSECUTORS	2	20	1	37
SERVICE PROVIDERS	24	15	0	21
	SEX TRAFFICKING	NO SEX TRAFFICKING	MISSING	NO RESPONSE
LAW ENFORCEMENT	14	26	0	20
PROSECUTORS	5	17	1	37
SERVICE PROVIDERS	14	11	1	34

For the few counties with labor trafficking activities, the number of labor trafficking victims ranged from 1 to 30 per case or circumstances of a single set of activities, although the majority had only one or two victims. For those with sex trafficking cases, the range of victims was 1 to 100, with one case having 100 victims; generally, sex trafficking cases involved one to three victims. Respondents in general were uncomfortable attempting to provide a number for victims, partly because they were uncertain about the number and partly because they were uncertain whether the behavior constituted human trafficking.

As described above, we maximized our likelihood of learning about trafficking activities by using three different data collection methods. Similarly, during the full-length interview we maximized the chances of uncovering trafficking cases by asking gateway questions for labor and sex trafficking that went beyond direct questions related to trafficking (see pages 9-11 for discussion of gateway questions). So even if a respondent reported no labor trafficking, we asked questions that included conduct one might expect to find when encountering human trafficking or victims of human trafficking irrespective of the charges. In four counties, the respondents reported no labor trafficking cases but did report immigration cases in which the immigrant was forced to surrender his or her identification papers or legal documents. This would raise the number of labor trafficking cases to nine (these are not reported in the table). No additional counties were added by including the latter two gateway questions for sex trafficking; that is, juvenile prostitution with a pimp and prostitution with violence. However, in one county, a law enforcement official reported no human trafficking cases in the county but then said that he knew of women being brought into the county to “service migrant workers.” He also talked about witnessing migrant workers looking to a person – a “controller” as he put it – when they went to the grocery store. These statements certainly suggest trafficking and would raise the incidence of trafficking even though the respondent reported no trafficking. They also support our findings about the lack of understanding about what constitutes trafficking and how it should be defined.

Consistent with prior literature, we found the majority of law enforcement officials who reported labor and/or sex trafficking were either from the 20 largest counties (Stratum 1) or the border counties (Stratum 2). Table 8 illustrates respondent answers to the three gateway questions in the full-length survey, mail-out survey, and screening scripts for law enforcement officials. Further, Table 8 breaks down the findings by individual stratum. Similar patterns existed in service provider responses. With few exceptions, organizations that reported human trafficking as a primary focus were in the 20 largest counties; those who serve labor trafficking victims were located in the 20 largest and border counties. The same was true for sex trafficking, although officials in one county reported one case in Stratum 5 (South).

TABLE 8: LAW ENFORCEMENT REPORTED TRAFFICKING BY SAMPLE STRATA

	SAMPLE STRATA					
	LARGEST	BORDER	N_EAST	MIDWEST	SOUTH	WEST
LABOR TRAFFICKING GATEWAY QUESTIONS FROM FULL-LENGTH INTERVIEWS						
Any labor trafficking?	2	3	0	0	0	0
Immigration cases?	6	1	0	0	0	0
Work with victims?	4	1	1	0	0	0
SEX TRAFFICKING GATEWAY QUESTIONS FROM FULL-LENGTH INTERVIEWS						
Any sex trafficking?	9	0	1	1	0	0
Juvenile prostitution?	9	0	1	1	0	0
Violent pimps?	9	0	0	1	0	0
SEX INDUSTRY GATEWAY QUESTIONS FROM FULL-LENGTH INTERVIEWS						
Experience with work in the sex industry	8	2	0	1	0	0
GATEWAY QUESTIONS FROM MAIL-OUT SURVEYS						
Labor trafficking?	1	2	0	0	0	1
Sex trafficking?	5	0	1	0	0	0
Work in sex industry?	13	2	1	0	0	1
GATEWAY QUESTIONS FROM SCREENING DEVICE INTERVIEWS						
Any human trafficking?	5	0	1	1	2	1

It is important to keep in mind that many of the jurisdictions with which we had contact were rural or very small, and neither labor trafficking nor sex trafficking tended to occur in those counties. Frequently, respondents would report something like the following: “We’re just a small county. If someone wants to find those activities, he likely will go to [large city].” Others in smaller jurisdictions noted that their counties were on a state border or major interstate highway so traffickers “passed through on their way to cities.” These examples and similar responses refer almost exclusively to sex trafficking with respondents making little distinction between sex trafficking and work in the sex industry (prostitution).

MAJOR FINDINGS RELATED TO PERSONS ENGAGED IN HUMAN TRAFFICKING

- ▶ Instances of human trafficking were more likely to occur in large counties and in border counties.
- ▶ The majority of respondents reported no human trafficking activities in their counties.
- ▶ Of those counties with law enforcement responses (n=51), 55 percent (n=28) reported having no human trafficking cases. However, 88 percent of counties with law enforcement responses reported no labor trafficking cases and 65 percent reported no sex trafficking arrests.
- ▶ For the counties with labor trafficking cases, the number of labor trafficking victims ranged from 1 to 30 per case, with the majority having one or two victims.
- ▶ For those with sex trafficking cases, the range of victims was 1 to 100, with one case having 100 victims; generally, sex trafficking cases also involved one to three victims.
- ▶ The majority of law enforcement officials who reported labor and/or sex trafficking were either from the 20 largest counties (Stratum 1) or the border counties (Stratum 2).

NATIONAL ESTIMATES OF COUNTIES EXPERIENCING HUMAN TRAFFICKING

Congressional expectations for this study included the provision of a national estimate for the number of domestic trafficking victims in the United States. A number of factors made this task difficult if not impossible. First, we were asked to eliminate any jurisdiction that included a DOJ-funded task force as those jurisdictions were being studied elsewhere. This meant that at the outset we were faced with a biased sample that did not include those jurisdictions most likely to identify human trafficking cases and large, metropolitan jurisdictions that would be expected to have the highest number of trafficking cases. Second, respondents had a difficult time defining human trafficking and, thus, could not provide numbers of victims within their jurisdictions. Further, respondents that were aware of human trafficking cases were reluctant to provide exact numbers; rather, they would provide answers such as “between 100-200,” “maybe 10 or 15,” and “upwards of 100,000.” Finally, local jurisdictions did not have recordkeeping systems that included information at this level of detail. While some county agencies kept better records than others, most often we received wide ranges of estimates.

These factors precluded the calculation of an overall estimate of the number of trafficking victims in the U.S. Therefore, the research team resorted to the next best available option. That is, rather than providing a national estimate of the number of victims, we were able to estimate the overall number of counties that reported (1) ever having at least one human trafficking case, and (2) having at least one human trafficking case in the past two years.

We limited our estimates to data from law enforcement respondents, because they provided the most complete data among our respondent groups, and derived our estimate of the number of counties experiencing at least one case of human trafficking (broken out by sex trafficking and labor trafficking) using only law enforcement data from the 60 counties in the sample. Only counties that definitively reported that they either had (yes =1) or did not have (no = 0) a human trafficking case (known values) in the past year

were included in our calculations. That is, only known values were included in the estimate; unknown values, i.e., counties that did not report one way or the other, were excluded from the calculation.

The method used to calculate the estimate of counties reporting at least one case of human trafficking ever or in the past two years involved calculating and assigning weights to each of the 60 counties in the sample proportionate to the county population and the number of sworn law enforcement officers in each county (see Appendix 10 for weighting plan). These weights were then multiplied by either 1 or 0, respectively, depending on whether the county reported having or not having a known human trafficking case ever or in the past two years. This sum total served as the numerator to calculate the percentage of counties in our sample reporting at least one case of human trafficking ever or in the past two years. The denominator was calculated by summing the total of all weights for all counties reporting either 1 or 0.

An estimated 22 percent of the counties in our sample reported having experienced at least one case of sex trafficking. Extrapolating to the 3,141 counties in the U.S., we estimate that 696 U.S. counties having had at least one case of sex trafficking. In the past two years, nearly 5 percent of the counties in our sample reported experiencing at least one case of sex trafficking. Extrapolating to the 3,141 counties in the U.S., we estimate that 151 U.S. counties have had at least one case of sex trafficking in the past two years.¹²

Nearly 4 percent of the counties in our sample reported ever having at least one case of labor trafficking. Extrapolating to the 3,141 counties in the U.S., we estimate that 116 U.S. counties have had at least one case of labor trafficking. In the past two years, we estimate that 3 percent of the counties in our sample reported experiencing at least one case of labor trafficking. Extrapolating to the 3,141 counties in the U.S., we estimate that 95 U.S. counties had at least one case of labor trafficking in the past two years.

TABLE 9: NATIONAL ESTIMATES

Type of Trafficking	Ever Had a Trafficking Case	Had a Trafficking Case in Past Two Years
Sex Trafficking	696	150
Labor Trafficking	116	95
Total	812	245

As expected, these numbers are very small. The nature of our sample precluded higher numbers. What it does tell us is that despite the lack of large and knowledgeable jurisdictions with active human trafficking task forces in our sample, these counties witness some degree of human trafficking activities. That is, 22 percent of U.S. counties outside these larger jurisdictions have experienced some form of sex trafficking and 5 percent have experienced sex trafficking in the past two years. To a lesser extent, our sampled counties have had experience with labor trafficking cases. Only four percent of our sample report ever having a labor trafficking case and 3 percent have witnessed labor trafficking cases within the past two years.

¹² It should be noted that the estimates for counties reporting ever having a human trafficking case were derived from multiple sources, i.e., the law enforcement mail-out survey; the full length interview, and the law enforcement script instrument. The estimates from the last two years were derived solely from the mail-out survey.

CHARACTERISTICS OF INTERVIEW RESPONDENTS AND RESPONDING AGENCIES

Data for the next several sections of the report came from the full-length interviews. To that end, we provide a brief description of those providing responses. We have limited this discussion to law enforcement officials and service provider organizations because the sample of interviewed prosecutors was too small (with only two interviews).¹³ Respondents from 24 law enforcement organizations and 15 service provider organizations completed the interview.

Law enforcement respondents included deputy chiefs and chief deputy sheriffs, lieutenants of criminal investigation units, captains and sergeants in vice units, and detectives, and chief deputy sheriffs from sheriffs' offices and police departments. The most common divisions within which these individuals worked included: Criminal Intelligence, Sex Crimes, Vice, and Special Victims Units, as well as Metropolitan Bureaus of Investigation. Other divisions or units in their departments that investigated or encountered possible human trafficking cases or cases with elements or red flags for human trafficking included: Narcotics, Patrol, Investigations, Task Forces, Major Crimes, Domestic Violence, and Homicide Units. Respondents noted that on average they had been with their department for about 20 years, but only about two years in their current positions.

The majority of social service respondents interviewed held mid- to high-level positions within their organizations (e.g., Executive Director, Program Director, Program Manager, and Program Coordinator); however, we also interviewed some line workers. More than half of the social service respondents noted that they worked for independent corporate entities, while the balance was comprised mostly of branch offices or offshoots of local or nationally incorporated programs. These organizations were comprised – on the one hand – of small, narrowly focused (e.g., women and children's services), newly formed organizations, and on the other larger – more mature organizations often church affiliated that offered comprehensive, wraparound services. While this may seem like an unlikely dichotomy on its face, the smaller, younger, more narrowly focused organizations most likely came into existence at the same time that the issue of human trafficking became more prominent on the national agenda. Similarly, larger, more well-established organizations may have adapted to the increased national attention to the issue by dedicating additional resources to the issue internally, for example by hiring additional specialists or re-training existing personnel to meet the needs of trafficking victims.

CHALLENGES TO IDENTIFYING AND WORKING WITH VICTIMS

In addition to the challenges related to a lack of a clear definition of human trafficking, training, and awareness, law enforcement and service providers reported a number of other barriers in terms of identifying, working with, and attempting to assist human trafficking victims. First and foremost, trafficking victims often were in need of numerous services provided by multiple organizations or several units within the same organization. As one respondent noted, "Human trafficking victims need all the same things that you and I need to survive and more."

¹³ Only two prosecutors completed the full interview; in addition, 22 prosecutors responded to the screening interview and seven responded to the mail-out survey.

Victim service providers, faced with significant staffing (e.g., high turnover rates) and other resource constraints, essentially served as “surrogate parents” to trafficking victims; however, victims’ needs often left providers overextended, particularly sex trafficking victims as one provider explained: ¹⁴

Sex trafficking victims typically come with a child: one with special needs has a baby, another has one child, another has two and we have two that are pregnant. That also makes a unique need for their case management because they are going to need medical treatment for them and their child, formula, the child will probably have some special needs, the diapers, the child care, parenting skills.

Even for cases in which the necessary sets of services were patched together, often there were challenges related to funding priorities, conflicting mission statements, overlapping roles, cross-agency communication, scheduling, and transportation to and from different collaborating agencies. While most respondents reported that providing services to human trafficking victims was only a small part of their organization’s overall mission, it was more central to others. This in itself created challenges for providers, as one respondent explains:

One challenge is our different mission statements. Ours is completely revolving around human trafficking, and that is rare. And it’s difficult when our partner’s mission statements also have to tailor to domestic violence or to refugees...Often times, when our priority is strictly human trafficking, victims and budgets and resources of that nature, there is an inequity in the resources that partnering agencies can support because they are spread thinner. We understand that, but sometimes it makes for an interesting dynamic.

Another major challenge derived from the fact that victim services were not delivered to trafficking victims equally. In fact, some victims, for example U.S. citizens, were not eligible for services under TVPA originally, as policymakers first addressed the issue of human trafficking from an international perspective, that is, from the vantage point of serving foreign nationals that had been smuggled into the U.S. and then trafficked once here. Another challenge to identifying and assisting trafficking victims was the very hidden and underground nature of the crime, as described by one respondent:

Because we have a pretty big undocumented population and we have a huge tourist and hospitality industry here, there are hundreds of housekeepers at hotels and restaurant workers. And those are all places where you would probably find people being exploited, but it is not uncommon to see a lot of Hispanic or recent migrants working in those jobs. They are low paid and it is hard to distinguish low paid workers versus people who are in a debt bondage or severe trafficked situation.

In addition, sex trafficking perpetrators often rotated their victims geographically (“circuit principle”) to avoid detection and minimize the effectiveness of law enforcement. Service providers also were affected:

One of the biggest difficulties that we have is that they rotate them, so we try to keep up with the rotation. They may be in the county one day and then they might be in another location the next day. So law enforcement must leverage their intelligence information so they can really figure the best time to carry

¹⁴ In addition, only about half of service providers in our study provided services to individuals working in the sex industry (e.g., condoms, HIV/AIDS testing, safety training, and support hotline).

out stings, busts, brothel raids, etc... If they do [conduct a sting] on a Wednesday – but they know the rotation of the women is coming in on a Friday night – then they should probably wait to do the bust on a Friday or Saturday to identify the most victims.

Additionally there are challenges related to language and cultural barriers, fear of law enforcement and deportation, or harm to them or their family members, as noted by one provider: “I know in some cases where traffickers have kept the victims intimidated by telling them, ‘We know the little village that you came from, we know your family there and we will kill them if you tell and work with authorities.’ They are afraid for their families.”

Victims also tended to downplay their problems and often failed to see themselves as victims. As one service provider explained,

The term ‘victim’ is very common but the term ‘human trafficking victim’ is not, so they may recognize the victimization to some degree but they don’t understand that...In the outreach process when we inquire or ask and have questions, none of them will say ‘Yes, I am a victim of human trafficking,’ but they all realize that in some way something is not right.

This not only presents a fundamental challenge for investigating and prosecuting cases, but also points to a crucial point that should not go unnoticed. That is, some victims who fled their home countries, escaping particularly squalid living situations, felt that even the exploited life they now led seemed better than what they left behind, as one law enforcement official noted:

I know most of the people [labor trafficking] we deal with that are here [in the U.S.], working in the conditions that they are working under, are really better off than where they came from. So really there’s a reluctance to complain. I’ve talked with people who say, ‘Hey I was living on dirt floors. Here I have running water. I have showers.’ So even though to you and me it may not seem good, they would say to me, ‘I’m looking good.’

RECOGNIZING SIGNS AND SYMPTOMS

Less than half of law enforcement respondents reported that officers in their unit(s) had been trained to recognize potential victims of human trafficking, and only about 10 percent of would be likely to recognize potential victims of human trafficking if they encountered them while working on the street or investigating another case. One enlightened respondent explained, “It usually comes in through another form and once you peel it back and identify the people involved and the circumstances you’re dealing with, then the red light comes on in terms of the underlying elements of human trafficking.”

Victims generally come to the attention of authorities through outreach and referrals from victims services providers; word-of-mouth; concerned citizens; human resource hotlines; reaching out directly and developing relationships with potential victims; and self-disclosure. Despite having low levels of awareness and training, law enforcement noted a number of different “red flags” or circumstances that indicated potential human trafficking, including:

- ▶ Handler exerts control (e.g., force, fraud coercion) over victim’s movement

- ▶ Suspected controller is the only one who speaks English, translates, and speaks for potential victims
- ▶ Controller holds potential victims' identification papers/documentation and finances
- ▶ Victims are not free to leave or speak when asked direct questions
- ▶ Victims living in squalid conditions controlled by handler
- ▶ Victims do not make eye contact with controller, law enforcement, or service provider
- ▶ Victims exhibit fear, reserved demeanor
- ▶ Age (e.g., juveniles involved in prostitution, especially from out of state)
- ▶ Reside in house with many others, controlled by handler
- ▶ Victim is undocumented
- ▶ Victim shows signs of physical or sexual abuse
- ▶ Victim is uncompensated for his/her work (inadequate pay/long hours)

Another challenge relates to the fact that most law enforcement officials reported that their departments do not have formal protocols or guidelines for working on, identifying, and/or investigating cases of suspected human trafficking or cases with human trafficking-like conduct. Even among departments that had formal protocols respondents by and large had very limited knowledge of what was covered in the guideline(s). For example, among respondents who reported having department protocols, only one was aware that the guidelines included directives on working with service providing organizations and/or other law enforcement agencies. Several respondents explained that they had general departmental and divisional protocols that provided information on whom to contact and available resources, but none focused specifically on the issue of human trafficking.

WILLINGNESS TO PROSECUTE TRAFFICKING CASES: STATES WITH AND WITHOUT STATUTES

Respondents from states with trafficking statutes pointed to a number of reasons why cases that involved elements, "red flags," or characteristics of human trafficking would not be prosecuted as such. As one prosecutor explained, "Sometimes it's easier to prosecute it as something else, and we don't want to be the first one out of the door on this since we haven't had much experience with the statute." Yet another local investigator noted, "They're getting a lot better about it. At first, [prosecutors] really hated the cases because the victims didn't cooperate or sometimes you couldn't even find them." So even after a trafficking victim has been identified there are serious barriers in that prosecutors are not very willing to prosecute the cases as such or strongly prefer to prosecute for some other offense. One prosecutor summed it up this way:

That's the magic question...Historically the problem was always a Federal thing, so [prosecutors] always pushed it toward the feds. Now that we actually have a state law on the books, [you'd think that would change]...But [despite that] I honestly haven't brought anything to [prosecutors] because it's new...you know

it's like everything else...until someone decides to bite off on it and get into our court...we'll never see what happens.

States without trafficking statutes have fewer options when presented with a potential trafficking case. They can charge “whatever conduct is appropriate,” e.g., visa fraud, kidnapping, rape, assault, false imprisonment, or prostitution. Alternatively, they can suggest that Federal authorities adopt the case, for example in cases with interstate components or when it seems likely that the Federal system may yield a higher criminal penalty, as one local investigator explained: ¹⁵

...If I try him at the state level he's probably looking at 15 months, but if we can get the feds to adopt the case he may get 10 years under the Federal guidelines. It comes down to who can expose the suspect to more justice. And economics comes into play too. The feds have more money and resources than we do. We do this with narcotics too. If it just gets beyond our level of resources or our ability. We'll do it to the best of our ability but if it's going to require more we'll encourage them to take the case. And sometimes they [Federal authorities] will just ask for it.

OVERCOMING BARRIERS TO ASSISTING LABOR TRAFFICKING VICTIMS

Law enforcement respondents reported that they were working to overcome language barriers by identifying personnel who were able to communicate directly with victims, and taking steps to educate the general public, law enforcement, and victims about the issue. In addition, they were building relationships with people to whom victims might feel more comfortable relating, such as social service groups and clergy members. Although historically it was not standard practice for law enforcement to collaborate with service providers, trafficking cases may present an opportunity to deviate from past practice. However there is an unmistakable hesitancy, on both sides, as to whether building and sustaining this relationship is possible or even desired. Indeed to date, evidence points to the contrary. For instance, when asked whether service delivery organizations helped their department gain a victim's willingness to assist in an investigation and prosecution of potential human trafficking cases, half of the respondents replied negatively. This is particularly troubling in that that service providers are often more aware of the distinctions between trafficking and smuggling and between sex trafficking and in the sex industry, and theoretically would be ideal candidates to provide training to law enforcement (commonplace in the UK). However, bridging the cultural divide between service providers and law enforcement and overcoming the pre-existing culture of mistrust is no insignificant barrier.

Law enforcement respondents also noted that they have taken steps to address barriers to identifying human trafficking victims, for example providing communication training – with an eye toward improving the manner in which law enforcement relates to providers, potential victims and the local media. Respondents

¹⁵ In instances when local authorities referred cases to their federal counterparts, almost half noted with confidence that the U.S. Attorney's Offices would be “very willing” to prosecute the case either as a trafficking case or as another offense, such as kidnapping, harassment, pimping, pandering, sex charges, or a misdemeanor for unlawful business practices (e.g., state permit violations).

particularly noted success in working with local victim service providers through human trafficking task forces, as described below:

...By being a part of the task force...it hooks us up directly with a number of social service organizations. Those people tend to be a little more trusted than law enforcement by these people [victims]. A lot of those people are here illegally so they really fear law enforcement. So they don't want contact with us – whereas teaming up with social services, letting them gain the trust, and then introducing us... breaks down that barrier a little.

DEMOGRAPHIC CHARACTERISTICS OF PERSONS ENGAGED IN HUMAN TRAFFICKING

Congressional interest goes beyond whether or not trafficking occurred in the U.S., raising questions about victim and perpetrator demographic characteristics. In an effort to understand who engages in human trafficking, we asked several demographic questions in the full length interviews. These questions were addressed only in the full length interview, reducing considerably the sample for each respondent group to 26 law enforcement officials, 2 prosecutors, and 14 service provider organizations.¹⁶ For the most part, respondents were quite hesitant to draw generalities based on the limited number of cases (most frequently one or two cases) they had seen. Therefore, even in counties that reported trafficking, we frequently received few responses to questions about perpetrator and victim characteristics.

Because the numbers we report for demographic characteristics are extremely small, they should not be considered representative of persons engaged in trafficking generally. The numbers reported below for law enforcement represent only nine counties with reported labor trafficking cases and five counties with reported sex trafficking cases. For some counties, we interviewed more than one respondent so totals exceed the number of counties represented. Nine counties are represented by the 14 full interviews with service provider organization representatives. Of these, six counties had organizations with a human trafficking focus. Three counties reported serving labor trafficking victims; none reported serving sex trafficking victims. Therefore, it is very important for the reader to understand that the tables provided in this section are based on the very low numbers reported in Table 10.

TABLE 10: COUNTIES REPORTING TRAFFICKING BY RESPONDENT GROUP

RESPONDENT TYPE	INTERVIEWS	LABOR TRAFFICKING	SEX TRAFFICKING
LAW ENFORCEMENT	26	5	10
PROSECUTORS	2	0	2
SERVICE PROVIDERS	21	16	16

¹⁶ To limit the length of the initial screening script, we did not inquire about victim and perpetrator characteristics unless there was some indication of trafficking. If we identified examples of trafficking during this screening process, we completed characteristic questions from the full length interview.

Generally, we would not report findings based on so few cases. However, Congress specifically asked that we provide these numbers. Keeping the small number of cases in mind, we begin with a discussion of victim characteristics.

VICTIMS

Most law enforcement organizations that responded to at least one of our data collection efforts reported identifying no victims of labor trafficking in the past year; that is, 5 out of 51 counties. Similarly, only 6 out of 51 counties reported identifying victims of sex trafficking. For those departments that reported identifying victims of labor trafficking, the number ranges from 1 to 30 potential victims. Respondents often suggested that victims of labor trafficking rarely identified themselves as victims, leaving departments with little means of providing assistance. Departments identifying victims of sex trafficking provided a wide range for number of victims involved. For example, one respondent reported that the county had several hundred potential victims of sex trafficking. Another reported that they identified upwards of 150,000 juvenile prostitutes, all of whom could be victims of sex trafficking. The more concrete estimates of the number of victims ranged from 1 to 40 sex trafficking victims.

There appears to be a decided difference between the gender of labor and sex trafficking victims; that is, victims of labor trafficking are as likely to be male as they are to be female, but victims of sex trafficking are solely female, according to our respondents. Not surprisingly, victims of labor and sex trafficking tend to be younger than perpetrators of each, with most victims under the age of 30. Some respondents noted that victims' stature in the sex economy tended to change with the aging process. Victims under the age of 19 tended to fetch the highest rates (money) and older victims the least. One respondent reported that the younger women begin as escorts for fancy escort services. As they age, they move to motels and hotels, as well as housing project type dwellings. Finally, the older victims walk the street in the old fashioned tradition of prostitutes. For summary of numbers for gender and age, see Table 11.¹⁷

TABLE 11: GENDER AND AGE FOR VICTIMS OF HUMAN TRAFFICKING

TYPE OF TRAFFICKING	GENDER				AGE					
	MALE	FEMALE	BOTH	DK	19 & UNDER	20-29	30-39	40+	MANY AGES	DK
LAW ENFORCEMENT										
LABOR	5	0	4	0	4	4	2	0	0	1
SEX	0	15	0	1	4	4	1	1	4	2
TOTALS	5	15	4	1	8	8	3	1	4	3
SERVICE PROVIDERS										
LABOR	1	2	6	5	0	0	1	0	7	5
SEX	0	11	2	1	5	3	0	0	5	1
TOTALS	1	13	8	6	5	3	1	0	12	6

¹⁷ Because we had only two full-length interviews with prosecutors, we have not included their numbers in this and the next series of questions.

The race and ethnicity of victims of labor and sex trafficking are diverse, although Asian and Hispanic represent the highest number for each type of trafficking. Respondents generally suggest that the victim’s race and ethnicity depend upon the task or position within an organization. For example, in one county, police officials report that their labor trafficking generally involves the entertainment business, and that Eastern European victims (white) serve in direct contact roles with the clients (e.g., receptionists or waitresses). On the other hand, Hispanic victims generally served as bus boys and kitchen help, while Filipinos reportedly were engaged in cleaning rooms and doing laundry. Other respondents reported Asian victims primarily working in nail salons and massage parlors that front for sex trafficking organizations. Most respondents seemed to think that if unlawful sexual activity rose to the level of sex trafficking, it became part of a criminal organization with a defined structure and leadership. Several respondents resisted providing any racial and ethnic designations due to their limited experience and potential for stereotyping.

TABLE 12: RACE AND ETHNICITY OF VICTIM

TYPE OF TRAFFICKING	RACE AND ETHNICITY						
	ASIAN	BLACK	HISPANIC	WHITE	OTHER RACE	MIX	DK
LAW ENFORCEMENT							
LABOR	3	1	6	1	3	0	0
SEX	10	4	4	3	1	4	4
TOTALS	13	5	10	4	4	4	4
SERVICE PROVIDERS							
LABOR	0	0	5	0	1	3	5
SEX	0	1	6	0	0	4	2
TOTALS	0	1	11	0	1	7	7

Both labor and sex trafficking victims tend to be from other countries and/or from another country via another state. Few respondents report local victims. In counties that reported examples of labor and sex trafficking, respondents frequently referred to the “circuit principle” as the common method of operation. That is, perpetrators would keep victims in one location (other state) until it seemed prudent to move to a new location due to pressures from law enforcement. This kind of movement involves both labor and sex trafficking and the circuit concept applies to counties across the country and from both large and small jurisdictions. Summary figures for victims’ place of residence are provided in Table 13.

TABLE 13: PLACE OF RESIDENCE FOR VICTIMS

TYPE OF TRAFFICKING	PLACE OF RESIDENCE						
	LOCAL	OTHER STATE	OTHER COUNTRY	OTHER STATE/COUNTRY	OTHER LOCAL/COUNTRY	MIX	DK
LAW ENFORCEMENT							
LABOR	0	0	4	3	0	1	0
SEX	2	0	3	5	0	3	3
TOTALS	2	0	7	8	0	4	3
SERVICE PROVIDERS							
LABOR	0	0	7	0	0	2	5
SEX	4	0	9	0	0	0	1
TOTALS	4	0	16	0	0	2	6

There is varied but limited knowledge among respondents with respect to the likelihood of human trafficking victims being U.S. citizens. Somewhat surprisingly, three county respondents report labor trafficking victims as very often U.S. citizens. However, more respondents report victims as rarely U.S. citizens. Table 14 summarizes these numbers.

TABLE 14: FREQUENCY VICTIMS ARE U.S. CITIZENS

TYPE OF TRAFFICKING	VERY OFTEN	SOMEWHAT OFTEN	ONCE IN AWHILE	RARELY	DON'T KNOW
LAW ENFORCEMENT					
LABOR TRAFFICKING	0	1	0	5	2
SEX TRAFFICKING	6	0	1	4	5
TOTALS	6	1	1	9	7
SERVICE PROVIDERS					
LABOR TRAFFICKING	0	1	2	6	5
SEX TRAFFICKING	4	0	9	0	1
TOTALS	4	1	11	6	6

MAJOR FINDINGS IN DEMOGRAPHIC CHARACTERISTICS OF VICTIMS OF HUMAN TRAFFICKING

- ▶ Victims of labor trafficking rarely identified themselves as victims, leaving law enforcement and service providers and department with little means of providing assistance.
- ▶ Respondents provided a wide range for number of victims involved in sex trafficking in the U.S.; however it is likely that the number of victims ranged from 1 to 40.

- ▶ Victims of labor trafficking are as likely to be male as they are to be female, but victims of sex trafficking are predominantly female
- ▶ Victims of labor and sex trafficking tend to be younger than perpetrators of each, with most victims under the age of 30.
- ▶ The race and ethnicity of victims of labor and sex trafficking are diverse, although Asian and Hispanic represent the highest number for each type of trafficking.
- ▶ Victim's race and ethnicity depend upon the task or position within an organization.
- ▶ Both labor and sex trafficking victims tend to be from other countries and/or from another country via another state.
- ▶ Respondents frequently referred to the "circuit principle" as the common method of operation.
- ▶ Most respondents reported that victims are rarely U.S. citizens

PERPETRATORS

To identify perpetrator characteristics, we first asked respondents, on average, how many perpetrators were involved in labor trafficking cases. Two law enforcement respondents reported only one perpetrator, two reported two perpetrators typically, and two gave ranges of 4-5 and 6-7 perpetrators per case. The remaining respondents reported not knowing the number of perpetrators. Obviously, these cannot be taken as averages for sex trafficking cases because there are too few cases and perpetrators identified in our interviews. Eight respondents reported only one or two perpetrators, four reported three perpetrators per case, and two reported that they did not know.

With respect to gender and age, law enforcement officials reported that perpetrators of labor and sex trafficking were more likely to be male, although eight respondents in both trafficking types reported that perpetrators were most likely to be both male and female. All trafficking perpetrators reported by service providers were male or a combination of male and female. Despite encountering fewer perpetrators of human trafficking than law enforcement, service providers report perpetrators as male or a combination of male and female. According to law enforcement officials, perpetrators of labor trafficking tend to be older than sex trafficking perpetrators. Labor trafficking perpetrators appeared to be at least 30 years of age, with the largest number being 40 years or older.¹⁸

Law enforcement respondents often note the use of "bottom bitches." These women reportedly serve in a supervisory or mentoring role for other younger women in brothels and, in particular, when the younger "women" are actually minors. Many respondents note that teens and young adults believe that a slightly older male (generally in their 20s) is their boyfriend, when in fact that "boyfriend" eventually will become her pimp. In this vein, respondents point to the changing nature of pimps, whether in sex trafficking or work in the sex industry.

¹⁸ The service provider responses were similar to law enforcement.

It is changing. It used to be the traditional older pimp. Now, it's through peers and slightly older friends or boyfriends... peers recruiting their friends (girls often serve as recruiters).

Like I said, there are some [pimps] in high school, so 17-18. We are specifically looking at young pimps – 21 to 24 – around that age.

Many responses to these and other demographic characteristic questions, however, were based on their experience with a single case even though there may have been more than one perpetrator involved in that case. Table 15 summarizes the gender and age characteristics of the perpetrators of labor and sex trafficking.

TABLE 15: GENDER AND AGE FOR PERPETRATORS OF HUMAN TRAFFICKING

TYPE OF TRAFFICKING	GENDER				AGE					
	MALE	FEMALE	BOTH	DK	19 & UNDER	20-29	30-39	40+	MANY AGES	DK*
LAW ENFORCEMENT										
LABOR	5	0	5	0	0	0	1	5	2	0
SEX	8	1	3	0	0	5	2	3	3	0
TOTALS	13	1	8	0	0	5	3	8	5	0
SERVICE PROVIDERS										
LABOR	3	0	3	0	0	1	0	2	2	1
SEX	5	0	5	0	0	2	0	2	6	0
TOTALS	8	0	8	0	0	3	0	4	8	1

*Demographic characteristics across tables provide a “Don’t Know” category.

Those respondents who reported instances of labor and sex trafficking generally agreed that race and ethnicity were dependent upon the kind of trafficking involved. For example, if the trafficking involved a brothel or massage parlor, the madam was most frequently reported as Asian. Some respondents reported that they did not think the madam necessarily owned the brothel and suggested that she might be collecting funds for a higher level perpetrator. In restaurants, race and ethnicity of perpetrators tended to mirror the race and ethnicity of victims and both are associated with the type of restaurant and cuisine served. Law enforcement officials identified Hispanics as somewhat more likely than other racial categories to be labor trafficking perpetrators; however, both Asian and African American were mentioned as well. African Americans and Asians represented the most frequently mentioned racial category for sex trafficking perpetrators. Service providers also noted more African American than other racial categories of sex trafficking perpetrators. In general, respondents noted that African Americans most frequently served as “pimps” for trafficking that occurred at the street level. Several respondents resisted providing any race and ethnicity information given their limited experience and concern with stereotyping. Table 16 summarizes the findings related to race and ethnicity.

TABLE 16: RACE AND ETHNICITY OF PERPETRATOR

TYPE OF TRAFFICKING	RACE AND ETHNICITY						
	ASIAN	BLACK	HISPANIC	WHITE	OTHER RACE	MIX	DK
LAW ENFORCEMENT							
LABOR	3	3	5	2	2	1	1
SEX	6	11	5	2	1	0	1
TOTALS	9	14	10	4	3	1	2
SERVICE PROVIDERS							
LABOR	0	0	1	1	0	1	3
SEX	0	3	3	0	0	3	1
TOTALS	0	3	4	1	0	4	4

With respect to perpetrator place of residence, our intent was to examine whether those engaged in labor and sex trafficking were local to the areas in which the human trafficking activities occurred or from other states or countries. According to law enforcement respondents, labor trafficking perpetrators are much more likely to have ties to other countries even if they currently reside in the local area. Sex trafficking perpetrators tend to be local for the most part. Service providers note that labor and sex trafficking perpetrators with whom they come in contact tend to be local residents. Table 17 summarizes these findings.

TABLE 17: PLACE OF PERPETRATOR RESIDENCE

TYPE OF TRAFFICKING	PLACE OF RESIDENCE						
	LOCAL	OTHER STATE	OTHER COUNTRY	OTHER LOCAL + STATE/ COUNTRY	OTHER STATE + COUNTRY	MIX	DK
LAW ENFORCEMENT							
LABOR	1	1	2	4	0	0	1
SEX	6	1	1	5	0	1	2
TOTALS	7	2	3	9	0	1	3
SERVICE PROVIDERS							
LABOR	4	0	0	0	2	0	0
SEX	6	0	0	0	3	1	0
TOTALS	10	0	0	0	5	1	0

MAJOR FINDINGS IN DEMOGRAPHIC CHARACTERISTICS OF PERPETRATORS OF HUMAN TRAFFICKING

- ▶ Perpetrators often operate on the “circuit principal” keeping victims in one location (other state) until it seems prudent to move to a new location due to pressures from law enforcement. This kind of movement involves both labor and sex trafficking and the circuit concept applies to counties across the country and from both large and small jurisdictions.

- ▶ Law enforcement officials report that perpetrators of labor and sex trafficking are more likely to be male or both male and female.
- ▶ According to law enforcement officials, perpetrators of labor trafficking tend to be older than sex trafficking perpetrators – at least 30 years of age
- ▶ Law enforcement respondents often note the use of “bottom bitches.” These women reportedly serve in a supervisory or mentoring role for other younger women in brothels and, in particular, when the younger “women” are actually minors.
- ▶ Perpetrator race and ethnicity are dependent upon the kind of trafficking involved. For example, if the trafficking involves a brothel or massage parlor, the madam was most frequently reported as Asian.
- ▶ In restaurants, race and ethnicity of perpetrators tend to mirror the race and ethnicity of victims and both are associated with the type of restaurant and cuisine served.
- ▶ Law enforcement officials identify Hispanics as somewhat more likely than other racial categories to be labor trafficking perpetrators; however, both Asian and African American are mentioned as well.
- ▶ African Americans and Asians represent the most frequently mentioned racial category for sex trafficking perpetrators.
- ▶ African Americans most frequently serve as “pimps” for trafficking that occur at the street level.
- ▶ According to law enforcement respondents, labor trafficking perpetrators are much more likely to have ties to other countries even if they currently reside in the local area.
- ▶ Sex trafficking perpetrators tended to be local for the most part.

CRIMINAL JUSTICE SYSTEM INTERVENTION

The crime of human trafficking is a new concept to police departments and sheriffs’ offices across the country; but one to which they now must respond. As with many types of cases, law enforcement knowledge about human trafficking or human trafficking-like cases tends to end when a case is accepted for prosecution. Within our sample, there have been many more investigations of sex trafficking than labor trafficking. In virtually every county, respondents said that any cases involving labor trafficking would be either dropped or sent immediately to the Immigration and Customs Enforcement (ICE) or the Federal Bureau of Investigations (FBI).¹⁹ Law enforcement officials report a total of eight labor trafficking investigations, one arrest, and three cases remaining open. None of the labor trafficking investigations have yet led to prosecution. However, one of the two prosecutors reports that a labor trafficking case has been accepted for prosecution. Law enforcement reports 62 sex trafficking investigations, eight arrests, six prosecutions, and four cases remaining open. Respondents are not aware of any convictions at this time.²⁰

¹⁹ This has implications for the case review portion of this study; that is, in none of the four counties we visited and coded cases were there labor trafficking cases that were not forwarded immediately to federal law enforcement.

²⁰ We are able to report information about convictions in one jurisdiction in the case review section of the report below.

Congress asked that we look at state data as well as local data. However, after exploring a number of potential data sources, we found there simply were no consistent data at the state level. States with statewide task forces (e.g., California, Minnesota, or Florida) collected their own data. State data are virtually non-existent. There are several reasons for this. For those counties in which there are no state laws against trafficking behavior, the state has no way of determining the numbers. By definition in states without anti-trafficking statutes, law enforcement and prosecutors must charge something else even when they recognize the characteristics of human trafficking. Moreover, for counties from states with anti-trafficking legislation, the cases are so new that they have nothing to report at this time. This will be an important area to follow in the years to come, and it is an area in which state and local agencies could benefit from training about how best to capture the information.²¹

TABLE 18: INVESTIGATIONS, ARRESTS, PROSECUTIONS, CONVICTIONS, INCARCERATIONS OF PERPETRATORS

CRIMINAL JUSTICE INTERVENTION	LABOR TRAFFICKING	SEX TRAFFICKING
INVESTIGATIONS	8	62
ARRESTS	1	8
CASES REMAIN OPEN	3	4
PROSECUTIONS	1	6
CONVICTIONS	0	0
INCARCERATIONS	0	0

MAJOR FINDINGS RELATED TO CRIMINAL JUSTICE SYSTEM INTERVENTION

- ▶ Many of the small and rural counties that responded only to the mail-out survey or the screening script reported neither sex trafficking nor work in the sex industry.
- ▶ As with sex trafficking, respondents reported that work in the sex industry tended to take place in the larger cities and that if their residents were interested in participating, they would go to those larger cities.
- ▶ Respondents generally were very reluctant to provide a concrete number of perpetrators and victims of work in the sex industry, and could not estimate numbers of purchasers.
- ▶ We found little difference between victims of sex trafficking and workers in the sex industry.
- ▶ Purchasers of sex do not differentiate between victims of sex trafficking and work in the sex industry, so that differences between purchasers of each are generally insignificant.

²¹ Congressional interest called for this study to compare local and state statistics regarding human trafficking arrests, prosecutions, and convictions. We collected data from some of the states in which our sampled counties are located, but others either had not begun collecting human trafficking offense data or their laws were too new to have resulted in any cases to date. The information we have collected demonstrates the need for consistent data and data based on common definitions. State data collection systems are working to establish meaningful data on human trafficking, but to date it has not been accomplished.

COMPARISONS BETWEEN SEX TRAFFICKING AND WORK IN THE SEX INDUSTRY

As Congress strives to understand trafficking in persons in the U.S., it recognizes the importance of examining the differences between work in the sex industry and sex trafficking. Work in the sex industry or prostitution has plagued law enforcement for decades but when considered in the context of sex trafficking, the nature of the crime changes dramatically and law enforcement has begun to think of prostitution differently. That is, to what degree do those who provide sexual services do so under duress or force? To what degree do they work independently (freelance) versus the degree to which they work for someone else (i.e., a pimp)? Responses to these simple questions will result in dramatically different law enforcement practices and societal responses.

The TVPRA-2005 requests a comparison between persons engaged in sex trafficking and those engaged in work in the sex industry in terms of numbers and demographic characteristics. We first sought to determine the number of sex trafficking cases and cases involving work in the sex industry in our selected counties. We learned that data related to work in the sex industry often are non-existent and when available probably represent more egregious or violent conduct than the “simple prostitution” or “soliciting for prostitution” cases. Therefore, much of what we report related to work in the sex industry carries strong caveats regarding the completeness of the numbers and generalizability. For example, in one county, police officials reported that if they wanted to go out every night and “sweep” for workers in the sex industry, the numbers of arrestees would be too high to manage. Other respondents preferred to provide ranges of numbers or say there were “hundreds.”

It is important to note that data from all 51 counties with law enforcement responses indicated very few instances of trafficking. This was especially evident in the smaller, more rural counties. That said, 18 counties reported investigating cases of sex trafficking and 22 counties reported cases of work in the sex industry. While we can provide these broad numbers for comparing sex trafficking and work in the sex industry, the majority of counties reporting each came from the mail-out survey. Therefore, the remaining discussion will rely on data from the eight counties that reported sex trafficking investigations and six that reported investigations involving work in the sex industry.

Many of the small and rural counties that responded only to the mail-out survey or the screening script reported neither sex trafficking nor work in the sex industry. As with sex trafficking, respondents reported that work in the sex industry tended to take place in the larger cities and that if their residents were interested in participating, they would go to those larger cities. (See discussion below for differences in enforcement practices for sex trafficking versus work in the sex industry.) In general, prosecutors did not report many cases of either sex trafficking or work in the sex industry coming to their attention. Services providers in 12 counties reported serving victims of sex industry work and 10 victims of sex trafficking (see Table 19).

TABLE 19: COUNTIES REPORTING WORK IN THE SEX INDUSTRY

ORGANIZATION	WORK IN SEX INDUSTRY	NO WORK IN SEX INDUSTRY	MISSING	NO RESPONSE
LAW ENFORCEMENT	22	18	0	20
PROSECUTORS	6	15	1	38
SERVICE PROVIDERS	12	10	3	35

In an effort to determine the numbers of workers, perpetrators, and purchasers in the sex industry, we asked respondents to quantify as best they could. However, respondents generally were very reluctant to provide a concrete number of perpetrators and victims of work in the sex industry, and could not estimate numbers of purchasers. For example, officials report that they might be aware of one “pimp” but suspect there are many more. Also, one county reported that the department conducted monthly “sweeps” in which they arrested “johns.” In one night, they arrested 40-50 johns, but the respondent was unwilling to say whether that could be extrapolated to every day of the week. And, despite the more public nature of work in the sex industry, actual numbers remain elusive primarily because law enforcement organizations lack the resources to count these activities on a regular basis. In addition, some law enforcement reported as a matter of strategy that they do not arrest johns as this is one of their only windows of information into sex industry conduct.

We found little difference between victims of sex trafficking and workers in the sex industry. We specifically asked respondents to identify gender, age, race and ethnicity, nationality, and residence of sex trafficking victims and workers in the sex industry, perpetrators of sex trafficking and perpetrators of work in the sex industry, and purchasers of these services. We asked about differences in locations where law enforcement might find sex trafficking victims and workers in the sex industry, and found none. Respondents generally agreed that purchasers of sex do not differentiate between victims of sex trafficking and work in the sex industry, so that differences between purchasers of each are generally insignificant.

GENDER DIFFERENCES

Law enforcement and service provider respondents noted very few gender differences between victims of sex trafficking and those who work in the sex industry. Law enforcement officials reported sex industry perpetrators to be mostly male; however some are both male and female. Although service providers rarely came in contact with perpetrators, their work with victims led them to report perpetrators as both male and female at rates higher than law enforcement respondents. One important difference to note is that sex industry perpetrators, e.g., those overseeing illegal massage parlors and/or brothels, tended to be female. Perpetrators from massage parlors and brothels tended to be older Asian females, whereas street-level pimps involved in the sex industry tended to be Black males. Workers in the sex industry reportedly were all female and purchasers of services in the sex industry were male (there was one reported female purchaser).

AGE DIFFERENCES

Victims of sex trafficking tended to be younger and more closely monitored than workers in the sex industry. This difference was reported by both law enforcement and service provider respondents. Perpetrators in the sex industry or pimps mirrored perpetrators in sex trafficking with ages generally ranging from 20 to 49 years.

There were no reported differences in the age of purchasers of sex trafficking victims and those in the sex industry, perhaps at least partly explained by reports that purchasers for the most part were unaware of whether the provider of sexual services was a victim of sex trafficking or not.

It is important to note that in those jurisdictions where special units are attempting to tackle the problem of juvenile prostitution and prostitution with violent pimps, the approach to enforcement for trafficking and work in the sex industry is the same. In general, we observed in the case review process as well as through the full length interviews that advertising on the Internet has changed the law enforcement approach to combating both trafficking and work in the sex industry. With the assistance of Missing Persons, for example, some jurisdictions can find juvenile runaways through escort services advertising on the Internet and remove the juvenile from that environment rather than arrest the underage person. As law enforcement organizations have shifted their focus to juveniles, they report being overwhelmed by the numbers coming to their attention. However, resources for combating the problem and lack of placements for rescued juveniles hamper progress for some jurisdictions.

RACE AND ETHNICITY DIFFERENCES

In general, respondents noted that workers in the sex industry and sex trafficking victims are diverse with respect to race and ethnicity. However, street-level workers in the sex industry are predominantly African American, Hispanic, and white, whereas sex trafficking victims are mostly Asian and Hispanic. Workers in massage parlors and brothels are mostly Asian (respondents noting Chinese, Korean, and Vietnamese), and generally victims of sex trafficking. Service providers did not identify racial or ethnic differences between those participating in the sex industry versus those involved in sex trafficking. For the most part, however, they did not want to engage in what many referred to as “racial stereotyping” and would simply refuse to answer.

Perpetrators of sex trafficking are mostly Asian, while perpetrators in the sex industry (massage parlors, brothels) are mostly Asian and Hispanic. Most frequently for both sex trafficking and work in the sex industry, massage parlors and brothels are run by older Asian madams. Pimps involved in sex work at the street level tend to be Black males. Law enforcement respondents often reported that the “foreign element” was more likely present in sex trafficking activities.

Purchasers of sex from workers in the sex industry and victims of sex trafficking were most often white. Neither Asians nor African Americans were mentioned as purchasers of services in the sex industry or in sex trafficking.

NATIONALITY DIFFERENCES

According to law enforcement officials, sex trafficking victims tend to be foreign nationals while workers in the sex industry tend to be U.S. citizens. Respondents report that foreign nationals appear to be more readily controlled than do local victims. Likewise, perpetrators of sex trafficking tend to be from other countries and perpetrators of work in the sex industry tend to be U.S. citizens. Purchasers of both sex from victims of sex trafficking and services from workers in the sex industry are local and U.S. citizens. Service providers all note that they are unaware of nationality differences.

RESIDENCE DIFFERENCES

Although many sex traffickers originally come from outside the country, they tend to familiarize themselves with localities, set up shop, provide services, and then move on to other areas/states. Officials in virtually every county that mentioned having sex trafficking report the “circuit” nature of both sex trafficking and work in the sex industry. By and large, however, respondents report that sex industry perpetrators and sex trafficking perpetrators tend to be from the local area. Respondents report that workers in the sex industry are similar to victims of sex trafficking in that some are local to the area, but the majority tends to come from other states and countries. Purchasers of sex both from victims of sex trafficking and services in the sex industry are almost exclusively local. As with nationality, service providers are not aware of differences, but elaborate that this is not one of their chief concerns.

LOCATION DIFFERENCES

Although locations in which workers in the sex industry and sex trafficking victims can be found are similar, law enforcement respondents note some differences. For both sex trafficking and work in the sex industry, brothels and escort services are cited most frequently, followed closely by the Internet. For victims of sex trafficking, several venues are reported with frequency (in order of frequency); i.e., brothels, homes and apartments, drug busts, sting operations, massage parlors, street corners, and escort services. Law enforcement most frequently mentioned brothels, drug busts, and escort services as their means of encountering workers in the sex industry. However, sting operations, Internet, and agricultural settings (migrant camps) are reported as well. A frequent mention about workers in the sex industry is that their clients respond to Internet ads; the workers then take these clients to a motel or a “safe house” to perform the services.

ENFORCEMENT RESPONSE

When asked about law enforcement’s response to sex trafficking and work in the sex industry, respondents initially report few differences. This initial response, however, is followed closely by a recognition that criminal justice response to each crime have to be somewhat different due to differences in the laws and related penalties; for example, offenses related to work in the sex industry are frequently misdemeanor offenses while sex trafficking tends to be felonious. In fact, some law enforcement officials noted that because sex industry work carries with it very minimal sanctions, it is “not worth their time” to pursue cases, especially given the very likely possibility that perpetrators will not show up for their initial hearings. They quickly note, however, that they would not overlook sex trafficking. Without question, there are excellent reasons cited by respondents for this difference in approach. First, offenses for work in the sex industry generally are misdemeanors and defendants often fail to appear for hearing or they just pay a fine, whereas sex trafficking is a serious felony but a much harder case to make. Second, police resources are stretched very thin, often making it necessary to focus on what are perceived to be more serious offenses. Third, sex trafficking is less visible and “more indoors”; in contrast, work in the sex industry is seen as more street level and visible – although this has changed somewhat in recent years due to the active use of the Internet for both sex trafficking and work in the sex industry.

MAJOR FINDINGS COMPARING SEX TRAFFICKING AND WORK IN THE SEX INDUSTRY

- ▶ Many of the small and rural counties that responded only to the mail-out survey or the screening script reported neither sex trafficking nor work in the sex industry.
- ▶ As with sex trafficking, respondents reported that work in the sex industry tended to take place in the larger cities and that if their residents were interested in participating, they would go to those larger cities.
- ▶ Respondents generally were very reluctant to provide a concrete number of perpetrators and victims of work in the sex industry, and could not estimate numbers of purchasers.
- ▶ We found little difference between victims of sex trafficking and workers in the sex industry.
- ▶ Purchasers of sex do not differentiate between victims of sex trafficking and work in the sex industry, so that differences between purchasers of each are generally insignificant.

GENDER DIFFERENCES

- ▶ Law enforcement and service provider respondents noted very few differences in terms of gender between victims of sex trafficking and those who work in the sex industry.
- ▶ Sex industry perpetrators, e.g., those overseeing illegal massage parlors and/or brothels, tend to be female.
- ▶ Perpetrators from massage parlors and brothels tend to be older Asian females.
- ▶ Street-level pimps involved in the sex industry tend to be Black males.
- ▶ Workers in the sex industry reportedly are all female and purchasers of services in the sex industry are male.

AGE DIFFERENCES

- ▶ Victims of sex trafficking tend to be younger and more closely monitored than workers in the sex industry.
- ▶ Perpetrators in the sex industry or pimps mirrored perpetrators in sex trafficking with ages generally ranging from 20 to 49 years.
- ▶ There were no reported differences in the age of purchasers of sex trafficking victims and those in the sex industry.

RACE AND ETHNICITY DIFFERENCES

- ▶ Workers in the sex industry and sex trafficking victims are diverse with respect to race and ethnicity.
- ▶ Street-level prostitutes are predominantly Black, Hispanic, and White.

NORC Final Report

- ▶ Sex trafficking victims are mostly Asian and Hispanic.
- ▶ Workers in massage parlors and brothels are mostly Asian (e.g., Chinese, Korean, and Vietnamese), and generally victims of sex trafficking.
- ▶ Perpetrators of sex trafficking were mostly Asian, while perpetrators in the sex industry (massage parlors, brothels) were mostly Asian and Hispanic.
- ▶ For both sex trafficking and work in the sex industry, massage parlors and brothels were run by older Asian madams.
- ▶ Pimps involved in sex work at the street level tended to be Black males.
- ▶ Purchasers of sex from workers in the sex industry and victims of sex trafficking are all most often White males.

NATIONALITY DIFFERENCES

- ▶ Sex trafficking victims tend to be foreign nationals, whereas workers in the sex industry tend to be U.S. citizens.
- ▶ Foreign nationals appeared to be more readily controlled than did local victims.
- ▶ Perpetrators of sex trafficking tend to be from other countries, whereas perpetrators of work in the sex industry tend to be U.S. citizens.
- ▶ Purchasers of both sex from victims of sex trafficking and services from workers in the sex industry are local and U.S. citizens.

RESIDENCE DIFFERENCES

- ▶ Many sex traffickers come from outside the country and often move from place to place to avoid detection.
- ▶ Sex industry perpetrators and sex trafficking perpetrators tended to be from the local area.
- ▶ Workers in the sex industry are similar to victims of sex trafficking in that some were local to the area, but the majority tended to come from other states and countries.
- ▶ Purchasers of sex both from victims of sex trafficking and services in the sex industry were almost exclusively local.

LOCATION DIFFERENCES

- ▶ For both sex trafficking and work in the sex industry, brothels and escort services are cited most frequently, followed closely by the Internet.
- ▶ For victims of sex trafficking, several venues are reported with frequency (in order of frequency); i.e., brothels, homes and apartments, drug busts, sting operations, massage parlors, street corners, and escort services.

- ▶ Law enforcement most frequently mentions brothels, drug busts, and escort services as their means of encountering workers in the sex industry.
- ▶ Workers in the sex industry (e.g., illegal escorts, high end prostitutes) increasingly advertise using the Internet and perform services at motels or “safe houses” to avoid detection.

CRIMINAL JUSTICE SYSTEM RESPONSE

- ▶ Law enforcement reported few differences in terms of their enforcement practices for sex trafficking and work in the sex industry
- ▶ Some law enforcement officials noted that because sex industry work carries with it very minimal sanctions, it is “not worth their time” to pursue cases, especially given the very likely possibility that perpetrators will not show up for their initial hearings.
- ▶ Respondents reported many more investigations of sex trafficking than labor trafficking.
- ▶ Cases involving labor trafficking are either dropped or sent immediately to the Immigration and Customs Enforcement (ICE) or the Federal Bureau of Investigations (FBI).
- ▶ Law enforcement officials report a total of eight labor trafficking investigations, one arrest, and three cases remaining open. None of the labor trafficking investigations have yet led to prosecution. However, one of the two prosecutors reports that a labor trafficking case has been accepted for prosecution.
- ▶ Law enforcement reports 62 sex trafficking investigations, eight arrests, six prosecutions, and four cases remaining open. Respondents are not aware of any convictions at this time.

ESTIMATED DOLLAR AMOUNT FROM COMMERCIAL SEX ECONOMY

To address congressional concerns about the overall amount of money involved in the U.S. commercial sex economy, we devised a strategy to calculate an approximate dollar value of the commercial sex economy, including sex trafficking and work in the sex industry. Respondents were asked to identify the three most likely locations in which work in the sex industry and sex trafficking occurred in their locale. In addition, respondents were asked to provide their best estimate of the overall number of places where these illegal sex economies existed, as well as the average number of purchasers and service providers/victims involved in a typical 24-hour day.

For example, a respondent working in the vice unit might report that “there are about 10 illegal massage parlors in this county, involving, on average, about 6 young women who provide sexual services to approximately 25 johns per day at a cost of \$50 plus a \$10 tip.” In this example, we could estimate that the daily revenue generated by illegal massage parlors in this county is about \$90,000 ($[10 \times 6 \times 25] \times \60). After gleaned similar information from respondents regarding the next two most likely locations in which work in the sex industry occurred locally and adding that number to the number derived from the three most likely places in which sex trafficking occurred locally, we would be able to derive a rough approximation of dollar value of the commercial sex economy in each study site.

This process was in no way intended to substitute for a rigorous, scientific enumeration of the overall value of the U.S. commercial sex economy. Rather, we were interested in obtaining a rough approximation from key informants at the local level. Local law enforcement officers, especially those who worked in vice units, arguably were the most knowledgeable of these issues at the local level and therefore best positioned to provide such estimates. Although these estimates were only intended to serve as a proxy for the overall picture, by systematically obtaining these data from local law enforcement across the 60 counties included in this study, we envisioned reporting numbers in a consistent format that would facilitate comparison of results across sites.

In general, respondents were somewhat reserved about providing estimates on the overall sex economy. Although we received credible information from respondents, for example from vice unit detectives highly experienced with the local sex economy cost structures, each of the 60 sampled counties was unique in this regard. And therefore it was difficult to estimate using county proxies. In addition, many respondents reported that they were not confident enough to provide even rough estimates. So, while our proposed estimation model did not work out as well as planned, many respondents with experience in this area noted that our proposed method was appropriate – at least at the individual site level.²²

That said, the research team collected data from actual case records that were corroborated through conversations with law enforcement respondents that, at least, provide a rudimentary (albeit with actual site-level data) mechanism for estimating the one part of the commercial sex/sex trafficking economy, although it is impossible to disaggregate one from the other. Below we provide estimates of three basic types of illegal commercial sex/sex trafficking scenarios as derived from the case review data: (1) illegal massage parlor/spa; (2) high-end, freelance prostitute/illegal escort; and (3) street level prostitution (see discussion of case review findings below).²³

SCENARIO 1: ILLEGAL MASSAGE PARLOR/SPA

As a conservative average, case records indicate that massage parlor/spa workers earn \$20 for 1 hour and \$10 for a ½ hour work. Depending on the parlor/spa, tips are either split with the madam or full profits go to masseuses/spa workers. Most tips are paid in cash. Some are paid by credit. Tips generally are \$40 per transaction. To get a better sense of gross revenue that this commercial sex/sex trafficking industry produces, we assume (data provided by local law enforcement/vice squad respondents) that a local, illegal massage parlor/spa serves 10 clients per day, 7 days per week, and 52 weeks per year. If we assume, on average, one illegal masseuse serves 10 customers a day at a cost of \$20 for the massage and a \$40 tip, the business would post revenue of \$4,200.00 per week, totaling \$218,400.00 per year. At this rate, the total revenue associated with the 10 illegal establishments reportedly still in operation in this county would yield total revenue well in excess of \$2 million (i.e., \$2,184,000.00).

²² Despite this method's failure to produce dollar values overall, we would argue that the approach is reasonable. However, we believe it would work only prospectively. For example, one could select several jurisdictions and train Vice officers to record specific monetary information after each encounter for the next year. At the end of the year, we could collect this information and analyze the findings providing for more informed findings.

²³ A fourth likely scenario might focus on the "circuit" nature of domestic sex trafficking, e.g., where one or two pimps oversee a group of young women and transport (circuit) the women from city to city for illegal sex activities.

NORC Final Report

	Daily Earnings	Per Week	Per Month	Per Year
Massage	10 clients x \$20=\$200	\$1,400	\$5,600	\$72,800
Tips	10 clients x \$40=\$400	\$2,800	\$11,200	\$145,600
Subtotal for 1 site	10 clients x \$60=\$600	\$4,200	\$16,800	\$218,400
Total for all 10 sites (assuming 10 clients served daily at 10 different massage parlors)				\$2,184,000.00

SCENARIO 2: FREELANCE, HIGH-LEVEL WORKER IN THE SEX INDUSTRY/ILLEGAL ESCORT

Another example from this county provides a snapshot of a freelance, high-level worker in the sex industry/illegal escort, who maintained fastidious records of every illegal sexual transaction in which she was involved over the past year (her records were included in the case files reviewed by the research team). On a neatly kept ledger, this female defendant kept track of every appointment, every john (by initial), all payments (including tips), date and time records, and cities of origin. She traveled from city to city, up and down the east coast, advertising on www.craigslist.com and other Internet sites as well as in local newspapers and magazines, but remained in one location (hotel/motel) for only a day or two to avoid detection.

For estimation purposes, we will use the figures from this escort’s ledger and assume on average that she provides sexual services to 15 johns per day; works a five day; charges \$200 per sexual encounter; and receives a \$100 tip (data provided by local law enforcement/vice squad respondents). In this scenario, one high-end, freelance prostitute/illegal escort earns \$1,170,000 in one year.

	Daily Earnings	Per Week	Per Month	Per Year
Service	\$200 x15 johns = \$3,000	\$15,000	\$60,000	\$780,000
Tips	\$100 x15 johns = \$1,500	\$7,500	\$30,000	\$390,000
Total	\$300 x15 johns = \$4,500	\$22,500	\$135,000	\$1,170,000.00

SCENARIO 3: STREET-LEVEL PROSTITUTION

In this site, on any given afternoon or evening, law enforcement respondents report that at least 50 street level prostitutes work along three main street corners in the county. On average, the price for oral sex is \$20; vaginal sex is \$40; and full service (both oral and vaginal) is \$60. Generally, these sex workers receive no tips (data provided by local law enforcement/vice squad respondents). We will assume for estimation purposes that 50 workers in the sex industry conduct 10 illegal sexual transactions each day, totaling 500 sexual encounters in one day throughout the county. Below, we estimate annual revenue for workers in the street level sex industry (\$8,736,000) by calculating one street level worker in the sex industry, i.e., one worker who performs (on average) 2 oral, 2 vaginal, and 6 “full service” transactions (n=10) per day and multiplying this by 50 street level workers in the sex industry.

NORC Final Report

	Daily Earnings	Per Week	Per Month ²⁴	Per Year
Oral	1 worker x 2 oral transactions x \$20 = \$40	\$280	\$1,200	\$14,600
Vaginal	1 worker x 2 vaginal transactions x \$40 = \$80	\$560	\$2,400	\$29,200
Both/Full Service	1 worker x 6 full service transactions x \$60 = \$360	\$2,520	\$10,800	\$131,400
Total per Worker	\$40+\$80+\$360=\$480	\$3,360	\$14,400	\$175,200
Total of 50 workers	50 workers x \$480 = \$24,000	\$168,000	\$672,000	\$8,760,000

SUMMARY

In summary, if we add the yearly revenue estimates for the three scenarios above (\$2,184,000.00+ \$1,170,000.00 + \$8,760,000.00), total yearly revenue for this single county would total in excess of \$12 million (i.e., \$12,114,000.00). However, this is most likely a low-end estimate of the overall dollar estimate of the sex economy in this county, because:

- ▶ The first scenario (illegal massage parlor) estimates an average of only 10 clients per day at each of the 10 known illegal massage parlors/spas remaining in the county, and therefore does not include similar illegal establishments as yet unknown to investigators and fails to account for other sex trafficking economies that may operate underground;
- ▶ The second estimate (freelance, high level worker in the sex industry/ illegal escort) only provides data for one high-end prostitute/illegal escort in this county (albeit a top producer).²⁵
- ▶ The third estimate (street level work in the sex industry), while calculated with average cost estimates derived from actual case records, is admittedly a ballpark estimate and could be higher or lower given slight changes in the assumptions as defined above.

While the above estimate may be used to obtain a rough estimate of the overall cost of the sex industry in this county, it clearly cannot be used to generalize more widely. However, it could be used as a rough proxy measure to compare against counties with similar population density and demographics, as well as counties that are somewhat analogous with respect to the numbers of spas/salons/massage parlors providing sexual services, high end illegal escorts providing sexual services, and street level prostitution.

Many counties report that they do not have prostitution, let alone massage parlors and high-end escort services providing sexual services. Thus, prostitution is not evenly distributed across counties. Rather, it is directly related to size and urbanicity of jurisdiction. Moreover, small rural county respondents emphasize that prostitution activities are difficult to hide in small towns. Rather, patrons and providers go to urban centers where they are more anonymous. In smaller cities prostitution sometimes is found but not perceived

²⁴ Monthly figures calculated on the basis of 30 days, yearly figures calculated on the basis of 365 days.

²⁵ While our estimate for one freelance worker is derived from actual case records, we were unable to estimate with confidence the number of other freelance, high level workers in the sex industry/ illegal escorts in this county and therefore decided not to provide a multiplier.

as a major problem. It is large cities that are centers of the sex industry including street level prostitutes with pimps, brothels, escort services, and massage parlors that provide sexual services.

FINDINGS FROM FOUR SITE CASE REVIEW

Stage 3 of our study, the case review component, involved visiting four counties and coding cases with elements or characteristics of trafficking in persons (see discussion above) that were not necessarily charged as trafficking. Researchers asked each site to pull for document review 20-25 cases for each statute in a list of statutes provided by the researchers. These lists were compiled based on suggestions from respondents in the jurisdiction to be visited and review of appropriate state criminal codes. It became clear immediately upon discussing the kinds of cases we were interested in coding that labor trafficking cases, except as they pertain to sexual services, are turned over to the Federal government for investigation and prosecution, even in the two jurisdictions that have state human trafficking statutes. Therefore, the kinds of cases we coded were almost entirely related to possible sex trafficking.²⁶

CASES WITH SIGNS OF HUMAN TRAFFICKING

The research team reviewed and coded 406 actual cases in four counties (referred throughout as Sites 1-4) – two from states with state anti-trafficking statutes and two from states without statutes.²⁷ Thirty-five (or approximately 9 percent) cases showed signs of potential trafficking (e.g., underage victim or perpetrator with pimp, massage parlors with women who live on the premises and speak little to no English). The highest number of potential trafficking cases was found in sites that had state anti-trafficking statutes and statewide and local trafficking task forces. In fact, 77 percent of the cases that showed signs of human trafficking derived from states with anti-trafficking codes.

The majority of these cases involved multiple charges; however, the most often cited charges involved compelling prostitution, promoting prostitution, importuning prostitution, pimping, pandering, and pandering obscenity. The second most often cited charges involved prostitution and soliciting prostitution, and the third most often cited charge was rape, gross sexual imposition, and sexual imposition. All cases that showed signs of potential human trafficking involved some form of force/threat, fraud/threat, or coercion/threat.

ATTENTION OF LAW ENFORCEMENT/DIFFERENCES IN ENFORCEMENT

About half of the potential trafficking cases resulted from proactive law enforcement strategies (e.g., sting operations, prostitution sweeps, and other undercover operations). The balance of cases resulted from law enforcement responding to calls for assistance and neighborhood complaints. Nearly 70 percent of these cases either resulted in an arrest or were sent to the local prosecutor for review. Final dispositions generally were unavailable in law enforcement case records (except for the one site in which we coded cases in the

²⁶ There are occasional exceptions to this general rule. For example, in one site that has a local and state task force with federal presence, we witnessed cases that involved restaurants with staff that had been smuggled into the country and then trafficked within the local restaurant scene. There was a domestic servitude case and a straight labor case.

²⁷ We coded the following numbers of cases in each jurisdiction: Site 1 = 141 cases; Site 2 = 106 cases; Site 3 = 108 cases; and Site 4 = 51 cases.

local prosecutor's office). Similarly, the degree to which these cases involved plea negotiations remains unclear.

The largest proportion (43 percent) of cases that showed signs of trafficking were brought to the attention of law enforcement through vice operations, followed by victims (17 percent), law enforcement (11 percent), and the balance by other means. Cases that showed signs of human trafficking and occurred in states without trafficking statutes generally came to the attention of law enforcement by way of reactive policing, i.e., local investigators responding to calls for assistance. This is not to suggest that local jurisdictions are not proactive in their efforts to curb work in the sex industry. Rather, those cases with characteristics of human trafficking as opposed to those without generally result from referrals.

In sharp contrast, cases in sites with anti-trafficking statutes and task forces came about through proactive enforcement, e.g., through stings, task forces, and other undercover operations. In fact, every case in Site 2 came about in this manner. Potential trafficking-related cases in Site 3, also a state with anti-trafficking statutes and statewide and local task forces, came to the attention of law enforcement through a combination of reactive and proactive policing. Both Sites 2 and 3 distinguished themselves further in that they reported working with Federal authorities on cases and did so, to a greater or lesser extent, on every case. Below are data on actual cases, including information on victims and defendants.

CASE SPECIFIC INFORMATION

- ▶ Twenty (20) percent of cases that showed signs of potential trafficking involve the use of a weapon.
- ▶ Very few (14 percent) of these cases involve family members, and the majority of those that do involve live-in boyfriends/girlfriends of victims or suspects.
- ▶ Every reported victim involved in these cases is female.
- ▶ Victims across sites are very young; in fact, 74 percent are 19 years old or younger.
- ▶ In terms of race/ethnicity, 46 percent are African American; 25 percent are white; 21 percent Hispanic, and 8 percent Asian.
- ▶ The majority of cases (56 percent) involve one victim.
- ▶ Eighty (80) percent of these victims are U.S. citizens and speak English.
- ▶ The vast majority of these cases (69 percent) involves a pimp or madam. Therefore, it is not surprising that about 57 percent of victims are not able to move about freely on their own; their movements are closely monitored by their controllers/pimps.
- ▶ Defendants' ages range dramatically from 16 to 61 years.
- ▶ Most defendants or suspects in these cases (54 percent) are African American, 23 percent are Asian, and 9 percent Hispanic and white, respectively.
- ▶ Ninety (90) percent of defendants reside in the U.S. and have a current city street address.

BACKGROUND ON CASE REVIEW SITES

Sites 1 and 4 do not have state anti-trafficking in persons' statutes, whereas Sites 2 and 3 do. While these differentiations explain most of the difference between sites in terms of detecting possible human trafficking activities, by no means do they explain everything. We witnessed several factors in states with anti-trafficking statutes that do not occur in states without the legislation. Personnel in sites with state statutes are much more aware of human trafficking as a criminal offense, and are much more likely than states without statutes to have been trained at the academies and on a somewhat regular basis. In sites without statutes, stakeholders are likely to have heard of the problem but not to associate it with the work they do.

A greater number of law enforcement officials are trained to recognize the signs and symptoms of trafficking offense conduct in states with anti-trafficking laws. In the two sites with statutes, considerable specialized training has occurred such that if officers suspect in any way that the conduct might involve trafficking, cases are sent to special units that focus on trafficking-related issues. The mechanics of this referral process appear to be working very well in the two jurisdictions with state anti-trafficking statutes. The availability of criminal statutes offers another way in which those jurisdictions with statutes distinguish themselves from others. For example, if the state has anti-trafficking legislation, officers are more likely to write incident reports with greater detail about potential human trafficking activities. Because it does not play a part in the investigation and arrest potential in states without statutes, officers rarely add information to incident reports that might distinguish between cases with human trafficking activities and those without. In this sense, raising local awareness has led to innovations in targeting the issue with a law enforcement response that increases the likelihood of uncovering trafficking behavior. This of course is all the more important to recognize, as sex and labor trafficking are by nature very hidden illegal activities.

CROSS-SITE REVIEW OF DIFFERENCES IN LAW ENFORCEMENT AND INVESTIGATIVE FOCUS

Site 1: Investigative Focus and Enforcement Approach

This state does not have an anti-trafficking statute, and law enforcement officials do not consider the possibility of human trafficking activities during the course of their daily responsibilities. The most frequent way in which potential human trafficking cases come to the attention of law enforcement in Site 1 is through street level prostitution. Vice units implemented time-delimited sting operations, concentrating almost exclusively on open air prostitution markets. Undercover police, posing as johns, or in some cases prostitutes, engaged in conversation with perpetrators, substantiated that the perpetrators were eliciting money for sex acts, and made arrests.²⁸

The stings yielded significant numbers of arrests over short, targeted periods of time. The vast majority of perpetrators involved African American females in their 30s to 50s, whose criminal records often showed prior prostitution and/or drug-related charges. It was unclear, however, from these cases the extent to which pimps were involved. From the data available for coding, however, it seemed many of the women were working independently as freelancers. Indeed, very few cases showed any obvious signs of a pimp or sex trafficking.

²⁸ Although to a much lesser extent, it should be noted that some prostitution was enforced by routine patrol units.

Police in Site 1 took a proactive approach to ridding visible street level blight. This policing strategy, however, meant that fewer resources were available for other potential areas in which human trafficking victims might be found; for example, monitoring online websites managed by escort services, freelance workers in the sex industry, or massage parlors, spas, nail salons, and other entities that might advertise sexually explicit services through local print and electronic newspapers, magazines, and other outlets. Perhaps the greatest challenge to local police in Site 1 is the absence of meaningful statutory tools to respond to the problem. Because no state trafficking laws exist, police officers and investigators review cases within the available statutory framework (i.e., no anti-trafficking) and suggest state charges consistent with the facts of the case and providing case level details as per relevant statutes. It also is important to recognize that, over time, as investigators repeatedly are exposed and respond to these types of cases, a culture develops arguably to a point at which investigators are less able to view cases in ways that might suggest alternative ways of handling cases. For example, one might adopt an attitude along the lines of “Trust me...I know prostitution when I see it.”

Case records showed that resources in Site 1 were dedicated to offense conduct within which trafficking might occur, for example monitoring child pornography (proactive), inappropriate involvement with children (proactive), and responding to child enticement complaints (reactive). Although we reviewed a significant number of child enticement cases, rarely was there sufficient information available to determine whether any of these cases might have involved human trafficking, although there were no clear indications of such. A number of the cases were similar in that they involved multiple perpetrators, generally one that engaged the child, while the other lurked near the perpetrators’ vehicles.

Site 1: Training On & Recognition of Human Trafficking

Law enforcement officers and investigators in Site 1, for the most part, were untrained in issues related to sex and/or labor trafficking. The few cases that showed obvious signs of trafficking, unsurprisingly, went unnoticed to local authorities as no state anti-trafficking legislation exists and awareness of the problem is low. In stark contrast to the TVPA definition of human trafficking, cases involving minors being forced into prostitution by violent pimps or family members seeking to “pimp out” juvenile relatives generally were viewed in the same light as street level prostitution. One local official, speaking to the issue, summed it up, saying he “just hadn’t thought of it that way” when we asked about the potential of charging the conduct as human trafficking if he had a state statute available.

Site 2: Investigative Focus and Enforcement Approach

Site 2 has state anti-trafficking statutes. Case records showed that undercover vice and routine investigative units made street level prostitution arrests in open air markets and responded to other sexually related complaints (e.g., child enticement). While Sites 1 and 2 both reported recent successes in ridding obvious street level blight, (e.g., peep shows, sex shops, and other sexually explicit industries from the streets), Site 2 distinguished itself in that its law enforcement officers were more experienced with the issue of human trafficking and more actively targeted possible trafficking cases. In addition, law enforcement in this site had a mechanism in place to handle possible trafficking cases. There were clearly defined roles and responsibilities across agencies for cases suspected of involving trafficking. And cases were routed to specific investigative units, depending on whether trafficking was suspected.

Strategically, law enforcement in Site 2 actively targeted illegal massage parlors, spas, escort services, etc. – entities suspected of advertising sexually explicit activities on online websites (e.g., www.craigslist.com) and/or local alternative newspapers (e.g., under the adult services section). Undercover officers reportedly monitored electronic and print media for postings that explicitly advertised sexual content and conducted undercover investigations, many suggestive of human trafficking. After accessing illegal spa/massage parlors, they routinely checked suspects' legal status, both from an organizational (e.g., regulating the approval of corporate business permits) standpoint and individual (e.g., making arrests of spa workers who were not licensed to provide massages) level.

Posing as johns or clients, undercover agents entered potential trafficking venues for the purpose of learning how the businesses operated, identifying potential victims of trafficking, and disrupting business. The overarching investigative focus was to increase the price of doing business and the overall risk quotient to the point at which the owners simply went out of business or moved to another area of the state or country. One local official framed the current investigative climate in practical terms: "The way we look at it is...they have to advertise it, or they have no business. So we need to stay one step ahead of them. If we can maintain control of their ability to advertise, we have the real chance of ridding the problem."

Site 2: Training On & Recognition of Human Trafficking

Law enforcement in this site comprise among the most experienced and well-trained investigators in our sample. This county has taken a proactive stance and serves as a leader with respect to human trafficking enforcement. The local police and sheriff's departments are very well coordinated around the issue, and have a formalized process by which cases are reviewed and distributed to the most appropriate enforcement team. Any case with potential indications of trafficking is referred to a special enforcement group trained specifically to handle these types of cases.

Site 3: Investigative Focus and Enforcement Approach

Site 3 is very similar to Site 2 in terms of the approach it uses to address the issue of human trafficking, although it does not have as many years of experience working these cases as do law enforcement officials in Site 2. Like Site 2, it employs a proactive approach to addressing the issue. What distinguishes this site's enforcement strategy is that, due to a lack of resources, it focuses predominantly on potential trafficking cases that involve juveniles. In the first stages local investigators work as a team, including at least one Federal law enforcement officer, to identify potential cases of human trafficking. They began by scrolling through Internet and other local media (e.g., newspaper, magazines) postings that advertised sexually explicit content and proactively targeted perpetrators. They found, almost immediately, that they did not have the resources to address the size and scope of the problem. Therefore, they shifted their focus to juveniles and rescuing juvenile from trafficking situations, giving less priority to monitoring Internet sources and relying on assistance from Missing Persons to identify potential juvenile runaways who might be exploited through trafficking activities. This site has learned to be selective and use their limited resources to the greatest advantage; as investigators reported, "Where we get the most bang for the bucks." As in Site 2, there are simply too many advertisements for law enforcement to respond to each one.

Despite the fact that this site has state anti-trafficking statutes as potential charging vehicles, to date they have not charged any of the suspects with trafficking offenses. It is reminiscent to the normative practice in

Site 1 “to charge what we know and what works.” Site 3, however, is ready to begin charging human trafficking and see what happens when the cases reach the prosecutorial level.

Site 3: Training On & Recognition of Human Trafficking

Law enforcement is increasingly aware of the issue and has received extensive training on the signs and symptoms of trafficking. The site has organized a special investigative unit that focuses on juveniles and the potential of trafficking. Members of the unit have been trained extensively and are working to raise public and within department awareness of the problem. It is not the way police officers “would normally view juvenile prostitution,” and this unit is working to change that definition. But it is not just law enforcement that views this activity as “juvenile prostitution”; the special unit recognizes the lack of meaningful understanding of the problem by the public and is working extensively with organizations in the community to raise awareness. The problem for this site is that with the emphasis on juvenile exploitation, the victims generally are U.S. citizens and not eligible for the Federal funding reserved for foreign nationals. The special unit does not have the resources or the available services once they have identified exploited youth.

Site 4: Investigative Focus and Enforcement Approach

Site 4 does not have state anti-trafficking statutes to use in enforcing this kind of offense behavior. Like the other sites, any suggestion of labor trafficking or immigration-related activities is immediately forwarded to the U.S. Attorney’s Office for review and possible prosecution. In contrast to the first three sites in which we coded cases within law enforcement organizations, we coded cases in this site at the local prosecutor’s office. In this way, we could evaluate whether documents in these files provided additional information sufficient to seeking this more cumbersome approach in future research. Clearly, these files contain more information related to disposition of cases, but at some level the detail available on the actual incident(s) was less accessible. The trade-offs in going to the prosecutor’s office versus the police department is something researchers should consider as they use an approach such as this to find victims of human trafficking.

This site generally applies a two-pronged approach to enforcing local prostitution laws. On the one hand, local investigators monitor obvious street-level indications of prostitution-related conduct, sometimes posing as johns or workers in the sex industry, and respond to citizen calls and prostitution-related complaints. Investigators also actively respond to signs of illegal prostitution by monitoring the Internet (e.g., <http://www.craigslist.com>) for advertisements of explicit sexual content, and local newspapers and magazines (adult sections) with similar advertisements.

As in the other three case review sites, undercover agents identify particular ads, make appointments by telephone with the person named in the ad, engage in conversation that substantiates the suspect’s illegal intentions, and make arrests. Arrestees generally are in their 20s and 30s, and conduct “in calls” for the most part – i.e., callers travel to the arrestees’ location to engage in sexual activities.

As in Sites 2 and 3, Site 4 increasingly is experiencing a form of organized prostitution, involving young women, often Asian and Hispanic. The groups operate in rings and travel from city to city, never remaining in one place for long. Case records clearly show that perpetrators are from out of state or country, and use the Internet to advertise sexual services. Web advertisements can be posted and removed quickly; “operating hours” are limited; and to avoid detection, perpetrators rarely remain in one location for long. In general, these organizations are led by a pimp/controller who stays at arms length from the illegal activities, most

often outside the reach of law enforcement. The pimp “manages” several workers in the sex industry, acting as protector and boss, advertising on the Internet, maintaining “girls” schedules, and handling the fiscal aspects of the business. Workers/arrestees are from states far away from the illegal activity, are in their 20s and 30s, and move their operations from one hotel to another on a regular basis to avoid detection. In support of our findings from interviews, we witnessed examples of the circuit nature of these operations in Site 4 with workers being moved to other cities and states on a regular basis.

Site 4: Training On & Recognition of Human Trafficking

Although local prosecutors participate in interagency task forces involving human trafficking, law enforcement personnel in Site 4 for the most part have not received training specific to the issue. Therefore, it is not surprising that the few cases that showed signs of trafficking went unnoticed to police and prosecutors. In these cases, investigators generally brought prostitution-related charges, most of which involved misdemeanors, statutes most closely addressing the offense conduct.

DISCUSSION AND RECOMMENDATIONS

This section summarizes our key findings, examines their implications and makes recommendations for policy and practice. The research we undertook was exploratory in nature because so little is known about domestic human trafficking in the US. As we discuss our findings, we also point to the limitations of this study and what they suggest for future research. As requested by Congress, we provide national estimates related to the numbers of trafficking victims, but uncovered too few human trafficking cases to provide national estimates in terms of victim and perpetrator characteristics or on case outcomes (such as arrests, convictions, or sentences). Indeed, study findings suggest that it may be premature to attempt to derive a national estimate of human trafficking in the absence of a single and clearly understood definition of human trafficking and adequate recordkeeping and statistical systems for documenting such cases. To the extent that accurate estimates may be derived in the current environment, they are likely to come from jurisdictions that are actively addressing the issue, which were deliberately excluded from our sample due to another study that focused exclusively on these jurisdictions.

There are several challenges researchers face in deriving national estimates of numbers of trafficking victims and their characteristics and perpetrator's case outcomes. First, there is a lack of understanding about what constitutes human trafficking. Thus it may have occurred without our key informants even recognizing it. Second, victims and perpetrators go to great lengths to keep human trafficking hidden. Third, there is no systematic system of record keeping for circumstances in which investigations actually occur, making data collection extremely difficult and inaccurate at best. Although some states are in the process of developing data collection systems and working to establish meaningful data on human trafficking, to date such has not yet been accomplished. However, even with systems in place, investigations by law enforcement are likely to underestimate the extent of this hidden crime due in part to the reluctance of victims to report the crime.

At present, many states have at least one piece of legislation before their state legislatures, each taking on a variety of forms. In those states without legislation, law enforcement reports that state and local prosecutors often are opposed to anti-trafficking legislation, portending defeat in ensuing legislative sessions. Some state and local prosecutors claim there is no need for anti-trafficking legislation – that the offense conduct can be captured under current state criminal statutes. Others claim that human trafficking is a Federal crime and that states should turn these cases over to Federal authorities.

Law enforcement, prosecutors, and many service providing organizations are just beginning to grapple with the issue of human trafficking, whether or not their state has anti-trafficking statutes. For states that have passed anti-trafficking laws, one of the initial challenges is determining how to educate the public, law enforcement, prosecutors, service providers, and other key stakeholders about the law and how to recognize the nuances of the specific offense conduct. In those counties that have had some experience with state anti-trafficking criminal statutes and have organized local and/or statewide human trafficking task forces, we observed heightened awareness of the problem and recognition of potential signs for victimization. However, knowledge about human trafficking is very limited outside major metropolitan areas. Anecdotally, it seems that having state anti-trafficking statutes may increase awareness of the crime by law enforcement and service providers if training is provided to them. In addition, some learned about human trafficking through public awareness campaigns.

Further analysis of our data support what other research has found: large metropolitan areas, and, to a lesser extent, border counties, are more likely to experience trafficking in persons than are other parts of the country. However, even in these jurisdictions there are so few cases of trafficking in persons that respondents are reluctant to provide stereotypical generalizations about the “typical” trafficking perpetrator, victim, or purchaser.

Based on review of law enforcement and prosecutor case records in four counties, two of which have both state laws and human trafficking task forces (raising the visibility of the problem), we found a greater number of potential trafficking cases in those states than those without anti-trafficking laws or other statewide efforts to address human trafficking. Whether attention to the problem led to the task forces and laws or the latter stimulated attention to trafficking is unclear. However, where specialized training has occurred, investigators appear to write particularly well detailed reports even when the incidents eventually are not identified as trafficking cases; this does not play a part in the investigation and arrest potential in states without statutes. Thus, raising local awareness may have led to innovations in targeting the issue with a law enforcement response that increases the likelihood of uncovering trafficking behavior. This of course is all the more important to recognize, as sex and labor trafficking are by nature very hidden illegal activities. Typically, smaller law enforcement agencies do not have policies (even in states with human trafficking laws) or offer training related to it. Thus, defining human trafficking more clearly and increasing awareness through systematic training are necessary first steps for law enforcement if they are to recognize and pursue human trafficking cases.

A primary finding of this study is that there is both confusion about how human trafficking is defined and a general lack of awareness of the issue. We found, for example, that 44 percent of law enforcement respondents and 50 percent of prosecutor respondents reported their states either did not have or did not know whether there was anti-trafficking legislation when in fact their respective states did have anti-trafficking legislation. Until certain ambiguities are removed regarding the definition of human trafficking (e.g., the distinction between “severe human trafficking” and what is not “severe” trafficking), and what is domestic trafficking and what is not, it will be difficult to inform the public and key stakeholders about what to look for and how to address it. Such understanding also underpins the completeness and accuracy of research estimating the extent of human trafficking. Until this is accomplished, statistical research findings estimating the extent of human trafficking should be viewed with great caution.

The research team tried to address the challenges posed by the lack of a clear definition of human trafficking by eliciting from respondents their definition of human trafficking. For respondents who were more knowledgeable and who responded to the long interview, we provided the TVPA definition of trafficking; inquired whether the definition they used in their jurisdiction differed from the one we provided; and stated that we would be using the TVPA definition throughout the interview. In fact, on the advice of our Advisory Group, the TVPA language was simplified with an eye toward increasing the likelihood of establishing and maintaining a clear definition to be consistently applied throughout and across interviews. In addition, we examined respondents’ understanding by providing vignettes that highlighted some of the most obvious definitional misperceptions. Nevertheless, although only a small proportion of the respondents’ interpretation of the vignettes showed misunderstanding, as the interview progressed, it became evident that some respondents continued to use their own definitions.

Across the board, law enforcement, prosecutors, and service providers respondents could not: (1) differentiate between severe and non severe forms of human trafficking (as emphasized in the legislation); (2) distinguish trafficking from smuggling; (3) differentiate between domestic and international trafficking; (4) identify the types of trafficking (sexual and labor), or (5) state the elements of trafficking.

Given this lack of a clear understanding of what constitutes human trafficking, it is not surprising that law enforcement officials in most counties do not report many cases of either labor or sex trafficking. Although almost all said they had heard the term “human trafficking,” they could not clearly define it, and were more likely to define it as smuggling or transportation of persons than identifying the coercive aspect of forced or unwanted activity. Most law enforcement officials knew that U.S. citizens as well as foreign nationals could be trafficked (although about a third did not), but they generally associated human trafficking with illegal immigrants and criminal behavior related to their illegal status. For most law enforcement, human trafficking was barely on their radar screens, whereas many stated that child abuse, spouse abuse, and drug trafficking (possibly related to human trafficking in the case of mail order brides and “sex for drugs”) were pressing concerns. Prosecutors have even less experience with human trafficking because they rarely see these cases in their offices.

Service providers in the larger, metropolitan counties tended to be more aware of human trafficking in general as well as the distinctions between trafficking and smuggling and between sex trafficking and the sex industry. However, most lack training on human trafficking, especially in rural areas. Currently, victims of trafficking receive victim services through branch offices of their state Departments of Social Services, local programs for victims of sexual assault and domestic violence, including shelters, and private agencies supported through religious organizations such as Catholic Charities. Among their victims are some workers in the sex industry, abused women, and “mail order brides.” However, service provider organizations do not keep statistics that distinguish or otherwise identify human trafficking victims among those they assist. Thus, in addition to training, service providers need accurate recordkeeping systems if we are to gain a fuller picture of the extent of human trafficking victimization in the United States. An indicator of the lack of understanding of or experience with human trafficking was the suggestion of a few rural service providers that we seek information about victims from “the sheriff’s department”; whereas service providers with experience with victims tended to emphasize their reluctance to speak to law enforcement.

Our study’s difficulty estimating the amount of domestic human trafficking also reflects a general absence of recordkeeping systems to track human trafficking investigations. There are several issues related to the issue of maintaining accurate recordkeeping. First, in states without statutes defining human trafficking as a crime, when cases arise, they are turned over to Federal agencies and handled as Federal crimes or are investigated under other criminal statutes as felonies (e.g., kidnapping) or misdemeanors (e.g., soliciting for prostitution) that sometimes are not recorded and often are not subject to further analysis. Even where there are state statutes, cases may be handled by Federal agencies (FBI and ICE) whose records may not be available and who rarely provide feedback to local jurisdictions. Moreover, victims generally are reluctant to turn to the police for fear of deportation (illegal immigrants) and/or being returned to unhappy prior home situations or put into the foster care system (juvenile runaways).

Our examination of interagency links also suggests that communication gaps among agencies contribute to the paucity of cases. Frequently, law enforcement officers could not identify individual service providers with

whom we might talk about human trafficking issues. While social service providers readily identified local law enforcement, they were often reluctant to contact them. Although there is more communication among law enforcement agencies within individual counties and with their local prosecutors, this is not necessarily the case regarding human trafficking. While local and Federal law enforcement agencies sometimes work cooperatively on human trafficking cases; a number of jurisdictions identified tensions and a lack of cooperation that hamper investigations and accurate recordkeeping. Jurisdictions with task forces where agencies emphasize the importance of better communication and systematize inter-agency cooperation in addressing human trafficking are likely to have more and better cases, as illustrated by two of our case study sites.

Our findings from the longer interviews conducted primarily in large counties suggest a relationship among local awareness levels, enforcement approaches (reactive versus proactive), and the presence or absence of state trafficking statutes and task forces. Respondents consistently reported higher levels of awareness and a greater number of cases in sites with state trafficking statutes, state or local human trafficking task forces, training on the issue, and collaboration with other agencies including Federal authorities. Similar findings emerged from the 4-county case review process. Sites without trafficking statutes and task forces had lower levels of awareness; were largely untrained in identifying the signs and symptoms of trafficking; and employed reactive enforcement strategies. The case review process further suggests that law enforcement officials in sites without trafficking statutes had limited means at their disposal to address the problem of trafficking. Often the only statutes available to them resulted in lesser charges, generally misdemeanors and lower penalties than are included in the Federal statute.

These findings have several policy implications. To enhance its ability to identify, address, and measure the scope of human trafficking, the U.S. must provide: (1) a clearer definition of human trafficking; (2) training for practitioners and awareness campaigns for the general public; (3) more resources for both investigation of complex cases and for support and assistance to victims who often are treated as criminals; (4) greater interagency communication and cooperation; (5) consistent recordkeeping and data collection efforts at local, state, and Federal levels; and (6) consideration of adopting state statutes addressing human trafficking.

Our efforts to measure the scope and cost of the commercial sex economy, and the role of human trafficking in it, were largely unsuccessful. What we did learn, however, is that: (1) it is difficult to clearly define and identify victims of sex trafficking within the larger scope of commercial sex; (2) commercial sex economies are concentrated in large urban areas whereas many of the small jurisdictions do not have such problems; and (3) the more traditional (“visible”) street level prostitution is being widely supplemented by escort services and sex traffickers that advertise on the Internet in many large metropolitan areas and massage parlors with unlicensed workers. Thus, a focus of enforcement efforts on street level prostitution is less likely to find sex trafficking than one targeted on the less visible and more complex commercial illegal sex economies including massage parlors/spas and escort services.

RECOMMENDATIONS FOR POLICY AND PRACTICE

- ▶ Encourage states to consider the option of passing anti-trafficking legislation.
- ▶ Encourage local prosecutors to test their new anti-trafficking statutes.

- ▶ Expand and provide training to law enforcement and prosecutors that clearly distinguishes among smuggling, human trafficking, domestic human trafficking, sex trafficking, and work in the sex industry; and how to identify, investigate, make cases against perpetrators and find assistance for (and gain cooperation from) victims.
- ▶ Increase the availability of specialized training for law enforcement, prosecutors, and social services, and implement through cross-training (as is common in Europe) as a way to increase communication and cooperation among them in dealing with human trafficking victims.
- ▶ Develop and provide technical assistance on maintaining adequate recordkeeping systems at the local level (law enforcement, prosecutors, and service providers) to track and monitor sex-related cases and investigations.
- ▶ Make resources available for law enforcement to focus on human trafficking offense conduct that involves U.S. citizen victims.
- ▶ Provide training to service providers in identifying trafficking, gaining victims' cooperation, and meeting their service needs.
- ▶ Provide funding for workshops, seminars, and conferences to increase understanding among legislators, practitioners, and the general public; to standardize the definition of human trafficking; and provide training to law enforcement and service providers in a coordinated manner.
- ▶ It might be useful for policymakers to follow the approach adopted in documenting hate crimes for human trafficking. In that instance, several studies conducted in jurisdictions actively seeking to document such events contributed to the effort to adopt the Hate Crime Statistics Act that required local jurisdictions to report certain types of hate crime to their state statistical agency that send the findings to the FBI for inclusion in an annual reports.
- ▶ Train law enforcement and service providers to recognize and document trafficking cases in detailed reports, which will increase the likelihood of identifying and responding effectively to victims.
- ▶ Focus law enforcement efforts on commercial illegal sex economies – rather than on street-level prostitution – to effectively combat sex trafficking.
- ▶ Local law enforcement agencies situated in multi-jurisdictional hubs should consider cooperating with Federal authorities (e.g., joint task forces) to respond most effectively to the “circuit nature” of trafficking activities, which, by definition, involves organized criminal enterprises routinely crossing state lines.
- ▶ Law enforcement should monitor Internet advertising and implement sting operations to identify possible sex trafficking, particularly juveniles.

RECOMMENDATIONS FOR FUTURE RESEARCH

- ▶ Expand on the 4-site case review research model used in this study, e.g., by reviewing police and prosecutor files, especially in large U.S. cities currently implementing DOJ-sponsored joint task forces. The level of detail included in case files provides a tremendous amount of context regarding the many dimensions of human trafficking as well as the local response to it, and would provide a fundamental basis from which future research efforts may be directed.
- ▶ While our findings hint that there is a relationship between the presence of state anti-trafficking laws and actual enforcement or knowledge, research focusing on the effect of state human trafficking legislation and both knowledge and actual enforcement might be undertaken – findings from which would assist states in adopting appropriate legislation.
- ▶ Examine more thoroughly the extent and nature of the commercial sex industry to obtain a clearer understanding of the role and impact of the sex trafficking economy.
- ▶ Examine a larger sample of cases from diverse jurisdictions to better understand how cases with trafficking elements are identified, charged, and prosecuted.
- ▶ Assess the effectiveness of human trafficking training content and approaches and make improvements as needed.
- ▶ Examine the impact of relationships, including but not limited to interagency cooperation among Federal, state, and local law enforcement agencies on handling various types of human trafficking cases.

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APPENDIXES

- APPENDIX 1: STATES WITH ANTI-TRAFFICKING LAWS
- APPENDIX 2: SCREENING SCRIPTS USED TO IDENTIFY RESPONDENTS
- APPENDIX 3: INFORMED CONSENT FORM
- APPENDIX 4: LAW ENFORCEMENT QUESTIONNAIRE
- APPENDIX 5: PROSECUTOR QUESTIONNAIRE
- APPENDIX 6: SERVICE PROVIDER QUESTIONNAIRE
- APPENDIX 7: MAIL-OUT SURVEYS
- APPENDIX 8: HUMAN TRAFFICKING CASE REVIEW FORM
- APPENDIX 9: POPULATION OF BORDER COUNTIES
- APPENDIX 10: WEIGHTING PLAN FOR HUMAN TRAFFICKING STUDY