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Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices

Executive Summary

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EXECUTIVE SUMMARY

1. Background and Understanding

Human trafficking involves the use of force, fraud, or coercion to exploit a person for profit. Trafficking victims are subjected to sexual exploitation, forced labor, or both. Labor exploitation includes slavery, forced labor, and debt bondage, while sexual exploitation typically includes abuse within the commercial sex industry. While human trafficking is a crime that is prohibited by state, federal, and international law, estimates of the magnitude of the problem are alarming.

International Standards

There have been efforts put forth to eradicate this crime both domestically and internationally. Internationally, there are approximately 80 separate instruments that address the issue of slavery, slave trade, slave-related practices, forced labor, and their respective institutions. These instruments can be subdivided into four categories: 1) those specific international instruments which have arisen under the law of peace; 2) general human rights instruments that touch upon the issue of slavery and its associated practices under the law of peace; 3) other international instruments which reference slavery and slave-related practices under the law of peace; and 4) those international instruments which address slavery and its related practices under the law of armed conflicts.

Federal Legislation

The Trafficking Victims Protection Act (TVPA) was enacted by the federal government in October 2000. Prior to its enactment, no comprehensive federal law existed to protect victims of human trafficking or to prosecute their traffickers. Congress subsequently passed the TVPA Reauthorization Acts of 2003 and 2005 (TVPRA). The TVPA and TVPRA are comprehensive and proffer a four pronged attack on human trafficking in the U.S. First, they provide for preventative measures against trafficking of humans across U.S. borders. Second, they provide for adequate prosecution of those who traffic in human beings. Third, they offer assistance and protection to trafficking victims already in the U.S. Fourth, they provide for the monitoring of other nations' activities that contribute to human trafficking.

State Legislation

Although the control of our nation's borders is vested with the federal government, the consequences of human trafficking are felt most strongly at the local level. As such, thirty states and U.S. territories have enacted statutes for the prosecution of human trafficking. These legislatures have criminalized the *knowing* trafficking of another person with the intent that such person engage in forced labor (and in some cases, criminal sexual activities). All of these states treat such an offense as a serious crime, classifying human trafficking as either a first or second-degree felony.

2. Study Overview

In an effort to increase the understanding of prosecutors' ability to use the tools available to prosecute and convict traffickers while balancing the needs of trafficked persons, the National Institute of Justice (NIJ) awarded a grant in the fall of 2006. NIJ awarded, ICF International (formerly known as Caliber Associates, an ICF Consulting Company) and subcontractor the American Prosecutors Research Institute (APRI), a grant to design a study that examined the effects of existing federal and State legislation from the perspective of the prosecution and identified critical challenges and barriers to successful prosecution of cases.

3. Methodology

The study incorporated a multi-phased design for data collection:

- *Federal Case Reviews:* The purpose of this case review was to create a database of all TVPA-related prosecutions that have been undertaken since the date of the TVPA's enactment. For the purposes of this study, all cases prosecuted between the enactment of the TVPA and December 2007 were included in the analysis.
- *Federal Prosecutor Interview:* The Federal prosecutor interview was twofold, to include telephone interviews and case grids with a sample of federal prosecutors who had prosecuted TVPA-related cases. The interview was designed to capture their experiences of prosecuting TVPA-related case. The second portion was the completion of a case grid; which was designed to capture information on each of the TVPA-specific cases that have been prosecuted in their respective jurisdictions. Thirteen jurisdictions were selected for inclusion in the study.
- *State and Local Prosecutor Surveys:* Surveys were administered to State and Local prosecutors to capture information on their human trafficking case experiences.

The information from the interviews, surveys and case reviews was analyzed using both qualitative and quantitative statistical techniques.

4. Key Findings

Federal Case Reviews

There were a total of 289 TVPA prosecuted cases identified for the study. Descriptive results on these cases is presented below.

Federal Districts by Prosecutions. Ninety percent were prosecuted in the federal districts represented by the 13 offices targeted for the study. In general, California (26%) and New York (20%) prosecuted the most TVPA cases.

Nationality and Number of Victims. A wide variety of nationalities were represented by the victims of these crimes. The largest percentage of victims were Mexican (21%) followed by Honduran (7%) and American (7%). In total, 25 different countries of origin were represented by victims.

Type of Human Trafficking Cases. Fifty-five percent of the cases met the definition for forced labor (non-sex trafficking) offenses, with 43% involving sex trafficking charges. In addition, one-third (33 %) of the cases involved children as victims.

Case Disposition. Seventy-seven percent resulted in guilty dispositions. Three percent of the cases resulted in dismissals and 8 percent are pending. Less than 1 percent of the cases resulted in acquittals.

Length of Sentence and Appeals. For offenders whose sanctions were available, sentences ranged from probation to 600 months (50 years) incarceration. Very few cases (5%) were appealed. Issues for the appeals were routinely based on sentencing and burden of proof.

Federal Prosecutors Interviews

The study team was given approval to contact the U.S. Attorney assigned to each of 13 offices. Of the 13 contacted, 11 (85%) agreed to participate in the study. Complete interview and case data were available from 10 (91%) of the prosecutors. The jurisdictions of the 10 respondents represented 86 percent of the 268 cases identified for the study. This suggests that the information obtained from the interviews is representative of U.S. Attorney's Offices with the most experience prosecuting the most number of cases.

Background and Experience

Respondents Current Positions, Responsibilities and Experiences. Sixty percent of the respondents were AUSAs within their respective offices, while the remainder held other positions (chief, deputy chief). Roles/responsibilities varied among respondents, to include: administrative duties; prosecution of cases; oversee attorneys; chair human trafficking task forces; and act as liaison for their respective offices. Ninety percent of the respondents' average time as a federal prosecutor was 5 or more years.

Familiarity with Trafficking in Persons, TVPA and State Legislation

Most of the respondents (70%) indicated that they were 'somewhat' to 'very knowledgeable' on general Trafficking in Persons issues. Similarly, many of the respondents (60%) reported being 'somewhat' to 'very familiar' with the 2000 Victim of Trafficking and Violence Protection Act. Additionally, 60 percent of respondents indicated that they were 'somewhat familiar' with both the 2003 TVPA and 2005 TVPA Reauthorizations.

Strengths of the TVPA. All of the respondents agreed that the TVPA was very helpful in the prosecution of human trafficking cases, identifying strengths of the legislation, with several themes associated with prevention, protection, and prosecution emerged. Strengths included: raising awareness about the problem; facilitating social services for victims; creating special visas for victims and family members; enabling victims to receive restitution; creating the ability to prosecute conduct that was never viewed as trafficking; allowing for stricter penalties for offenders; and giving recognition to the rights of victims.

Limitations of the TVPA. Respondents commented on the limitations or weaknesses of the federal legislation. These included: lack of harsh penalties for sexual

abuse; the fact that obtaining a visa could potentially influence a victim’s testimony (e.g., encourage false testimony); lack of appropriation of resources for emergency housing for minor victims; and the lack of funding to meet the needs of domestic victims, in general.

State Legislations. Eighty percent of the prosecutors indicated that their state currently had anti-TIP legislation, yet only 20 percent indicating that the state legislation has helped with the prosecution of TIP cases.

Training on the TVPA and Human Trafficking

Ninety percent of prosecutors indicated they had received some sort of formal training on the TVPA and human trafficking. Fifty-five percent of the respondents found the trainings to be “very useful.” In particular, the training provided prosecutors with information and tools to: help build relationships and establish trust with victims, identify cases that can be prosecuted under the TVPA, distinguish between types of trafficking cases; and adapt a victim-centered approach to prosecuting these cases.

Trafficking Cases

Sixty percent of prosecutors rated TIP as being ‘somewhat’ to a ‘very serious’ problem in their jurisdictions, with only 10 percent viewed it as a ‘very serious’ problem. The nature of the case often determined how serious a problem a prosecutor reported TIP in their jurisdiction. Ninety percent reported having prosecuted a TVPA case, with 60 percent having 4 years or less experience with prosecuting TVPA cases.

Prosecutors were asked to complete a grid describing cases they have prosecuted under the TVPA. Prosecutors reported on 35 TVPA-specific cases. This represented only 15 percent of the 231 cases prosecuted across the 10 jurisdictions.

Case Description. The following information describes key characteristics of the 35 TVPA-specific cases: 71% of the cases involved sex trafficking; 29 % involved non-sex-related labor trafficking; 94% involved primarily female victims; 69% involved both adult and minor victims; 60% involved U.S. citizen defendants; and 51% involved less than 10 victims.

Convictions. Prosecutors were asked to provide information regarding the conviction of the defendant(s) in each cases. Findings reveal that: 83% resulted in the conviction of at least one defendant; 57% of the convictions were from non-jury trials; and 63% of the convictions resulted from plea-bargained guilty pleas.

Victim Testimony and Outcomes. In 49 percent of the cases, victims testified at the grand jury hearing. Only 11 percent of cases involved the victim testifying at the disposition and less than half (40%) involved the victim testifying at trial. 89% with victims not testify at the disposition. In 31 percent of the cases, restitution was paid to the victim and prosecutors sought forfeit of assets and/or property in 46 percent of the cases.

Acquittal and Disposition. Seventeen percent of the convictions were appealed. In 60 percent of the cases the convictions were upheld and 9 percent of the cases were still under appeal at the time of the study. The duration of a case from initial investigation to final disposition ranged from 3 to 7 years.

Collaboration. Collaboration was a common occurrence across cases. Ninety-one percent involved collaboration among local, state, and federal authorities. Relationships with local and federal law enforcement were rated favorably in the majority of cases (91% and 63% respectively). A favorable relationship with State law enforcement was only identified in a third of the cases. Surprisingly, only 57% of the cases involved non-governmental agencies, with prosecutors reporting a positive working relationship with NGOs in less than half (43%) of the cases. In 83 percent of the case, prosecutors received help from victim-witness coordinators.

Elements of a Successful Case

According to the federal prosecutors interviewed, successful cases (measured as a conviction) depend on: victim testimony; excellent agents that can develop an immediate rapport with the victims; patience with victim; trained investigators; collaborative relationships among victims, the U.S. Attorneys Office, and FBI/ICE; bridge with the NGO community; and gaining the trust of the victim. Half of the prosecutors interviewed indicated that a case is rarely successfully without victim cooperation and testimony. Once a decision is made to move forward with a case, according to prosecutors, cases rarely get dropped. In fact, 80% reported that none of their TVPA cases have resulted in dropped charges.

Challenges and Barriers to Prosecuting Cases

Prosecutors noted that these cases require a greater concern for victims and their needs by the prosecution than with other cases. While a challenge, this was also viewed as critical as these cases were described as victim-dependent. Other challenges that came from working with the victims included: determining who was a victim from the onset,

language and cultural barriers, ability to obtain “truthful” testimony from the victims given their fear of the trafficker, lack of trust of authority figures, and the presence of extended family abroad and concerns this raised for the victims, and tactics by the defense attorneys, specifically trying to use obtainment of a visa or receiving social services as a way to discredit the victim. This was, however, identified as an unsuccessful tactic as none of the prosecutors were able to identify a case in which this tactic was successful.

Solutions to Challenges. Prosecutors were best able to speak to what they needed as prosecutors to address challenges. Specifically, prosecutors called for greater buy-in and dedicated law enforcement to investigate these crimes. Prosecutors noted an unwillingness at times of law enforcement in dealing with these cases as well as seeing a victim as a human trafficking victim. They also identified the need for better relationships with agents on the case; greater resources to address trafficking cases (from investigation through to prosecution of cases); availability of more and better services for victims, in particular emergency and safe housing; access to more interpreters for the prosecution; and more training for law enforcement and prosecutors across the board.

Recommendations: Advice for Other Prosecutors

Respondents offered the following advice to other prosecutors: be patient and set low expectations; be ready to make a significant investment of time; be sensitive to the victims; establish a good rapport with law enforcement; use investigative techniques that normally would not be used; and think proactively about what charges can be brought against the defendants.

State and Local Prosecutor Survey

There were 77 state and local prosecutors from 27 states across the country that completed the survey. The results are summarized below.

Knowledge of Human Trafficking. Sixty-eight percent consider human trafficking not to be a problem in their jurisdictions. Only 7 percent have prosecuted a human trafficking case since 2000, with some noting that they refer trafficking cases to the U.S. Attorney’s Office.

Familiarity with Federal Legislation. Fifty-four percent of the respondents reported that they were familiar with the Trafficking Victims Protection Act of 2000. Four percent indicated that the legislation was having an impact on the cases being

brought to their attention, while 75 percent reported no impact and 21 percent were ‘unsure’.

State Anti-Trafficking Legislation. Thirty-three percent were unsure as to whether there has been any state anti-trafficking legislation enacted in their states and only 24 percent reported having state legislation in place. Strengths of state legislation included the criminalization of benefiting financially from human trafficking and allowing victims to take civil action against traffickers.

Prosecution of Human Trafficking Cases. Eight percent reported being members of a task force and 62 and 77 percent respectively reported collaborating with federal and State and local law enforcement agencies. Only twenty-six percent noted collaborating with local non-profit organizations (etc., shelters, churches, immigrant groups).

Challenges and Barriers to Prosecuting Cases. Prosecutors identified challenges or barriers that included: victim identification; victim cooperation; availability of victims and witnesses; language; collaboration; lack of resources; and lack of training. Forty-seven percent reported there was not a need for training in prosecution of human trafficking cases in their jurisdiction while 27 percent noted that there is a need.

Promising Practices for Successfully Prosecuting Human Trafficking Cases. Respondents provided some suggestions and possible promising practices or strategies for successfully prosecuting human trafficking cases. These included: having a unified investigation and the importance of collaboration; addressing the victims’ needs; having sufficient resources; and the importance of training of law enforcement and prosecutors to raise awareness of the problem.

5. Conclusion

Within the U.S., federal and state human trafficking legislation is relatively new. These new or modified laws have offered a variety of tools to enhance the ability of prosecutors to charge, prosecute and convict traffickers for their crime. As of this writing, more than 85 percent of the 298 TVPA cases identified through this study that have been prosecuted during the past seven years have resulted in convictions. These findings suggest that once human trafficking prosecutions have begun, guilty verdicts are likely.

However, prosecuting these crimes is not without challenges. Experienced human trafficking prosecutors have employed practices that include networking with local, state, and federal law enforcement and NGOs; providing victims with understanding and support; assisting victims in accessing services; recognizing key evidence when

investigating trafficking cases; and using proven prosecutorial techniques to aid them in prosecuting these cases.

Success in the criminal justice system will most likely continue to be measured by the number of convictions for suspected human trafficking perpetrators and a reduction in the prevalence of the crime. This study provides preliminary measures of one of these outcomes—convictions. For some, convictions of 85 percent of the cases may be a sign of success. For others, this may suggest the need to do more. Ongoing documentation, monitoring, and analysis of the prosecutions of human trafficking cases within federal and State courts is needed in order to chart progress and determine where we stand on successfully combating this crime. But convictions are just part of the measure. More information is needed regarding how well we are doing at reducing the prevalence of the crime and how well we are doing at helping victims reclaim their lives.

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TABLE OF CONTENTS

	PAGE
I. BACKGROUND AND UNDERSTANDING.....	1
1. SCOPE OF THE PROBLEM.....	1
2. INTERNATIONAL STANDARDS.....	1
3. FEDERAL LEGISLATION	2
4. STATE LEGISLATION	4
II. STUDY OVERVIEW.....	7
III. METHODOLOGY.....	8
1. RESEARCH DESIGN.....	8
2. DATA COLLECTION.....	8
2.1 Federal Case Reviews.....	8
2.2 Federal Prosecutor Interviews.....	9
2.3 State and Local Prosecutor Surveys.....	10
IV. KEY FINDINGS.....	12
1. FEDERAL CASE REVIEWS.....	12
2. FEDERAL PROSECUTOR INTERVIEWS.....	14
2.1 Background and Experience.....	15
2.2 Familiarity with Trafficking in Person, TVPA and State Legislation.....	15
2.3 Training on the TVPA and Human Trafficking.....	17
2.4 Scope of the Problem.....	17
2.5 Description of Trafficking Cases.....	18
2.6 Successful TVPA Cases.....	19
2.7 Challenges to Prosecuting TVPA Cases.....	20
2.8 Solutions to Challenges.....	21
2.9 Recommendations: Advice for Other Prosecutors.....	22
3. STATE AND LOCAL PROSECUTOR SURVEY AND SUPPLEMENTAL INTERVIEWS.....	22
3.1 Familiarity with Trafficking in Persons Legislation.....	22
3.2 Scope of the Problem.....	23
3.3 Prosecuting Human Trafficking Cases.....	23
3.4 Challenges and Barriers to Prosecuting Cases.....	24
3.5 Promising Practices for Successfully Prosecuting Human Trafficking Cases.....	25
V. CONCLUSION.....	28

TABLE OF CONTENTS (CONTINUED)

Appendix A: Summary of Major International Instruments Addressing Human Trafficking

Appendix B: TYPA Cases Included in Study

Appendix C: Federal Prosecutor Interview Protocol and Case Grid

Appendix D: State and Local Prosecutor Survey (Original)

Appendix E: State and Local Prosecutor Survey (Streamlined)

Appendix F: State and Local Prosecutor Interview Protocol

I. BACKGROUND AND UNDERSTANDING

1. SCOPE OF THE PROBLEM

Human trafficking involves the use of force, fraud, or coercion to exploit a person for profit. Trafficking victims are subjected to sexual exploitation, forced labor, or both. Labor exploitation includes slavery, forced labor, and debt bondage, while sexual exploitation typically includes abuse within the commercial sex industry. While human trafficking is a crime that is prohibited by state, federal, and international law, estimates of the magnitude of the problem are alarming. The International Labor Organization – the UN agency that addresses labor standards, employment, and issues of social protection – has estimated that there are 12.3 million people in forced labor, bonded labor, forced child labor, and sexual servitude at any given time.¹ Additionally, estimates indicate that as many as 800,000 people are trafficked across international borders annually, with as many as 17,500 victims trafficked into the U.S. each year.² However, these are only estimates and therefore our understanding of the actual scope of the problem remains uncertain. But one thing that is not uncertain is the severity of the crime; which has gained recognition over the years both internationally and domestically.

2. INTERNATIONAL STANDARDS

There have been efforts put forth to eradicate this crime both domestically and internationally. Internationally, there are approximately 80 separate instruments that address the issue of slavery, slave trade, slave-related practices, forced labor, and their respective institutions. These instruments can be subdivided into four categories: 1) those specific international instruments which have arisen under the law of peace; 2) general human rights instruments that touch upon the issue of slavery and its associated practices under the law of peace; 3) other international instruments which reference slavery and slave-related practices under the law of peace; and 4) those international instruments which address slavery and its related practices under the law of armed conflicts (see Appendix A for a summary of major international instruments). Most noted is the *Protocol to Prevent, Suppress and Prevent Trafficking in Persons (PPSPTP)*³. Articles 1, 2, and 4 of the PPSPTP set out the relationship between the Protocol and its parent

¹ Department of State, *Trafficking in Persons Report* (June 2007), www.state.gov/g/tip/rls/tiprpt/2007/ (accessed Nov. 10, 2007).

² United States Department of Justice, *Report on Activities to Combat Human Trafficking, Fiscal Years 2001-2005* (United States Department of Justice, 2006).

³ Protocol to Prevent, Suppress and Prevent Trafficking in Persons, adopted by resolution A/RES/55/25 of Nov. 15, 2000, at the fifty-fifth session of the General Assembly of the United Nations. www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf (accessed Nov. 10, 2007).

instrument, the UN Convention against Transnational Organized Crime, the basic purpose of the Protocol, and its scope of application.⁴ The basic purpose of the Protocol is to prevent and combat trafficking, to protect and assist victims, and to promote international cooperation. The protection of, and assistance to, victims is specified as a core purpose of the Protocol in recognition of the acute needs of trafficking victims and the importance of victim assistance, both as an end in itself and as a means to support the investigation and prosecution of trafficking crimes. The definition of “trafficking in persons” is found in the Protocol, the first time that the international community has developed and agreed to a definition. Articles 9 through 13 require law enforcement agencies of signatory states to cooperate in the identification of offenders and trafficked persons, to share information about the methods of offenders, and to train investigators, law enforcement and victim support personnel.⁵ Countries are also required to implement security and border controls to detect and prevent trafficking.⁶

3. FEDERAL LEGISLATION

During the same time that the Protocol was being enacted, the U.S. passed legislation that assists in detection, deterrence, prosecution and conviction of traffickers. The Trafficking Victims Protection Act (TVPA)⁷ was enacted by the federal government in October 2000. Prior to its enactment, no comprehensive federal law existed to protect victims of human trafficking or to prosecute their traffickers. Congress subsequently passed the TVPA Reauthorization Acts of 2003⁸ and 2005 (TVPRA), slightly amending the TVPA and reallocating funding to achieve the goals of the original TVPA.

The TVPA and TVPRA are comprehensive and proffer a four pronged attack on human trafficking in the U.S. First, they provide for preventative measures against trafficking of humans across U.S. borders. Second, they provide for adequate prosecution of those who traffic in human beings. Third, they offer assistance and protection to trafficking victims already in the U.S. Fourth, they provide for the monitoring of other nations’ activities that contribute to human trafficking.

Beginning with this final prong, the Acts demand that countries receiving economic and security assistance from the U.S. complete and submit an annual report

⁴ *Supra* note 11, at Arts. 1, 2, and 4.

⁵ *Id.* at Art. 10.

⁶ *Id.* at Arts. 11-13

⁷ Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8)(9), 114 Stat. 1464 (signed into law on October 29, 2000); codified as amended at [22 USC 7101\(8\)\(9\)](#).

⁸ Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (signed into law on December 19, 2003).

assessing their efforts to combat trafficking.⁹ The Acts outline minimum standards for the elimination of trafficking in other nations,¹⁰ offer assistance to foreign countries so that they can meet those standards, and threaten action against foreign governments that fail to meet those standards.¹¹

As for preventing human trafficking into the U.S., the TVPA establishes an interagency task force charged with monitoring and combating trafficking. The task force is comprised of presidential appointees, cabinet members, and agency directors whose responsibilities include the evaluation of progress made in trafficking prevention, prosecution of traffickers, and protection of victims. Additionally, the task force conducts research regarding trafficking and reaches out to other nations to strengthen capacities to eliminate trafficking and its related consequences.¹²

The TVPA calls for international initiatives to enhance economic opportunity for potential victims of trafficking as a method of deterring trafficking.¹³ It also calls for the Executive Branch to establish and carry out programs to increase public awareness of the dangers of trafficking and the protections available to trafficking victims.¹⁴ One way to achieve awareness prescribed is the establishment of programs that support the production of television and radio programming that informs vulnerable populations of the dangers of trafficking.¹⁵ Congress added an “escape clause” to the TVPRA, which allows a federal body that has entered into a contract with a private entity to terminate that contract should it be discovered that the private entity (or any party for which it is responsible) has engaged in severe forms of human trafficking, procured a commercial sex act during the period of time that the contract was in effect, or used forced labor in the performance of the contract.¹⁶

And of greatest relevance to the current study, the second prong of the TVPA and TVPRA, focuses on strengthening the ability of federal agencies to prosecute and punish traffickers. The TVPA increased mandatory minimum sentences for “peonage,” “enticement into slavery,” and “sale into involuntary servitude” from 10 to 20 years in prison.¹⁷ The TVPA also provided for the criminal sanction of a life sentence for trafficking cases in which kidnapping, sexual abuse or killing (or any attempt thereof)

⁹ *Id.*

¹⁰ *Id.* at § 7106.

¹¹ *Id.* at §§ 2151d, 7107-7108.

¹² *Id.* at § 7103.

¹³ *Id.* at § 7104(a).

¹⁴ *Id.* at § 7104(b).

¹⁵ TVPRA of 2003, 22 USC. § 7104(d) (2006).

¹⁶ *Id.* at § 7104(g).

¹⁷ TVPA of 2000, 18 USC. §§ 1581(a), 1583-1584 (2006).

occurs.¹⁸ Because those three criminal provisions alone were insufficient to effectively prosecute human traffickers, Congress criminalized four additional criminal acts: “forced labor,” “trafficking with respect to peonage, slavery, involuntary servitude, or forced labor,” “sex trafficking of children or by force, fraud, or coercion,” and “unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.”¹⁹ Additionally, Congress established a right in the victim to mandatory restitution for any of the aforementioned offenses.²⁰

Several key aspects of the TVPA and the TVPRA are intended to strengthen efforts to prosecute human traffickers. For example, new criminal statutes were created and penalties for existing crimes were enhanced under the TVPA in an effort to streamline prosecutorial efforts and deter recidivism, respectively.²¹ The TVPA also includes traffickers’ use of psychological coercion, trickery, and the seizure of documents as sufficient elements to prove trafficking has occurred. The 2003 TVPRA sought to further enhance the prosecution of trafficking-related crimes by including human trafficking under the federal Racketeering Influenced and Corrupt Organization statute. The TVPRA also encouraged the use of International Law Enforcement Academies to train foreign law enforcement authorities, prosecutors, and members of the judiciary about human trafficking.

4. STATE LEGISLATION

Although the control of our nation’s borders is vested with the federal government, the consequences of human trafficking are felt most strongly at the local level. As such, thirty states and U.S. territories have enacted statutes for the prosecution of human trafficking.²² For example, Alaska, Arkansas, Arizona, Florida, Louisiana, and Texas each enacted criminal statutes outlawing “human trafficking”²³ or “trafficking of persons.”²⁴ These legislatures have criminalized the *knowing* trafficking of another

¹⁸ *Id.* at §§ 1581(a), 1583-1584.

¹⁹ *Id.* at §§ 1589-92.

²⁰ *Id.* at §§ 1593.

²¹ Susan W. Tiefenbrun, *The Domestic and International Impact of the U.S. Victims of Trafficking Protection Act of 2000: Does Law Deter Crime?* 2 LOY. U. CHI. INTL. R. 193 (2005).

²² Current as of February 2008. Alaska Stat. §11.41.360 & §11.41.365 (2008); A.R.S. §13-1306 - §13-1309 (2007); A.C.A. §5- 11-108 (2007); Cal Pen Code §236.1 (2007); Colo. Rev. Stat. §18-13-127 (2007); 11 Del. C. §787 (2008); Fla. Stat. §787.05 & §787.06 (2007); O.C.G.A. §16-5-46 (2007); Idaho Code §18-8601 - §18-8605 (2007); §720 ILCS 5/10A-10 (2008); Burns Ind. Code Ann. §35-42-3.5-1 (2007); Iowa Code §710A.1 - §710A.5 (2006); K.S.A. §21-3446 & §21-3447 (2006); KRS §529.100 & §529.110 (2007); La. R.S. 14:46.2 (2007); Md. Criminal Law Code Ann. §11-303 (2007); MCLS §750.462A (2007); Miss. Code Ann. §97-3-54 (2007); §566.206 R.S. Mo (2007); Mont. Code Ann. §45-5-305 & §45-5-306 (2008); R.R.S. Neb. §28-831 (2007); N.J. Stat. §2C:13-8 (2007); NY CLS §135.35, §135.36, §230.33 - §230.36 (2007); N.C. Gen Stat. §14-43.11 - §14-43.13 (2007); 21 Okl. St. §741 & §866 (2007); 18 Pa.C.S. §3001 - §3004 (2007); R.I. Gen. Laws §11-67-1 - §11-67-5 (2007); Tex.Penal Code §20A.01 & §20A.02 (2007); 14 V.I.C. §131, §132 & §134 (2008); Rev. Code Wash. §9A.40.100 (2008).

²³ Alaska Stat. Ann. § 11.41.310 (2006); Fla. Stat. Ann. § 787; La. Rev. Stat. Ann. §14:46.2 (2006)

²⁴ Ark. Code Ann. § 5-11-108 (2006); Ariz. Rev. Stat. Ann. § 13-1308 (2006); Tex. Penal Code Ann. § 20A.02.

person with the intent that such person engage in forced labor (and in some cases, criminal sexual activities). All of these states treat such an offense as a serious crime, classifying human trafficking as either a first or second-degree felony.

Missouri's legislature has enacted more thorough, and almost entirely criminal, trafficking legislation. It offers a thorough definitional section and establishes the following criminal offenses: "forced labor," "trafficking in slavery, involuntary servitude, peonage or forced labor," "trafficking for the purposes of sexual exploitation," "sexual trafficking of a child," and "human trafficking through misuse of documentation."²⁵ The Missouri legislation also provides that convicted traffickers pay restitution to victims of any of the crimes discussed above.²⁶ The Missouri legislation addresses victim "protection" by asserting that victims of trafficking crimes will receive the rights and protections provided in the federal TVPA.²⁷

Unlike other states, Washington has not established human trafficking as an official crime punishable under state law. Rather, it relies on both federal prosecution and a mixture of other state criminal statutes to prosecute trafficking offenses. Washington also established a task force of various state officials to evaluate the state's trafficking prevention activities, to identify available federal, state and local programs that provide services to victims of trafficking, and to make recommendations on methods to provide a coordinated system of support and assistance to person who are victims of trafficking.²⁸ Additionally, Washington enacted legislation that created a work group to develop protocols for delivery of services to victims of trafficking of humans. This group works with federal agencies so that the proposed protocols will be in concert with federal statutes, regulations, and policies. These protocols are required to apply to various state agencies, provide policies for interagency coordination, and include the establishment of an electronic database of contact information for all coordinated agencies.²⁹

On September 21, 2005, California enacted the California Trafficking Victims Protection Act (CTVPA).³⁰ This legislation addresses prevention, protection and prosecution, and like some of the state legislation already discussed, criminalizes human trafficking³¹ and allows victims to receive restitution from the perpetrator(s).³² The definition of human trafficking under the CTVPA is similar to those discussed above. A

²⁵ Mo. Ann. Stat. §§ 566.200, 566.203, 566.206, 566.209, 566.212, 566.215.

²⁶ Mo. Ann. Stat. § 566.218.

²⁷ Mo. Ann. Stat. § 566.233.

²⁸ Wash. Rev. Code § 7.68.350 (2004).

²⁹ Wash. Rev. Code § 7.68.360(d) (2005).

³⁰ Leg. Assemb. B. 22, 2005 Reg. Sess. (Cal. 2005).

³¹ Cal. Penal Code § 236.1.

³² Cal. Penal Code § 1202.4.

human trafficker is “any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of [several sex offenses, some targeted at minors], [extortion], or to obtain forced labor or services. . . .” The statute provides varying sentences for a violation, ranging from imprisonment for three to eight years in cases involving a minor.³³ Other unique aspects of the CTVPA are its establishment of a “victim-caseworker evidentiary privilege,”³⁴ its creation of a civil action for trafficking victims to pursue against their keepers,³⁵ and its creation of a misdemeanor offense to be charged against anyone who discloses the location of any place designated as a trafficking shelter without the authorization of that shelter.³⁶

In addition to the state laws discussed above, Colorado, Minnesota and New Jersey have all enacted various pieces of legislation addressing human trafficking. Both Colorado and Minnesota have established task forces and legislated new criminal provisions.³⁷ New Jersey’s legislature, by contrast, has enacted criminal provisions, established an affirmative defense to prostitution charges for victims of human trafficking, provided state compensation funds for victims of human trafficking, and established standards intended to ensure that victims of human trafficking obtain assistance in receiving any available state and federal benefits or services.³⁸

As human trafficking offenses increase in frequency and severity, there is a growing need for a critical assessment of the impact of existing federal and state legislation, an empirical evaluation of human trafficking offenses and offenders, and recommendations for prosecuting these crimes.

³³ Cal. Penal Code § 236.1(a)-(c).

³⁴ Cal. Evid. Code §§ 1038-1038.2.

³⁵ Cal. Civ. Code § 52.5.

³⁶ Cal. Penal Code § 237.7.

³⁷ Colo. Rev. Stat. §§ 18-1.8-101, 18-13-127, 24-33.5-211 (2006); Minn. Stat. §§ 299A.78, 609.282-.283.

³⁸ N.J. Stat. Ann. §§ 2C:13-8, 2C:34-1, 52:4B-11, 52:4B-44.

II. STUDY OVERVIEW

The Trafficking Victims Protection Act of 2000 and the reauthorizations of 2003 and 2005, along with state legislations have become important tools in the fight against human trafficking. In an effort to increase the understanding of prosecutors' ability to use the tools available to prosecute and convict traffickers while balancing the needs of trafficked persons, the National Institute of Justice (NIJ) awarded a grant in the fall of 2006 to ICF International (formerly known as Caliber Associates, an ICF Consulting Company) and subcontractor the American Prosecutors Research Institute (APRI), to conduct a study that examined the effects of existing federal and state legislation from the perspective of the prosecution and identified critical challenges and barriers to successful prosecution of cases. Specifically, the study intended to address the following key questions:

- How effective is existing legislation in helping prosecutors combat human trafficking? Is existing legislation a useful tool for prosecutors?
- What are the characteristics of successful prosecutions (i.e., those leading to the conviction of traffickers and other parties involved in the criminal act)? What strategies/techniques are used by prosecutors?
- What barriers/challenges do prosecutors face in handling human trafficking cases? How are (can) these barriers/challenges be overcome? Ultimately through critical analysis of federal cases, surveys of federal and state prosecutors, and in-depth interviews, this study is intended to provide important lessons learned regarding the prosecution of human trafficking cases in the U.S.

Ultimately through critical analysis of federal cases, in-depth interviews of federal and surveys of state prosecutors, this study is intended to provide important lessons learned regarding the prosecution of human trafficking cases in the U.S.³⁹

³⁹ Grant No. 2006-NIJ-1163 funded by the National Institute of Justice to Caliber Associates, an ICF International Company.

III. METHODOLOGY

1. RESEARCH DESIGN

The methodological steps of this study were threefold. These steps included: a review of federally-prosecuted human trafficking cases, telephone interviews with federal prosecutors and a survey and interviews with state prosecutor. This multi-phased design allowed the study team to gather comprehensive information to address the overarching questions for this study.

2. DATA COLLECTION

2.1 Federal Case Reviews

The purpose of this case review was to create a database of all TVPA-related prosecutions that have been undertaken since October 2000, the date of the TVPA's enactment. For the purposes of this study, all identifiable cases prosecuted between the enactment of the TVPA and December 2007 made up the database (see Appendix B for a list of included cases).

Because a pre-established list of federally-prosecuted cases was not readily available for review by the study team, steps were taken to identify cases from a variety of sources. These included: Department of Justice bulletins, reports and press releases; legal and lay newspapers; law review articles; Internet research, including human rights web sites (e.g., the Center for Women Policy Studies); and the Public Access to Court Electronic Records (PACER) system.⁴⁰ The PACER system is an electronic public access service that allows users to obtain case information from Federal Appellate and District courts. Each court across the U.S. maintains its own databases with case information, and the PACER system allows the obtaining of information about a particular individual or case.

Data were collected for as many cases as could be identified. Thus, no limitations were implemented for sample size. There were 298 cases identified. For each case, attempts were made to extract information on the following variables: case name; legal citation; source from which the case was identified; number of defendants prosecuted within a particular case; year of the trial-level decision; state within which the prosecution was undertaken; the federal district within which the prosecution was

⁴⁰ <http://pacer.psc.uscourts.gov/index.html>

undertaken; the nationality of the victims (e.g., Mexican or Russian); the nature of the primary charge (i.e., forced labor or sex trafficking); whether the case involved children; the disposition (i.e., guilty plea, guilty verdict, acquittal, or dismissal); the sentence (in months); whether the trial-level decision was appealed; the nature of the appeal; the holding and rationale of the appellate court; and whether the case was still pending.

2.2 Federal Prosecutor Interviews

Telephone interviews were conducted with a small sample of federal prosecutors who had prosecuted TVPA-related cases. The interviews were designed to capture their experiences prosecuting TVPA-related case. More specifically the interviews captured data on participants' background and level of experience; familiarity with Trafficking in Persons and TVPA legislation; experiences with the TVPA; training; prosecuted trafficking cases; challenges and barriers; and recommendations for other prosecutors.

For the purposes of identifying the sampling frame of jurisdictions that had prosecuted TVPA cases, the case summary database described above was used. The study team operated under the assumption that those jurisdictions with the most experience prosecuting TVPA cases would be those jurisdictions which could provide the most poignant feedback regarding the legislation itself and experiences with human trafficking prosecutions.

Any jurisdiction that had prosecuted at least five TVPA cases was approached for an interview. It is important to note that while the original intent of the study was to survey all 109 federal jurisdictions, the study team was only permitted to contact 13 of those jurisdictions. This decision was made based on a concern that prosecutors were already overburdened and many of the jurisdictions would not be able to add value to the study because of a lack of experience prosecuting trafficking cases. In the end, the following federal districts were identified for inclusion in the study:

- Alaska
- California-Northern
- California-Central
- Connecticut
- Florida-Southern
- Georgia-Northern
- Michigan-Eastern
- Maryland
- New Jersey
- New York-Eastern
- New York-Western
- Texas-Southern
- Texas-Northern

Initial contact was made by phone with each United States Attorney (USA) who supervised the respective district. The USA was informed of the study and that the goal was to interview one person in the office who had the most experience prosecuting TVPA cases. If the USA agreed to participate, s/he identified the office designee. Once this designee was identified, contact was made with that Assistant United States Attorney (AUSA).

Interviews with the AUSAs were conducted between July 3 and October 19, 2007. Initial contact with the AUSA was made by telephone. The AUSA was informed of the general purpose of the study and what involvement was needed from each AUSA. The first part of the interview was respondent-specific. That is, specific questions were asked to obtain information on the background and experiences of each AUSA. Specifically, the questions addressed the following topics: familiarity with human trafficking and legislation; training; prosecuting trafficking cases; challenges and barriers; and recommendations. It was explained to the AUSA that this portion of the interview would take approximately 30 minutes to complete. The second part of the data collection involved the completion of a grid to capture information on each TVPA case that had been prosecuted in the AUSA's current jurisdiction. It was not necessary for the specific respondent to have prosecuted these cases him/herself, only that they were prosecuted within the jurisdiction where the respondent currently served as an AUSA. The AUSA was allowed to complete this case grid over a four-week period. Information from the case grid was used to fill in gaps and corroborate information in the case review database. Appendix C contains a copy of the federal prosecutor interview and case grid.

2.3 State and Local Prosecutor Surveys and Supplemental Interviews

A web-based survey was administered to state and local prosecutors to capture information on their human trafficking case experiences (see Appendix D for a copy of the original survey). Based upon information from a review of the literature and input from experienced prosecutors, the survey was designed to capture experiences with the TVPA; prosecution of human trafficking cases; collaboration with other entities; victim and witness services; challenges; and promising practices to prosecuting cases. An e-mail invitation accompanied by a Web site link to the survey was sent to 168 prosecutors' offices representing jurisdictions in states with anti-trafficking task forces, state anti-trafficking legislation, and jurisdictions represented by the 289 identified federal cases. Within each jurisdiction, offices were stratified by size of jurisdiction.

Due to a low response rate, a more streamlined version of the survey was administered (see Appendix E for a copy of the streamlined survey). Non-respondents

from the original administration, with an emphasis on prosecutors from the 13 jurisdictions targeted by the USAs contacted for this study, were re-contacted and additional efforts (e.g., emails, fax blasts) were conducted to enhance completion. Even with a streamlined survey and repeated follow-on reminders, only 77 prosecutors out of 335 completed the survey for a response rate of 23 percent.

While the results from the state and local prosecutor survey need to be viewed with caution and are presented as exploratory, supplemental interviews with a small number of prosecutors (11 total) provide additional depth to the results and highlight potential challenges and promising practices for addressing human trafficking at the state level (see Appendix F for a copy of the state/local prosecutor interview protocol).

IV. KEY FINDINGS

The key findings from this study are presented in this chapter. The results are based on the findings from the three primary data collection methods:

- Federal case reviews
- Federal prosecutor interviews
- State and Local prosecutor surveys.

Additional information from interviews with state and local prosecutors is included, where appropriate.

1. FEDERAL CASE REVIEWS

There were a total of 298 TVPA prosecuted cases identified from the case review. More than half (53%) of the cases were identified from Department of Justice reports, with almost a third (31%) identified through PACER⁴¹. Another notable percentage (9%) of cases was identified through the Center for Women Policy Studies web site.

The number of TVPA prosecutions since the passage of the TVPA until December 2007 is depicted in Table 1.

Table 1: TVPA Prosecutions by Year

2000	4
2001	8
2002	17
2003	54
2004	23
2005	88
2006	55
2007	49
Total	298

⁴¹ Public Access to Court Electronic Records (PACER) system. PACER is an electronic public access service that allows users to obtain case information from Federal Appellate and District courts. Each court across the U.S. maintains its own databases with case information, and the PACER system allows the obtaining of information about a particular individual or case.

Federal Districts by Prosecutions. Of these 298 cases, 90 percent were prosecuted in federal districts represented by the 13 offices (sample for the Federal Prosecutor interviews) targeted for this study. The specific breakdown of prosecutions is shown in Table 2. In general, California (26%) and New York (20%) prosecuted the most TVPA cases. The Eastern District of New York and the Northern District of California prosecuted the largest proportion of cases (18%), followed by New Jersey (14%) and the Northern District of Georgia (10%).

Table 2: Prosecuted Cases by Federal District Included in the Study

Alaska	5
California – Central	22
California-Northern	48
Connecticut	7
Florida – Southern	9
Georgia – Northern	27
Maryland	9
Michigan- Eastern	16
New Jersey	37
New York-Eastern	47
New York-Western	6
Texas-Northern	10
Texas-Southern	25
Total	268

Nationality and Number of Victims. Based on information available for these cases, a wide variety of nationalities were represented by the victims of these crimes. The largest percentage of victims were Mexican (21%) followed by Honduran (7%) and American (7%). Other represented nationalities included Ukrainian (6%), Central American and Russian (5%), Korean (3%) Thai and Indonesian (3%). In total, 25 different countries of origin were represented by victims. These findings support previous reports that have demonstrated the international character of the human trafficking phenomenon.⁴² Based on an N of 35 cases, 51 percent had less than 10 victims and 5 percent involving up to 100 victims. Unfortunately information on the number of victims per case was not readily available from the sources used to compile case

⁴² *Supra* note 49.

information. Limited data, however, was provided by federal prosecutors for a smaller number of cases and is presented later in the report.

Type of Human Trafficking Cases. The type of human trafficking case was also determined through the case reviews. More than half (55%) of the cases met the definition for forced labor (non-sex trafficking) offenses, with 43% involving sex trafficking charges. In addition, one-third (33 %) of the cases involved children as victims.

Case Disposition. The majority (77%) of cases resulted in guilty dispositions, with 47 percent by plea negotiations and 30 percent by verdict. Three percent of the cases resulted in dismissals and 8 percent are pending. Less than 1 percent of the cases resulted in acquittals, suggesting that once defendants are brought to trial, a favorable disposition for the federal government is likely.

Length of Sentence and Appeals. For offenders whose sanctions were available, sentences ranged from probation to 600 months (50 years) incarceration. The average sentence was 67 months (six and a half years) in prison, while the median sentence was 36 months (three years) incarceration. Very few cases (5%) were appealed. Issues for the appeals were routinely based on the length/severity of sentence.

2. FEDERAL PROSECUTOR INTERVIEWS

Interviews with federal prosecutors were conducted within a three-month period (July 3 and September 7, 2007). A total of 13 jurisdictions (listed previously) were approached for participation in the interviews. Of these, 11 (85%) agreed to participate. Complete data, for both the respondent-specific questions and the case grids, were available for 10 (91%) of the participants.⁴³ The overall response rate for the telephone interviews was 77 percent. It is important to note that the 10 jurisdictions included in the analysis represented 86 percent (231) of the 268 prosecuted human trafficking cases identified in the case review. However, more detailed case information was only provided for 35 of the 231 cases or 15 percent.

⁴³ A couple of states contacted agreed to participate and completed the initial respondent-specific portion of the survey, but never submitted the case grid. As such, their data were excluded from the final analyses.

2.1 Background and Experience

Respondents Current Positions, Responsibilities and Experiences. Of the 10 jurisdictions providing complete information, more than half (60%) of the respondents were AUSAs within their respective offices, while the remainder held other positions (chief, deputy chief). Within these positions, roles/responsibilities varied among respondents to include: administrative duties; prosecution of cases; oversee attorneys; chair human trafficking task forces; and act as liaison for their respective offices. The respondents' average time as a federal prosecutor was 5 or more years (90%). Ten percent of the respondents indicated having 3 years or less of experience.

With respect to their experience with human trafficking cases, the majority of respondents (90%) reported having prosecuted at least one TVPA case. Sixty percent reported 4 or fewer years experience and 30 percent reported more than 5 years of experience with these cases. All of the respondents reported there have been TVPA prosecutions in their jurisdictions.

Respondents Prior Positions, Responsibilities and Experiences. Federal prosecutors were also asked about positions held prior to their current position within their respective offices. Half of the respondents (50%) were with private law firms, while other response varied from state prosecutor, trial attorney, FBI agent, litigation associate and judicial clerkship. Within these positions roles/responsibilities varied with 40 percent of respondents as litigators, with other roles including, law enforcement officials, and judges. Fifty percent of respondents reported being in these positions for less than 5 years, while 40 percent indicated being in these positions for 5 or more years.

2.2 Familiarity with Trafficking in Persons, TVPA and State Legislation

Respondents were asked to rate their level of knowledge about human trafficking issues, on a 5 point scale ('1' Not Knowledgeable At All, '3' Somewhat Knowledgeable, '5' Very Knowledgeable). Most of the respondents (70%) indicated that they were between 'somewhat' and 'very knowledgeable' on general Trafficking in Persons (TIP) issues, while only 20 percent stated that they were 'very knowledgeable' on the topic. Similarly, many of the respondents (60%) reported falling between 'somewhat' and 'very familiar' on their familiarity with the 2000 Victim of Trafficking and Violence Protection Act (TVPA). Additionally, 60 percent of respondents indicated that they were 'somewhat familiar' with both the 2003 TVPA and 2005 TVPA Reauthorizations. Only 20 percent of the respondents reported being 'very familiar' with the TVPA reauthorizations. Table 3 shows the percentages of familiarity.

Table 3: Familiarity with Federal Human Trafficking Legislation

20%	‘Very Familiar’	20%	‘Very Familiar ‘
60%	‘Somewhat to Very Familiar’	20%	‘Somewhat to Very Familiar
20%	‘Somewhat Familiar’	60%	‘Somewhat Familiar’
0%	‘Not Familiar At All’	0%	‘Not Familiar At All’

Strengths of the TVPA. All of the respondents agreed that the TVPA was very helpful in the prosecution of human trafficking cases. When asked to identify strengths of the legislation, several themes associated with prevention, protection, and prosecution emerged:

- Raises the awareness of the human trafficking problem within the U.S.
- Facilitates social services for victims and creates special visas for victims (T-visas) and their family members (derivative T-visas)
- Enables victims to receive restitution for the crimes committed against them
- Creates the ability of prosecutors to prosecute conduct that was never before considered trafficking (e.g., prostitution of minors)
- Allows for stricter penalties for offenders
- Gives the recognition of victims’ rights and that victims need to be taken care of.

Limitations of the TVPA. Respondents were also asked about what they thought were limitations or weaknesses of the federal legislation. These included:

- The lack of harsh penalties for sexual abuse
- The fact that obtaining a visa could potentially color a victim’s testimony;
- The lack of emergency housing for minor victims of trafficking (international and domestic)
- The lack of funding to meet the needs of domestic (American) trafficking victims.

State Legislations. Federal Prosecutors were asked if the state in which their offices were physically located currently had anti-TIP legislation, 80 percent indicated that they did. When asked if the state legislation helped with the prosecution of TIP cases, only 20 percent indicated that it had.

2.3 Training on the TVPA and Human Trafficking

Almost every respondent (90%) indicated they had received some sort of formal training on the TVPA and human trafficking, in general. This included training on the legislation itself; task force formation; victim-witness assistance; victim rights; and how to work with federal, state, and local law enforcement and non-governmental organizations (NGOs). These trainings were conducted primarily by the Department of Justice. Fifty percent of the respondents found the trainings to be “very useful,” with 70 percent reporting that the trainings were helpful with regard to establishing relationships with human trafficking victims. With many of the respondents explaining that the sensitivity of the legislation, sensitizing prosecutors to victims’ issues, and it being victim-based has assisted in strengthening their relationships with victims. All of the respondents indicated that the trainings have helped in identifying cases that can be prosecuted under the TVPA. Respondents also reported that the trainings have assisted them in increasing their ability in distinguishing between sex and labor trafficking, understanding the elements of the statutes (what can and can not be prosecuted), understanding of the laws, typical cases, and the types of trafficking victims. Several respondents indicated that trainings that emphasized a victim-centered approach to prosecuting these cases proved helpful in practice. A ‘victim-centered’ approach to prosecuting these cases was reflected in several comments provided by respondents:

- *“There is a constant desire to help the victims through this re-adjustment...”*
- *“These cases rise and fall on victims. They are the most important aspect. Think of them first when deciding to prosecute.”*
- *“It is all about rescuing victims, stopping the acts and reducing victimization.”*
- *“It is about putting the victim first.”*

2.4 Scope of the Problem

Prosecutors were asked to rate on a 5 point scale (‘1’ Not a problem, ‘3’ Somewhat of a problem, ‘5’ Very serious problem), the TIP problem in their jurisdiction.

Most of the respondents (60%) reported that it was a ‘somewhat’ to ‘very serious’ problem in their jurisdictions and another 10 percent viewed it as a ‘very serious’ problem. Respondents were also asked if TIP is a problem in their jurisdiction because of the nature of the TIP cases, the quantity of the TIP cases or both. The majority of respondents reported both as a reason for the problem, while 30 percent indicated the nature of the TIP cases as the driver of how serious a problem this was for their jurisdiction. .

2.5 Descriptions of Trafficking Cases (from case grids)

In order to better understand the trafficking cases that had been prosecuted in each jurisdiction, each respondent was asked to provide detailed information on each respective case prosecuted under the TVPA. Prosecutors across the 10 jurisdictions were able to provide detailed information on 35 TVPA-specific cases. Brief descriptions of the TVPA related cases are described below.

Case Description. Approximately 71 percent of the cases involved sex trafficking, while 29 percent involved non-sex-related labor trafficking. Only 9 percent of the cases involved male victims, while the majority (94%) involved female victims. Sixty-nine percent of the cases involved adult victims and a similar percentage involved minors (under the age of 18). Twenty percent of the cases were single-victim cases, with only 9 percent of the cases involving 20 or more victims (2 of these cases involved 100 or more victims each). There were a total of 393 victims identified across 27 cases.

In 60 percent of the case, the defendants were U.S. citizens. Foreign nationals were defendants in 57 percent of the cases. It was reported that there were 81 U.S. defendants and 76 foreign national defendants prosecuted across 24 cases.

Convictions. Eight-five percent of prosecutors reported that the cases resulted in the conviction of at least one defendant. In total, 132 defendants were convicted across 31 cases. Of those convicted, 41 percent resulted from a jury trial, 79 percent resulted from plea-bargained guilty pleas, and 69 percent resulted from straight (non-plea-bargained) guilty pleas.

Victim Testimony. Victims reportedly testified at the grand jury hearing in 59 percent of the cases. Victim testimony was provided at disposition in only 3 percent of the case and about a third (31%) of the cases involved victims testifying at trial. Restitution orders were paid in thirty-one percent of the case. Restitution amounts varied from \$1.5 million to \$5,000. In forty-six percent of the cases, the prosecution sought

forfeit of assets and/or property. The total value of assets and/or property forfeited ranged from \$1 million to \$60,000.

Acquittal and Disposition. In only 3 percent of the cases was the defendant acquitted. The total number of defendants acquitted in these cases was 14. Of the convictions, 20 percent were appealed. Thirty-one percent of the cases resulted in a final disposition of three or more years for the defendant.

Collaboration. Ninety-one percent of the cases involved collaboration with other local, state and federal authorities. Authorities included FBI, ICE, local and state police departments, IRS, child protective services, postal inspectors, District Attorney's, and DOJ Civil Rights Division. Their involvement ranged from assistance in the investigation, testimony in a trial, assistance with victims, and initially encountered the crime or picked up the victim. In sixty-three percent of the cases, prosecutors rated their working relationship with local law enforcement as positive and relationships with federal law enforcement were rated favorably in 71 percent of the case. Relationships with state law enforcement were rated favorably in less than a third of the case (29%).

Surprisingly, non-governmental organizations (NGOs) were only involved in fifty-seven percent of the cases and relationships with NGOs were rated as 'excellent' to 'very good' in 43 percent of the cases. Assistance provided by NGOs include help with finding housing for victims, translation services, medical services, forensic interviews, legal services, and general social services. In eighty-three percent of the cases, prosecutors received help with their case from a victim-witness coordinator from ICE, DOJ, and/or USAO. The coordinators assisted with arranging services for victims, assisting with victims during the trial, providing/accessing services for victims, and facilitating the relationships between the victims, NGOs and law enforcement.

2.6 Successful TVPA Case

Prosecutors were asked to describe what factors contribute to a successful case; which for prosecutors and for the purpose of the study is defined by a conviction. Once again, the most common response was victim testimony followed by the availability of agents who can develop an immediate (or somewhat immediate) rapport with the victims, patience with victim on the part of law enforcement and the prosecutors, availability of investigators trained in human trafficking and working with victims of trauma, positive relationships among victims, USA offices, and FBI/ICE, and presence of a pre-existing bridge or connection with the NGO community in order to ensure access to services for victims. Underlying all of this was also establishing trust with the victims. When asked

if a TVPA case can be successful without victim testimony, 50 percent reported that cases are ‘rarely’ successful without victim testimony and 40 percent indicating that cases were ‘never’ successful. As one prosecutor noted, *“The victim is the case and you need to have that testimony to succeed and without this the case may not be successful.”* Eighty percent of respondents reported that none of their TVPA cases have had the charges dropped. When asked why charges might be dropped, respondents noted victim issues (e.g., recanting testimony) and others were unable to provide an explanation.

2.7 Challenges to Prosecuting TVPA Cases

Respondents were asked several questions that yielded important insights into the challenges of prosecuting human trafficking cases. When asked how human trafficking cases differ from other cases that they have prosecuted, the responses all touched on potential challenges or barriers for prosecutors. For some respondents, these cases required a greater concern for victims and their needs (i.e., ensuring services were made available to meet their needs) by the prosecution than with other cases. Other challenges associated with these cases included: difficulty determining who was a victim from the onset, language and cultural barriers, ability to obtain “truthful” testimony from the victims given their fear of the trafficker, lack of trust of authority figures, and the presence of extended family abroad and safety concerns this raised for the victims. In some cases, prosecutors experienced reluctant or uncooperative victims; often for the reasons described above.

Another question asked of prosecutors, which identified possible challenges to prosecuting cases was related to how TVPA cases differed from other cases they have prosecuted. Most of the respondents indicated that TVPA cases are more resource intensive, time consuming, emotionally draining, reactive, and victim-oriented and victim-focused. Specific emphasis was placed on the unique role and importance of the victim to proceed with a case. That is, the cooperation from the victim and the victim testimony was critical in these cases. Without victim cooperation and testimony, most of these cases would not have been prosecuted.

These challenges and barriers translated into frustrations for some prosecutors. In fact, when asked what was most frustrating about prosecuting human trafficking cases, the most common responses included:

- **Length of the investigations**—According to some prosecutors, trafficking cases can take two to three times longer to prosecute than other federal cases.

- **Lack of knowledge of trafficking issues**—The lack of knowledge of trafficking issues among some law enforcement (federal, state, and local), prosecutors, and judges hearing cases made identifying cases, bringing them to trial, and prosecuting them difficult.
- **Victims returning to their trafficking situation**—In some cases, because victims did not have a safe place to stay and legal means for earning money to support themselves and/or their families, they were vulnerable to revictimization.
- **Ineffective communication with the victims**—With language barriers and victim’s unwillingness or in many cases, inability to talk about their traumatic experiences, moving cases forward for prosecution was sometimes difficult.
- **Lack of funding/resources**—The limited availability of funding and personnel resources on the part of law enforcement to investigate cases and gather evidence and on the part of the prosecution to prepare for and prosecute cases was noted as a significant challenge. Additionally, the limitation on resources available to provide needed services to victims was also a challenge that impacted the case because unstable victims were not able to effectively contribute to the prosecution.
- **Recanting witnesses**—Given the dependence of many of these case on the victims cooperation and testimony, a recanting witness (for reasons stated previously) often resulted in significant delays in taking a case to trial.
- **Lack of connection with immigrant communities**—This was seen as a barrier because the lack of connections with immigrant communities specifically was attributed to one of the reasons (other than lack of funding) for why appropriate services were not readily available to victims.

2.8 Solutions to Challenges

When asked how to address these challenges, prosecutors were best able to speak to what they needed. Specifically, prosecutors called for greater buy-in and dedicated law enforcement to investigate these crimes. Prosecutors noted that unwillingness at times of law enforcement in dealing with these cases as well as an openness to seeing a person (e.g., “prostitute” or illegal immigrant) as a human trafficking victim as real challenges that could be overcome with more training, including sensitivity training in working with traumatized persons and persons of different cultures. Other solutions included establishing better relationships between prosecutors and law enforcement agents working on the cases; allocation of more resources to address trafficking for law enforcement, NGOs, and prosecutors; availability of more and better services for victims,

in particular emergency and safe housing; access to more interpreters for the prosecution; and more training for law enforcement and prosecutors, in general. Interestingly, prosecutors also noted the need for substance abuse treatment for victims presumably to ensure a more stable, better prepared witness.

2.9 Recommendations: Advice for Other Prosecutors

Respondents offered the following advice to other prosecutors assigned to work on human trafficking cases:

- Be patient and set low expectations
- Be ready to make a significant investment of time
- Be sensitive to the victims
- Establish a good rapport with law enforcement
- Be creative with investigative techniques
- Be proactive about what charges can be brought against the defendants.

As one respondent noted, *“Despite the challenges, charges can be brought and it is all worth it at the end.”*

3. STATE AND LOCAL PROSECUTOR SURVEY AND SUPPLEMENTAL INTERVIEWS

The results of the survey responses for the state and local prosecutors are presented here and are supplemented with interview responses from 11 prosecutors that further illustrate common themes for state and local prosecutors. As noted in the methodology section, the low response rate during the first round of surveys resulted in a second administration of a streamlined survey with a slightly higher response rate. One possible explanation for the low response rate is that some prosecutors are unaware of any trafficking within their jurisdiction. This explanation was supported by the responses from the 77 prosecutors that completed surveys and from the interviews.

3.1 Familiarity with Trafficking in Persons Legislation

Familiarity with Federal Legislation. Fifty-four percent of the respondents reported that they were familiar with the Trafficking Victims Protection Act of 2000. In addition to familiarity with federal legislation, prosecutors were asked whether the legislation was having an impact on the cases being brought to their attention, Only 4 percent indicated that it had, while 75 percent reported ‘no’ and 21 percent were ‘unsure’,

as to whether there have been more human trafficking cases brought to the attentions of the prosecutor's office since the passage of this act.

State Anti-Trafficking Legislation. Some of the respondents (33%) were unsure as to whether there has been any state anti-trafficking legislation enacted in their states and 24 percent represent states that have legislation that is used when prosecuting human trafficking cases. Specific strengths of state legislation provided by respondents included:

- Allows local prosecutors to prosecute human trafficking at the state or local level
- Establishes human trafficking as a felony offense
- Has special provisions for trafficking of minors
- Includes other methods of enticement or recruitment under the definition of forced labor or services.

Other strengths of state legislation included the criminalization of benefiting financially from human trafficking and allowing victims to take civil action against traffickers.

3.2 Scope of the Problem

Sixty-eight percent of respondents consider human trafficking not to be a problem in their jurisdictions, 17 percent consider it to be an 'moderate' problem, and only 5 percent considers it to be a 'serious' problem. The interviews with prosecutors suggest that these ratings may be attributable to a lack of awareness of the issue of human trafficking. Reasons for this lack of awareness given by interview respondents included prosecutors not recognizing some cases as human trafficking cases and lack of reporting. For example, a case may present as a prostitution case when, if investigated with an awareness of human trafficking, it would present as a human trafficking case. Additionally, victims are often hesitant or unable to come forward out of fear of retaliation, distrust of authorities, and lack of understanding of their rights and therefore the crime remains hidden.

3.3 Prosecuting Human Trafficking Cases

Prosecution of Human Trafficking Cases. Only 7 percent of the respondents have prosecuted a human trafficking case since 2000, with some noting that they refer

trafficking cases to the U.S. Attorney's Office. Almost half of those interviewed indicated that most of the cases they see are interstate and/or multi-national cases and therefore are referred to federal law enforcement and prosecutors because local and state agencies do not have the resources to investigate and prosecute these cases. Labor cases in particular were identified as those that would most likely be referred to federal law enforcement and prosecutors, if identified at the state or local level. In many instances, prosecutors indicated that the referral of the case would be handled by local law enforcement and the state or local prosecutors may never be made aware of the case; again another reason for the lack of awareness. Other possible reasons for the lack of human trafficking cases at the state level provided by those interviewed included: a lack of awareness of the issue, inability to identify cases, and for some respondents, they reported prosecuting human trafficking cases but under non-human trafficking statutes. The most widely used statutes were sexual abuse and assault statutes and child sexual exploitation. For those interviewed, all of the cases they had prosecuted that would qualify as a human trafficking case involved young girls; none involved boys or adult victims. Most of the cases prosecuted at the state level according to half of those interviewed were domestic sex trafficking cases in which pimps were prosecuted for the crimes.

Collaboration Involved in Human Trafficking Prosecutions. Prosecutors were asked about collaborating during the investigation and prosecution of a human trafficking case, 62 to 77 percent respectively, reported collaborating with federal, state and local law enforcement agencies. Twenty-six percent noted collaborating with local non-profit organizations (etc., shelters, churches, immigrant groups). One way in which collaboration is often facilitated is through anti-trafficking task forces. However, only 8 percent of the respondents reported being members of such a task force.

3.4 Challenges and Barriers to Prosecuting Cases

When asked about challenges or barriers to prosecuting human trafficking cases, the identified challenges or barriers fell into seven categories:

- Poor victim identification
- Lack of victim cooperation
- Unavailability of victims and witnesses
- Language barriers
- Lack of collaboration
- Lack of resources
- Lack of training

More specifically, prosecutors reported: the reluctance of police agencies to assess whether the female under arrest is a victim; uncooperative victims; unavailability of victims due to deportation or disappearance of victims; language barriers; lack of

cooperation from different levels of law enforcement; lack of a statewide protocol as a guiding policy when working these type of cases; limited manpower to investigate situations that may be human trafficking; difficulty getting proper resources allocated; and inadequate training of law enforcement on all levels as common barriers at the state level for prosecuting human trafficking cases. When asked if prosecutors thought there was a need to train prosecutors in their jurisdiction on “how to prosecute human trafficking cases,” 47 percent reported ‘no’ while 27 percent noted that there is a need.

3.5 Promising Practices for Successfully Prosecuting Human Trafficking Cases

Survey respondents provided some suggestions and possible promising practices or strategies for successfully prosecuting human trafficking cases. These included:

- **Collaboration.** Prosecutors reported that unified investigations with ICE, FBI, State Attorney General’s Office, state police and local law enforcement, local non-profits, victim advocate, and USAOs is needed. Having a task force in every prosecutor’s jurisdiction was also noted as an important contributor to collaboration and the investigation and prosecution of these cases. Finally, making contacts within the State Attorney General’s Office was viewed as critical to bring these cases to trial.
- **Addressing victim needs.** Prosecutors spoke to the needs of victims. Specifically, respondents noted the ability to provide translators for non-English speaking victims and emergency shelter/housing and culturally appropriate services as important to being able to prosecute these cases.
- **Increasing resources.** Prosecutors reported the need for sufficient resources to provide thorough investigations, bringing witness from out of state to testify, and again provide secure shelter for victims and their dependents in order to successfully prosecute cases.
- **Providing more, targeted training.** Finally, providing law enforcement and prosecutors with training to raise their awareness and understanding of human trafficking. Training areas identified by those interviewed included: general information on trafficking (e.g., how to recognize a human trafficking case, understanding victimization, trauma, and vulnerable populations); protocols and techniques for interviewing victims, including minor victim; and information on prosecuting cases (understanding of the statutes, use of “creative” prosecuting techniques (e.g., using forfeitures to go after those who finance human trafficking activities), techniques for gathering evidence and the type of evidence to collect (e.g., phone records, ledgers, clothing, tattoos or other branding by the trafficker, etc.)).

Other promising practices and strategies that may contribute to the prosecution of these cases identified by those interviewed included:

- **Understanding the culture of the street.** For sex trafficking cases, in particular those that involve minors, prosecutors and law enforcement need to be able to communicate with victims and witnesses within the context of the victim’s reality of life on the streets. This requires knowledge of street life and the ability to use approaches to which victims will respond. One prosecutor explained that it takes the right personality to work with minor victims and that a background in juvenile corrections is beneficial. “You have to talk straight to them,” she stated.
- **Conducting community outreach.** An educated and involved community can be a support to prosecutors in addressing human trafficking. For example, a number of shopping malls across the country, recognizing that their facilities are being used to recruit young people into prostitution, have set curfews and other restrictions. In other jurisdictions, schools are educating students about teen dating violence, prostitution, and other issues teens face.
- **Establishing rapport with victims.** One prosecutor spoke about the need to establish a strong rapport with victims. She stated that keeping in touch with the victim is the hardest part of these cases. This is particularly difficult when trials are years in the making. By establishing a rapport, victims learn to trust and will provide updated information on addresses and phone numbers. This interviewee also stressed that a certain personality is needed. The investigator or prosecutor needs to show genuine interest in victims and be willing to follow the daily aspects of their lives.
- **Familiarizing oneself with the investigation process.** A successful prosecutor would be well advised to have a familiarity with the work done by law enforcement and investigators and how the system works. One prosecutor has been on ride-alongs with police, accompanied police during the execution of search warrants, and was present during raids.
- **Recognizing key evidence.** One interviewee described several types of evidence that have proven effective in prosecuting human trafficking cases. These included client and financial ledgers, Web site ads, Craigslist postings, certain kinds of clothing, bond receipts (where the trafficker or pimp bailed out the victim), credit cards, cell phones with walkie-talkie functions, and chirp phones that can connect a victim to the trafficker or pimp.
- **Using expert testimony at trial.** At least one prosecutor has used experts on the cultural dynamics of human trafficking at trial to explain how some people fall victim to human traffickers.

- **Thinking outside the box.** It is important for prosecutors to be able to “use the tools in their toolbox” when prosecuting these cases. Sometimes this requires thinking outside the box. One prosecutor recognized that many victims are not present at the time of trial, so she used testimony from a preliminary hearing during the trial. Two prosecutors stated that they have used forfeiture statutes to prosecute those who finance the prostitution of girls and women taken against their will and forced into prostitution. They have been successful at seizing houses and cars from defendants.

A critical point made by several of prosecutors during the interviews was the need to take a victim-centered or focused approach to prosecuting these cases. The victims were put at the center of these cases because of their importance to the prosecution. In fact, for several prosecutors, victim cooperation was seen as essential to the success of the prosecution; perhaps the one consistent finding across all prosecutors, federal, state, or local.

V. CONCLUSION

Within the U.S., federal and state human trafficking legislation is relatively new. Yet, despite its infancy, the TVPA, the reauthorizations of 2003 and 2005, and thirty state and U.S. territory laws addressing the crime of human trafficking have been enacted during the past seven years. This suggests that the U.S. government recognizes the importance of human trafficking and the damage that the crime can inflict. These new or modified laws have offered a variety of tools to enhance the ability of prosecutors to charge, prosecute and convict traffickers for their crime. As an example, between 2001 and 2004, following the passage of the TVPA and prior to the reauthorizations, the Department of Justice initiated more than three times the number of investigations, charged more than twice as many defendants, and doubled the number of convicted trafficked than in the prior four year period.⁴⁴ This trend continues to date.⁴⁵ Additionally, as of this writing, more than 85 percent of the 298 TVPA cases identified through this study that have been prosecuted during the past seven years have resulted in convictions. These findings suggest that once human trafficking prosecutions have begun, guilty verdicts are likely.

However, prosecuting these crimes is not without challenges. The current research findings indicate that those persons directly involved with enforcing the provisions of these laws recognize a variety challenges or barriers that can hinder their progress in the fight against human trafficking. These include: limited understanding of the crime of human trafficking; existence of archaic statutes in some states that continue to victimize or blame the victim; a lack of understanding or awareness of new or modified legislation; and insufficient resources to support the investigation and prosecution of these crimes. On the other hand, there are factors that increase a prosecutor's likelihood of success. Experienced human trafficking prosecutors have employed practices that include networking with local, state, and federal law enforcement and NGOs; providing victims with understanding and support; assisting victims in accessing services; recognizing key evidence when investigating trafficking cases; and using proven prosecutorial techniques to aid them in prosecuting these cases.

Success in the criminal justice system will most likely continue to be measured by the number of convictions for suspected human trafficking perpetrators and a reduction in the prevalence of the crime. This study provides preliminary measures of one of these

⁴⁴ U.S. Department of State. (2005). *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in persons report*. Washington, DC: U.S. Government Printing Office.

⁴⁵ U.S. Department of Justice (2006). *Assessment of U.S. government efforts to combat trafficking in persons*. Washington, DC: U.S. Government Printing Office.

outcomes—convictions. For some, convictions of 85 percent of the cases may be a sign of success. For others, this may suggest the need to do more. Ongoing documentation, monitoring, and analysis of the prosecutions of human trafficking cases within federal and state courts is needed in order to chart progress and determine where we stand on successfully combating this crime. But convictions are just part of the measure. More information is needed regarding how well we are doing at reducing the prevalence of the crime and how well we are doing at helping victims reclaim their lives.

APPENDIX A:

**SUMMARY OF MAJOR INTERNATIONAL INSTRUMENTS ADDRESSING
HUMAN TRAFFICKING**

A Summary of the Major International Instruments Addressing Slavery, Forced-Labor, and Similar Crimes

Both the Hague Conventions of 1899¹ and 1907² incorporated protections for both civilians and belligerents from enslavement and forced labor into the international regulation of armed conflict. The law of peace paralleled the development of the law of war and gradually evolved to protect civilian populations from human degradations committed upon them by their governments during peacetime.³ This evolutionary process began in 1815 and continues to date. Thus, in addition to violations of “general principles of law,”⁴ slavery, slave-related practices, and forced labor, whether committed during peace or during war, became international crimes under conventional and customary international law.

Although a number of societies throughout history have considered slavery morally repugnant, it has gradually evolved from a “moral” transgression into an international crime.⁵ In the 19th century, the first international slavery-related conventions attempted to abolish the slave trade, which, at that time, involved European countries exploiting native Africans. By the mid- 19th century, most European states had abolished slavery, and, in 1862, President Abraham Lincoln abolished slavery with the Emancipation Proclamation and the newly enacted 13th Amendment to the United States Constitution.⁷ By 1864, slavery had been abolished throughout the territories of the United States.

Approximately 80 separate international instruments address the issue of slavery, slave trade, slave-related practices, forced labor, and their respective institutions. These instruments can be subdivided into four categories: 1) those specific international instruments which have risen under the law of peace; 2) general human rights instruments that touch upon the issue of slavery and its associated practices under the law of peace; 3) other international instruments which reference slavery and slave-related practices under the law of peace; and 4) those international instruments which address slavery and its related practices under the law of armed conflicts. A review of the major international instruments is provided below.

¹ Laws and Customs of War on Land (Hague, II), July 29, 1899, 32 Stat. 103, T.S. No. 403.

² Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277, T.S. No. 539.

³ M. Cherif Bassiouni and Ved Nanda, *Slavery and Slave Trade, Steps toward Eradication*, 12 SANTA CLARA L. REV. 424 (1972).

⁴ M. Cherif Bassiouni, A Functional Approach to ‘General Principles of International Law’, 11 MICH. J. INTL. L. 768 (1990).

⁵ Steven Mintz, *Digital History*, www.digitalhistory.uh.edu (accessed December 1, 2007).

⁶ *Supra* note 13.

⁷ U.S. CONST. amend. XIII, § 1.

***The 1815 Declaration Relative to the Universal Abolition of the Slave Trades*⁸**

This 1815 Declaration, the first instrument to address slavery, was signed in Vienna on February 8, 1815, and entered into force on that same date. Signatories included Austria, France, Great Britain, Portugal, Prussia, Russia, Spain, and Sweden. The Declaration recognized the penal nature of enslavement and established a duty to prohibit, prevent, prosecute, and punish slavery-related offenses.

***The 1904 International Agreement for the Suppression of the White Slave Traffic*⁹**

This Agreement was signed in Paris on May 18, 1904, and entered into force on July 18, 1905. State signatories were Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, Russia, Spain, Sweden, Norway, Switzerland, and the United Kingdom. Articles 1, 2, and 3 require cooperation in the prosecution and punishment of the trafficking in white slaves.¹⁰

***The 1921 International Convention for the Suppression of the Traffic in Women and Children*¹¹**

This Convention was signed in Geneva on September 30, 1921, and entered into force with respect to each state party on the date of their respective ratifications. State signatories were Albania, Australia, Austria, Belgium, Brazil, the British Empire, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Estonia, Germany, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, the Netherlands, New Zealand, Norway, Persia, Poland, Portugal, Romania, Siam, South Africa, Sweden, and Switzerland. Articles 2 and 3 require prosecutions of the proscribed act,¹² while Article 4 requires cooperation in extradition.¹³

***The 1926 Slavery Convention*¹⁴**

This Convention, the first to formally define slavery, was signed in Geneva on September 25, 1926, and entered into force on March 9, 1927. Article 1 defines slavery as, “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”¹⁵ The implicit recognition of the penal nature of the Convention, by establishing a duty to prosecute violations of the act, is contained in Articles

⁸ 2 MARTENS NOUVEAU RECUEIL 432, *reprinted in* 63 Parry’s T.S. 473 (1969).

⁹ 1 L.N.T.S. 83, *reprinted in* 17 MARTENS NOUVEAU RECUEIL (ser. 2) 168.

¹⁰ *Id.* at Arts. 1, 2, and 3.

¹¹ 9 L.N.T.S. 415, *reprinted in* 18 AM. J. INTL. L. 130 (Supp. 1924).

¹² *Id.* at Arts. 2 and 3.

¹³ *Id.* at Art. 4.

¹⁴ 60 L.N.T.S. 253, *reprinted in* 21 AM. J. INTL. L. 171 (Supp. 1927).

¹⁵ *Id.* at Art. 1.

2, 3, and 6.¹⁶ The duty to cooperate in prosecution, including judicial assistance and extradition, appears in Article 6.¹⁷ The signatory states to the Convention undertook to bring about the complete abolition of slavery in all of its forms.

The 1930 Forced Labor Convention¹⁸

This Convention was adopted by the General Conference of the International Labor Organization in Geneva on June 28, 1930, and entered into force on May 1, 1932. Explicit recognition that forced and compulsory labor constitutes a crime under international law is articulated in Article 21,¹⁹ which describes forced labor as a “penal offense.” While forced labor was seen as an evil that needed to be eradicated as soon as possible, a transition period was provided during which forced labor could be used as an exceptional measure for public purposes. Thus, forced labor was not a crime as long as the conditions set out in the Convention were followed.

The 1948 Universal Declaration of Human Rights (UDHR)²⁰

The UDHR was adopted by the United Nations (UN) on December 10, 1948. The Declaration speaks to the freedom of every person in Article 3, and specifically addresses the issue of slavery in Article 4.²¹

Worst Forms of Child Labor Convention (WFCLC)²²

The WFCLC concerns the prohibition and immediate action for the elimination of the worst forms of child labor. The main objective of the Convention is to prohibit and eliminate illicit activities and other work hazardous and harmful to the health, safety and morals of males and females under the age of 18. These activities include child slavery and prostitution, the use of children in illicit activities (e.g., drug trafficking) and hazardous labor. Environment related forms of hazardous labor include pesticide applicators and waste scavengers. The Convention is binding only upon those Members of the International Labor Organization whose ratifications have been registered. As of this writing, 165 nations have

¹⁶ *Id.* at Arts. 2, 3, and 6.

¹⁷ *Id.* at Art. 6.

¹⁸ 5 INTERNATIONAL LEGISLATION, 1909-1945 609 (M. Hudson ed., 1972).

¹⁹ *Id.* at Art. 21.

²⁰ HUMAN RIGHTS: A COMPILATION OF INTERNATIONAL INSTRUMENTS, U.N. Doc. ST/HR/1/Rev. 3, U.N. Sales No. E88.xIV.1. (1988).

²¹ *Id.* at Art. 4.

²² Worst Forms of Child Labor Convention, adopted on June 17, 1999., by the General Conference of the International Labor Organization at its eighty-seventh session, www.ohchr.org/english/law/pdf/childlabour.pdf (accessed Nov. 10, 2007).

ratified the Convention.²³ *Protocol to Prevent, Suppress and Prevent Trafficking in Persons (PPSPTP)*²⁴

Articles 1, 2, and 4 of the PPSPTP set out the relationship between the Protocol and its parent instrument, the UN Convention against Transnational Organized Crime, the basic purpose of the Protocol, and its scope of application.²⁵ The Protocol is not a stand-alone instrument, but rather must be read and applied with the parent Convention. Each country is required to become a party to the Convention in order to become party to the Protocol. Protocol offenses are deemed to be Convention offenses for the purposes of extradition and other forms of cooperation.

The basic purpose of the Protocol is to prevent and combat trafficking, to protect and assist victims, and to promote international cooperation. Victims and witnesses are also dealt with in the parent Convention, but the protection of, and assistance to, victims is specified as a core purpose of the Protocol in recognition of the acute needs of trafficking victims and the importance of victim assistance, both as an end in itself and as a means to support the investigation and prosecution of trafficking crimes.

The definition of “trafficking in persons” is found in Article 2 of the Protocol, the first time that the international community has developed and agreed to a definition. Essentially, trafficking consists of actions in which offenders gain control of victims by coercive or deceptive means or by exploiting relationships (e.g., those between parents and children) in which one party has relatively little power or influence and is therefore vulnerable to trafficking. Once initial control is gained, victims are moved to a place where there is a market for their services and where they often lack language skills and other basic knowledge that would enable them to seek help. Upon arrival at their destination, victims are forced to work in difficult, dangerous and usually unpleasant occupations, such as prostitution, the production of child pornography or general labor, in order to earn profits for the traffickers. Like other smuggled or trafficked commodities, victims are sometimes simply sold from one criminal group to another, but unlike other commodities, they can be made to work for long periods after arrival at their final destination, generating far greater profits for traffickers at all stages of the process.

²³ www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182 (accessed Nov. 10, 2007).

²⁴ Protocol to Prevent, Suppress and Prevent Trafficking in Persons, adopted by resolution A/RES/55/25 of Nov. 15, 2000, at the fifty-fifth session of the General Assembly of the United Nations., www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf (accessed Nov. 10, 2007).

²⁵ *Supra* note 11, at Arts. 1, 2, and 4.

Articles 9 through 13 require law enforcement agencies of signatory states to cooperate in the identification of offenders and trafficked persons, to share information about the methods of offenders, and to train investigators, law enforcement and victim support personnel.²⁶ Countries are also required to implement security and border controls to detect and prevent trafficking.²⁷ These measures include strengthening their own border controls, imposing requirements on commercial carriers to check passports and visas, setting standards for the technical quality of passports and other travel documents, protecting the production and issuance of travel documents from fraud and corruption, and ensuring the expeditious cooperation of security personnel in establishing the validity of their own documents on request.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (CRC)²⁸

Built on varied legal systems and cultural traditions, the OPCRC is a universally agreed set of non-negotiable standards and obligations. These basic standards set minimum entitlements and freedoms that should be respected by governments. They are founded on respect for the dignity and worth of each individual, regardless of race, color, gender, language, religion, opinions, origins, wealth, or birth status.

The CRC is the first legally binding international instrument to incorporate the full range of human rights – civil, cultural, economic, political and social rights. In 1989, the global community decided that children needed a convention that afforded them special protections. The Convention spells out the basic human rights possessed by children: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. By agreeing to undertake the obligations of the Convention, national governments have committed themselves to protecting and ensuring children’s rights and have agreed to hold themselves accountable for this commitment before the international community. States parties to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child.

²⁶ *Id.* at Art. 10.

²⁷ *Id.* at Arts. 11-13

²⁸ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of May 25, 2000, www.unhcr.ch/html/menu2/6/crc/treaties/opsc.htm (accessed Nov. 10, 2007).

Optional Protocol to the Convention on the Rights of the Child in Armed Conflict (CRCAC)²⁹

Worldwide, an estimated 300,000 children are engaged in armed conflicts. They are often forcibly recruited or abducted to join armies, some under the age of 10. Many witness or take part in acts of unbelievable violence, often against their own families or communities. In Article 38, the CRCAC urges governments to take all feasible measures to ensure that children under 15 have no direct part in hostilities. The Convention also set 15 years as the minimum age at which an individual can be voluntarily recruited into or enlist in the armed forces. The Protocol is an effort to strengthen implementation of the Convention and increase the protection of children during armed conflicts. The Protocol requires States who ratify it to “take all feasible measures” to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities. When ratifying the Protocol, States must make a declaration regarding the age at which national armed forces will permit voluntary recruitment, as well as the steps that States will take to ensure that such recruitment is never forced or coerced. Today, more than 100 countries have signed and ratified this Protocol.

Council of Europe Convention on Action against Trafficking in Human Beings (CECATHB)³⁰

The CECATHB was adopted by the Committee of Ministers on May 3, 2005, and is a comprehensive treaty focused on the protection of victims of trafficking and the safeguarding of their rights. It also aims at preventing trafficking as well as prosecuting traffickers. The Convention applies to all forms of trafficking (national and transnational), all victims (men, women, and children), and all forms of exploitation (e.g., sexual and forced labor). The Convention provides for the setting up of an independent monitoring mechanism guaranteeing parties’ compliance with its provisions.

²⁹ Optional Protocol to the Convention on the Rights of the Child in Armed Conflict, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of May 25, 2000, www.ohchr.org/english/law/crc-conflict.htm (accessed Nov. 10, 2007).

³⁰ Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report, http://www.coe.int/t/dg2/trafficking/campaign/Source/PDF_Conv_197_Trafficking_E.pdf (accessed Nov. 10, 2007).

APPENDIX B:

LIST OF TVPA PROSECUTED CASES FROM CASE REVIEW

298 TVPA CASES INCLUDED IN THE STUDY

US v. Abdel Youseff Ibrahim	US v. Asker Mammedov	US v. Eliu Carreto Fernandez
US v. Abdenasser Ennassime	US v. Augustino Rodriguez-Torres	US v. Elizabeth P. Castaneda
US v. Adaobi Stella Udeozor	US v. Aurelio Notrario Guzman	US v. Elnora Calimlim
US v. Adrian Calderon Notario	US v. Banks	US v. Eloy Carreto Reyes
US v. Adriana Paoletti-Remus	US v. Barbara Coleman-Blackwell	US v. Elvira Rosales Martinez
US v. Ae Soon Cho	US v. Brandy Shope	US v. Ena Susana Aguilar-Galindo
US v. Aesun Kim	US v. Brian Forbes	US v. Eugene Yi
US v. Ahdi M. Nashashibi	US v. Brooke Denman	US v. Evelyn Djoumessi
US v. Aimee Allen	US v. Byungki Koo	US v. Evgeny Prokopenko
US v. Akouavi Kpade Afolabi	US v. Carlos Rivera Lozano	US v. Evodio Gonzalez-Garcia
US v. Alejandro Mendez Ramos	US v. Cedric Lamar Jackson	US v. Francisco Duenas-Olveras
US v. Aleksander Maksimenko	US v. Chai Hock Ng	US v. Franciska Du Preez
US v. Alena Okhotina	US v. Chang Kun Kim	US v. Frank Coenen
US v. Alesander Bondarenko	US v. Chang Soo Youn	US v. Franklin Bryant
US v. Alex Algart	US v. Consuelo Carreto Valencia	US v. Fred Frazier
US v. Alex Babaev	US v. Daniel Perez Alonso	US v. Gary Gates
US v. Alex Mishulovich	US v. Dawn Young	US v. Geeho Chae
US v. Alex Tkabladze	US v. DeCory Williams	US v. George Chidebe Udeozor
US v. Alex Van Kovn	US v. Defino Jimenez-Calderon	US v. Gerardo Flores Carreto
US v. Alfredo Rustrian-Paoletti	US v. Delia Paoletti-Lemus Ruiz	US v. Gerardo Salazar
US v. Amal Motelib	US v. Delicia Suyapa Aguilar-Galindo	US v. Gideon Smith
US v. Ana Luz Rosales Martinez	US v. Demetrius Johnson	US v. Glenn Marcus
US v. Andreas Pfeiffer	US v. Dennis Kim	US v. Gordey Vinitzky
US v. Angel Moreno Salazar	US v. Dennis Paris	US v. Grace Coleman
US v. Angel Ruiz	US v. Derek Hounakey	US v. Greg Parsons
US v. Anna Gonikman Starchenko	US v. Deric Willoughby	US v. Greg Phillips
US v. Annapurna Lakireddy	US v. Dino Antonio Molina	US v. Grigoriy Chernov
US v. Anthony Gar Lau	US v. Do Hyup Bae	US v. Guadalupe Ventura
US v. Anthony Lau	US v. Domingo Gonzalez-Garcia	US v. Guillermo Romero-Flores
US v. Antonia Jimenez-Calderon	US v. Duay Jado	US v. Han Lee
US v. Antonio Dove	US v. Edith Mosquera	US v. Hang Joe Yoon
US v. Arlen Kaufman	US v. Elena Kravchenko	US v. Hanlert
US v. Armando Soto-Huato	US v. Elias Botello	US v. Harrison Norris

US v. Hector Soto	US v. Jimmie Lee Jones	US v. Juan Contreras-Rauda
US v. Herri Nasution	US v. Jimmy Gong Yan Lee	US v. Juan Ramos
US v. Hilario Rivera-Pauletti	US v. Jin Ah Kang	US v. Juan Reyes Rojas
US v. Hongthong	US v. Johannes Du Preez	US v. Jurani Felipe Pinto
US v. Humberto Saucedo Notario	US v. Jorge Ibanez	US v. Kathleen O'Dell
US v. Hyan Goo Kang	US v. Jose Angel Pineda- Cortez	US v. Kelvin Scott
US v. Hyang Kyung Chang	US v. Jose Arnaldo Isaula- Meza	US v. Kennard et al.
US v. Hye Cha Kim	US v. Jose Corona-Sota	US v. Kenneth Blackwell
US v. Hyeon J. Park	US v. Jose Dimas Magana	US v. Kerin Silva
US v. Hyon C. Yim	US v. Jose I. Garcia	US v. Keun Sung Lee
US v. In Seung Kim	US v. Jose J. Garcia	US v. Kevin Waton Nanji
US v. Ivan Gomez-Sanchez	US v. Jose Lozoya	US v. Kian Chai Ong
US v. Ivan Salazar	US v. Jose Luis Lopez	US v. Kil Soo Lee
US v. Jacinto White	US v. Jose Luis Moreno Salazar	US v. Kum Pae Yi
US v. Javier Cortes-Eliosa	US v. Jose Luis Villa-Zavala	US v. Kyongja Kang
US v. Javier Miguel Ramirez	US v. Jose Paoletti-Lemus	US v. Lakireddy Bali Reddy
US v. Javier Olvera- Hernandez	US v. Jose Paoletti-Moreda	US v. Lamar Gordon
US v. Jayaprakash Lakireddy	US v. Jose Reyes Royas	US v. Larissa Palomar
US v. Jefferson Calimlim	US v. Jose Tecum	US v. Lassissi Afolabi
US v. Jefferson Calimlim, Jr.	US v. Josef Boehm	US v. Lev Trakhtenberg
US v. Jeffrey Estep	US v. Joseph Djoumessi	US v. Librada Jimenez-Calderon
US v. Jennifer Huskey	US v. Josue Flores Carreto	US v. Linda Kaufman
US v. Jermaine Dion Washington	US v. Juan Antonio Limon	US v. Lorenza Reyes-Nunez
US v. Jerome Hargrove	US v. Juan Carlos Salazar	US v. Lorina Latysheva
US v. Jerry Svoronos	US v. Juan Carlos Soto	US v. Louisa Satia

US v. Lourdes Rosales Martinez	US v. Min Sung Kim	US v. Pipkins
US v. Lucilene Felipe Dos Santos	US v. Min Young Bang	US v. Prasad Lakireddy
US v. Lue'leni Maka	US v. Misuk Moore	US v. Rabiya Akhter
US v. Luis Jimenez-Calderon	US v. Mo Sook Yang	US v. Ramiro Ramos
US v. Luisa Medrano	US v. Mykhaylo I. Lyga	US v. Raul Alamis
US v. Mapup	US v. Myong Su Ahn	US v. Raul Reyes Rojas
US v. Marco Antonio Sanchez	US v. Myung Hee Kim	US v. Raymundo Calderon Notario
US v. Marcus Sewell	US v. Myung Jin Chang	US v. Renato Paoletti-Lemus
US v. maria de Jesus Valle-Maldonado	US v. Nadira Gasanova	US v. Robbie Williams
US v. Maria De Los Angeles Velasquez Reyes	US v. Nam Young Lee	US v. Robert Ati Malala
US v. Maria Fuentes	US v. Nancy Florida Rosaes Martinez	US v. Robert Lewis Young
US v. Maria Galindo-Carrasco	US v. Naovasaisri	US v. Rogelio Espinoza
US v. Maria Garcia	US v. Niki Papoutsaki	US v. Roman Valdma
US v. Maria Tecum	US v. Noe Quetzal Mendez Guzman	US v. Ronald Martinez
US v. Maricela Martinez-Uresti	US v. Norma Alcantara	US v. Rosa Maria Beltran-Sanchez
US v. Marie Pompee	US v. Nur Alamin	US v. Rosalba Ortiz
US v. Mariluz Zavala	US v. Octavio Lozoya	US v. Sadiman Tio
US v. Mariska Trisanti	US v. Oleksandr V. Latyshev	US v. Salazar-Juarez
US v. Martin Cortez-Gutierrez	US v. Olga Mondragon	US v. Salvador Fernando Molina Garcia
US v. Martizana Diaz Lopez	US v. Oscar Mondragon	US v. Samuel Mendez Romero
US v. Maurice Sims	US v. Oscar Romero-Gonzalez	US v. Sang H. Park
US v. Maximino Mondragon	US v. Pallas	US v. Santa Gonzalez
US v. Mi Young Sim	US v. Pedro Burgos	US v. Sardar Gasanov
US v. Michael Aronov	US v. Pedro Garcia Burgo	US v. Serge L. Mezheritsky
US v. Michael Wayne Thomas	US v. Pedro Santamaria	US v. Sergey Malchikov

US v. Sergio Farfan	US v. Valeriy Saver
US v. Serguie Tcharouchine	US v. Veniamin Gonikman
US v. Seyun Kim	US v. Victor Omar Lopez
US v. Shanaya Hicks	US v. Viktoriya I'lina
US v. Shunnee King	US v. Violeta Juanita De Hoyos-Hernandez
US v. Stanley Fur	US v. Virchenko
US v. Steven Flores	US v. Virginia Solia'i
US v. Sung Bum Chang	US v. Vivian Christina Chagas
US v. Sung Mo Kang	US v. Walter Alexander Corea
US v. Sung Yong Kim	US v. Warren Williams
US v. Suphawan Veerapol	US v. Willie Pompee
US v. Sylvia Munoz Rubio	US v. Won Gyu Lim
US v. Tamisha Heyward	US v. Won Seok Yoo
US v. Tantirojanakitkan	US v. Wu Sang Nah
US v. Tetyana M. Komisaruk	US v. Wun Kang
US v. Theodore Love, Jr.	US v. Yelena Aleksandrovna Telichenko
US v. Theresa Mubang	US v. Yevgeniy Frolov
US v. Tiffone Southwell	US v. Yon Suk Pang
US v. Timothy Bradley	US v. Young Joo Lee
US v. Tonya Ennassime	US v. Young Joon Yang
US v. Troy Sutherland	US v. Yuri Sarnoff
US v. Truong Du Nyugen	US v. Yushuvayev
US v. Valentina I. Drozd	US v. Zenia Zunilda Martinez
US v. Valentina Maksimenko	
US v. Valeriy Komisaruk	

APPENDIX C:
FEDERAL PROSECUTOR INTERVIEW AND CASE GRID

Prosecutor Interview Protocol

Date: _____ / _____ / 2007
Name of Participant: _____
City/State Location: _____
County Jurisdiction: _____
Telephone #: _____
Fax #: _____
Email address: _____

The National Institute of Justice (NIJ), the research arm of the Office of Justice Programs, has contracted with Caliber, an ICF International Company, and the American Prosecutors Research Institute to assess the effects of Trafficking in Persons (TIP) legislation from the perspective of the prosecution and to identify critical challenges and barriers to successfully prosecuting these cases. The information you provide will provide lessons learned and best practices for criminal justice policymakers and practitioners. Additionally, the study will provide recommendations for what is still needed by prosecutors to effectively TIP.

You have been selected to participate in this interview because of your experience with TIP cases. We understand that your answers to this interview reflect your opinions and experiences only and not those of your colleagues or office.

The interview should take about 30-45 minutes to complete. We understand your concern about the confidentiality of your responses. Your individual responses will not be shared with your agency or with NIJ. In addition, because the study is being conducted for NIJ, the data are protected by statute against any disclosure. This statute requires that, without exception, the confidentiality of identifiable information be maintained.

Your participation in this study is completely voluntary. The information that you report during this interview will be held in confidence by the research team. All information will only be reported in the aggregate to ensure confidentiality. If you have any questions about this study, please contact Dr. Heather Clawson (Principle Investigator) at 703-385-3200 or hclawson@icfi.com.

Thank you for your cooperation. Your input will provide valuable information to this study.

Respondent: Agreed to participate Declined to participate

NOTE: Please do not disclose the names of victims, perpetrators, or others when describing your case experiences.

Background and experience:

1. Please describe your current position:
 - 1a. Title:

 - 1b. In which section of the U.S. Attorney's Office are you currently assigned?

 - 1c. Roles/responsibilities:

2. How long have you been a Federal prosecutor? _____ Months _____ Years

3. What position did you hold prior to becoming a Federal prosecutor?
 - 1a. Title:

 - 1b. Roles/responsibilities:

 - 1c. Time in that position: _____ Months _____ Years

TVPA

NOTE: Ask Q8 and Q9 ONLY if the responses to Q4 and Q5 are 2-5. If the answers to Q4 or Q5 are 1, SKIP to Q10.

8. On a scale of 1-5, with 5 being very helpful, how helpful has the TVPA been in prosecuting TIP cases?

1
2
3
4
5
 Not Helpful At All Somewhat Helpful Very Helpful

8a. Please explain:

9. What are the strengths and weaknesses of the 2000 TVPA and the 2003 and 2005 TVPA reauthorizations? [**PROBE:** Focus on the three prongs of the TVPA: Prosecution, Prevention (value to victims), and Protection (law enforcement)].

	Strengths	Weaknesses
TVPA		
2003 Reauthorization		
2005 Reauthorization		

10. Does the state within which your office is physically located currently have anti-TIP legislation?

- a. No **[SKIP TO Q14]**
- b. Yes **[ASK Q11-13]**
- c. Pending **[ASK Q11-13]**

11. Has your state legislation helped with the prosecution of TIP cases?

- a. No **[SKIP TO Q12]**
- b. Yes **[ASK Q11a]**

11a. Please explain:

12. What are the strengths of your state's anti-TIP legislation?

13. What are the weaknesses of your state's anti-TIP legislation?

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Lessons Learned and Best Practices for the U.S. and Abroad
May 2007*

<p>SELF ADMINISTERED: For each of the TVPA-specific cases that have been prosecuted in your jurisdiction, please complete this grid.</p> <p>First, please identify each of the cases by name.</p> <p>[NOTE: 0=No; 1=Yes]</p>	US v. _____	US v. _____	US v. _____
26. If available, what is the <u>official citation</u> for this case?			
27. Did this case involve: <ul style="list-style-type: none"> a. Sex trafficking? b. Non-sex-related labor trafficking? c. Male victims? d. Female victims? e. Adult victims? f. Minor (<18) victims? g. US citizen defendants? h. Foreign citizens (alien) defendants? 	0 1 0 1 0 1 0 1 0 1 0 1 0 1 0 1	0 1 0 1 0 1 0 1 0 1 0 1 0 1 0 1	0 1 0 1 0 1 0 1 0 1 0 1 0 1 0 1
28. How many defendants were prosecuted in this case? <ul style="list-style-type: none"> a. US citizen defendants? b. Foreign citizen (alien) defendants? 	_____ _____	_____ _____	_____ _____
29. Did this case result in <u>the conviction of at least one defendant</u> ? <p>NOTE: If your answer to Q29 is No, SKIP to Q38. If the answer to Q29 is Yes, complete Q30.</p>	0 1	0 1	0 1

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Lessons Learned and Best Practices for the U.S. and Abroad
May 2007*

30. How many defendants were <u>convicted</u> in this case?	____ _	____ _	____ _
31. Of these convictions, how many resulted from: a. jury trials? b. plea-bargained guilty pleas? c. straight (non-plea-bargained) guilty pleas? CHECK: Q30= Q31a + Q31b + Q31c	____ _ ____ _ ____ _	____ _ ____ _ ____ _	____ _ ____ _ ____ _
32. Did the victim(s) testify at: a. grand jury hearing? b. deposition? c. trial?	0 1 0 1 0 1	0 1 0 1 0 1	0 1 0 1 0 1
33. Was any restitution ordered paid in this case? NOTE: If the answer to Q33 is No, SKIP to Q35. If the answer to Q33 is Yes, complete Q34.	0 1	0 1	0 1
34. What was the total amount of restitution awarded?	\$ _____	\$ _____	\$ _____

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Lessons Learned and Best Practices for the U.S. and Abroad
May 2007*

<p>35. Did you seek to forfeit any assets and/or property in this case?</p> <p>NOTE: If the answer to Q35 is No, SKIP to Q38. If the answer to Q35 is Yes, complete Q36.</p>	0 1	0 1	0 1
<p>36. Did you forfeit any assets and/or property in this case?</p> <p>NOTE: If the answer to Q36 is No, SKIP to Q38. If the answer to Q36 is Yes, complete Q37.</p>	0 1	0 1	0 1
<p>37. What was the total value of the assets and/or property forfeited?</p>	\$ _____	\$ _____	\$ _____
<p>38. Did this case result in the <u>acquittal</u> of any defendants?</p> <p>NOTE: If the answer to Q38 is No, SKIP to Q40. If the answer to Q38 is Yes, complete Q39.</p>	0 1	0 1	0 1
<p>39. How many defendants were <u>acquitted</u> in this case?</p>	____ _	____ _	____ _
<p>40. Were any of the convictions appealed?</p> <p>NOTE: If the answer to Q40 is Yes, complete Q41. If the answer to Q40 is No, SKIP to Q44.</p>	0 1	0 1	0 1

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Lessons Learned and Best Practices for the U.S. and Abroad
May 2007*

41. What was/were the issue(s) on appeal?			
42. Have any convictions been overturned?	0 1	0 1	0 1
43. Is the case still under appeal?	0 1	0 1	0 1
44. What was the duration of this case from investigation to final disposition(s)?	____ Years ____ Months	____ Years ____ Months	____ Years ____ Months
45. Did the prosecution of this case involve <u>collaboration with other local, state, or federal authorities</u> ? NOTE: If the answer to Q45 is Yes, complete Q46. If the answer to Q45 is No, SKIP to Q49.	0 1	0 1	0 1
46. What other authorities were involved in this case?			
47. Why were the other authorities involved in this case? What expertise did they provide?			

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Lessons Learned and Best Practices for the U.S. and Abroad
May 2007*

<p>48. Overall, how would you assess your relationship with the:</p> <p style="padding-left: 40px;">a. local law enforcement authorities?</p> <p style="padding-left: 40px;">b. state law enforcement authorities?</p> <p style="padding-left: 40px;">c. Federal law enforcement authorities?</p>	<p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p> <p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p> <p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p>	<p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p> <p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p> <p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p>	<p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p> <p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p> <p>1 Excellent 2 Very good 3 Good 4 Fair 5 Poor</p>
<p>49. Did any <u>non-governmental organizations (NGOs)</u> help with this case?</p> <p>NOTE: If the answer to Q49 is Yes, complete Q50. If the answer to Q49 is No, SKIP to Q53.</p>	<p style="text-align: center;">0 1</p>	<p style="text-align: center;">0 1</p>	<p style="text-align: center;">0 1</p>

*Prosecuting TIP Cases:
Lessons Learned and Best Practices for the U.S. and Abroad
May 2007*

50. What NGOs helped with this case?			
51. Why were the NGOs involved in this case? What expertise did they provide?			
52. Overall, how would you assess your relationship with the NGOs in this case?	1 Excellent Very good 2 Good Fair 3 Poor 4 5	1 Excellent Very good 2 Good Fair 3 Poor 4 5	1 Excellent Very good 2 Good Fair 3 Poor 4 5
53. Did any victim-witness coordinators help with this case? NOTE: If the answer to Q53 is Yes, complete Q54. If the answer to Q53 is No, SKIP to Q55.	0 1	0 1	0 1
54. What benefits did the victim-witness coordinators provide?			

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May 2007*

READ AS WRITTEN: Now I am going to ask you several general questions about prosecuting TIP cases.

55. What are the primary ways that TVPA cases differ from other cases that you have prosecuted?
56. What factors contribute to a successful TVPA case? [**PROBE: What makes a winnable case? (For ex., victim testimony, police raids, etc.)**].
57. Can a TVPA case be successful without the victim testifying?
- a. Always
 - b. Sometimes
 - c. Rarely
 - d. Never
58. In approximately what percentage of TVPA cases are the charges dropped? ____ %
59. Why might the TVPA charges be dropped?
60. Have defense attorneys used the fact that victims are receiving social services (e.g., getting T-Visas) as a way to discredit them?
- a. No [**SKIP TO Q59**]
 - b. Yes [**ASK Q58**]
61. How does this impact victim services? [**PROBE: Is the certification for services (e.g., T-Visa applications) delayed until after trial?**]

Challenges/Barriers

62. What are the challenges/barriers to prosecuting TVPA cases?

63. What is the most frustrating part of prosecuting TVPA cases?

Recommendations

64. What additional resources or information would help you prosecute TVPA cases?

65. What is the most important thing you have learned prosecuting TVPA cases?

66. If you could share one thing with other prosecutors about litigating TVPA cases, what would it be?

END: Thank you for your participation in our study! Your input will provide valuable information that will assist in the fight against TIP.

APPENDIX D:
STATE/LOCAL PROSECUTOR SURVEY (ORIGINAL)

State and Local Prosecution of Human Trafficking

1. Introduction

The National Institute of Justice (NIJ), the research arm of the Office of Justice Programs, has contracted with Caliber, an ICF International Company, and the National District Attorneys Association/American Prosecutors Research Institute, to assess the effects of Trafficking in Persons (TIP) legislation from the perspective of the prosecution and to identify critical challenges and barriers to successfully prosecuting these cases. The information you provide will contribute to lessons learned and best practices for criminal justice policymakers and practitioners. Additionally, the study will provide recommendations for what is still needed to effectively prosecute TIP cases.

The survey should take less than 30 minutes to complete. We understand that your answers to the survey reflect your opinions and experiences only. With the exception of research staff, no one will have access to your individual responses. In addition, because the study is being conducted for NIJ, the data are protected by statute against any disclosure. This statute requires that, without exception, the confidentiality of identifiable information be maintained.

Your participation in this study is completely voluntary. The information that you report on the survey will be held in confidence by the research team. All information will only be reported in the aggregate to ensure confidentiality.

If you have any questions or concerns about this survey, feel free to contact NDAA research staff at 703-549-4253 or research@ndaa.org. We greatly appreciate your support and ask that you complete the survey by Friday, January 11th, 2008. Thank you for your cooperation.

1. I have read the above information and:

I agree to participate

I decline to participate

2. Please help us log response rates for this survey by providing the following information:

(for internal purposes only--identifying information will not be released)

Name of Jurisdiction:

Name of Chief Prosecutor:

State:

State and Local Prosecution of Human Trafficking

2. Background information

DEPENDING ON THE RESPONSES YOU PROVIDE TO CERTAIN QUESTIONS, YOU MAY NOT NEED TO RESPOND TO ALL SECTIONS OF THIS SURVEY. YOU WILL BE AUTOMATICALLY DIRECTED TO THE CORRECT QUESTIONS UPON CLICKING THE "NEXT" BUTTON AT THE BOTTOM OF EACH PAGE. YOU MAY GO BACK AND CHECK YOUR ANSWERS TO EARLIER SECTIONS BY CLICKING THE "PREVIOUS" BUTTON AT THE BOTTOM OF THE PAGE.

AT TIMES, HIGH WEB TRAFFIC MAY CAUSE PAGES TO LOAD SLOWER THAN NORMAL. IF YOU EXPERIENCE SIGNIFICANT DIFFICULTIES, WE ASK THAT YOU TRY AGAIN AT A LATER TIME OR [CONTACT US](#) FOR ASSISTANCE. YOUR PARTICIPATION IS EXTREMELY VALUABLE TO US!

3. Please provide the following background information:

Name of respondent (if other than chief prosecutor):

Title of respondent (if other than chief prosecutor):

4. What is the population of the jurisdiction served by your office?

5. How many full-time staff does your office employ in each category?

(Round to nearest whole number)

Prosecutors

Investigators

Victim/Witness Staff

Other Support Staff

Total Number of Staff

6. We would like to gather information from as many prosecutors as possible. If you have a colleague(s) with experience prosecuting TIP cases who may be willing to complete this survey, please provide their contact information below:

(any information you provide will be used solely for the purposes of this study and will not be reported or released)

7. If needed, may we contact you or a member of your staff to follow up on your knowledge and experiences with TIP cases?

Yes

No

If yes, please provide the name of staff member (or indicate, "Self") and contact number:

State and Local Prosecution of Human Trafficking

3. Familiarity with TIP

FOR THE PURPOSES OF THIS STUDY, HUMAN TRAFFICKING/TIP IS DEFINED AS:

ALL ACTS INVOLVED IN THE TRANSPORT, HARBORING, OR SALE OF PERSONS WITHIN NATIONAL OR ACROSS INTERNATIONAL BORDERS THROUGH COERCION, FORCE, KIDNAPPING, DECEPTION, OR FRAUD, FOR PURPOSES OF PLACING PERSONS IN SITUATIONS OF FORCED LABOR OR SERVICES, SUCH AS FORCED PROSTITUTION, DOMESTIC SERVITUDE, DEBT BONDAGE, OR OTHER SLAVERY-LIKE PRACTICES. (SEE GENERALLY, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000, 22. U.S.C. §7101(B))

(PRESS CTRL+P IF YOU WISH TO PRINT THIS DEFINITION FOR FUTURE REFERENCE.)

8. How knowledgeable do you consider yourself to be about TIP issues in general?

- Not knowledgeable
- A little knowledgeable
- Average
- More knowledgeable than most
- Very knowledgeable

9. How familiar are you with the 2000 Victims of Trafficking and Violence Protection Act (TVPA) and its 2003 and 2005 reauthorizations?

- Not familiar
- A little familiar
- Average
- More familiar than most
- Very familiar

10. How has the number of TIP cases brought to your attention by local law enforcement changed since the enactment of the TVPA ?

- Decreased significantly
- Decreased slightly
- No change
- Increased slightly
- Increased significantly
- Unsure
- N/A

11. How serious would you rate the TIP problem in your jurisdiction?

- Not a problem at all
- Little problem
- Average
- Serious problem
- Very serious problem

State and Local Prosecution of Human Trafficking

12. Has your state enacted any new anti-trafficking statutes or modified existing legislation to aid in the prevention and prosecution of trafficking in persons?

New statutes

None

Modified legislation

Unsure

Both new statutes and modified legislation

If yes, please cite the new/modified anti-trafficking statute(s) and the year passed.

If possible, please fax (703-836-3195) or [email](#) a copy of the statute(s).

State and Local Prosecution of Human Trafficking

4. New legislation

13. How has the number of TIP cases brought to your attention by local law enforcement changed since the enactment of your state's new/modified legislation?

Decreased significantly

Decreased slightly

No change

Increased slightly

Increased significantly

Unsure

N/A

14. Have you prosecuted any TIP cases under new/modified anti-trafficking legislation?

Yes

Unsure

No

N/A

If yes, how many?

(please indicate whether cases are counted by charge or by defendant)

State and Local Prosecution of Human Trafficking

5. Prosecution under new legislation

15. How many of the TIP cases that you have prosecuted resulted in:

Convictions

Acquittals

Other

16. Of cases resulting in convictions, how many resulted from:

Jury trials

Bench trials

Plea-bargained guilty pleas

Non-plea-bargained guilty pleas

17. Have you prosecuted TIP cases involving:

	Yes	No	Unsure	N/A
Sex trafficking	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Non-sex-related labor trafficking	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Multiple defendants	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Multiple victims	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
U.S. citizen victims	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Foreign-born U.S. resident victims	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Non-U.S. citizen victims	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
U.S. citizen defendants	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Foreign-born U.S. resident defendants	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Non-U.S. citizen defendants	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

State and Local Prosecution of Human Trafficking

6. Details of anti-TIP legislation

18. To the best of your knowledge, does your state's new/modified legislation generally:

	Yes	No	Unsure	N/A
Give local prosecutors jurisdiction to prosecute TIP at the local/state level?	jn	jn	jn	jn
Establish TIP as a felony offense?	jn	jn	jn	jn
Criminalize benefiting financially from TIP?	jn	jn	jn	jn
Increase the severity of the crime when it includes factors such as causing or threatening physical harm, or using intimidation?	jn	jn	jn	jn
Have special provisions for trafficking of minors?	jn	jn	jn	jn
Include the use of fraud or coercion?	jn	jn	jn	jn
Include the use of isolation?	jn	jn	jn	jn
Include the destruction, concealing, removing, confiscating or withholding of identification documents?	jn	jn	jn	jn
Include other methods of enticement or recruitment under the definition of forced labor or services?	jn	jn	jn	jn
Give non-citizen victims access to state funded social services?	jn	jn	jn	jn
Provide protection for victims of TIP?	jn	jn	jn	jn
Include a provision for asset forfeiture?	jn	jn	jn	jn
Allow court-ordered restitution to trafficking victims?	jn	jn	jn	jn
Allow victims to take civil action against traffickers?	jn	jn	jn	jn
Include TIP as a racketeering activity?	jn	jn	jn	jn
Authorize funding for anti-trafficking training and/or task forces?	jn	jn	jn	jn
Contain other special provisions not mentioned above?	jn	jn	jn	jn

Please describe any important aspects of the legislation not mentioned above:

19. In your opinion, does your state's anti-TIP legislation adequately address the needs of:

	Yes	Somewhat	No	Unsure	N/A
Local prosecutors?	jn	jn	jn	jn	jn
Victims?	jn	jn	jn	jn	jn
Law enforcement?	jn	jn	jn	jn	jn

20. What are the strengths of your state's anti-TIP legislation?

21. What are the weaknesses of your state's anti-TIP legislation?

State and Local Prosecution of Human Trafficking

22. Has your state's anti-TIP legislation impacted your ability to successfully prosecute TIP cases?

Yes

Somewhat

No

No opportunity to use statutes/too soon to tell

N/A

Please explain:

State and Local Prosecution of Human Trafficking

7. Miscellaneous

23. Did you prosecute any TIP cases prior to the passage of the new/modified legislation (or, if no new/modified legislation, have you prosecuted cases that could be considered trafficking in persons based on the definition used in this study)?

Yes

Unsure

No

N/A

If yes, using which types of offenses? (Please list or describe)

24. What is the process your office follows upon receiving a TIP case? (Select all that apply)

Investigate and prosecute locally

Refer to FBI and/or USAO for

No cases received

Investigate locally and refer to USAO for prosecution

investigation and prosecution

Unsure

Present the case to a TIP task force

Other (please specify)

25. In your opinion, which if any of the following present significant challenges or barriers to effectively prosecuting TIP cases? (Select all that apply)

Prosecutors' knowledge/understanding of TIP

Cooperation with other federal agencies

Federal law enforcement knowledge/understanding of TIP

Cooperation with state/local law enforcement

Other federal agencies' knowledge/understanding of TIP

Cooperation with other state/local agencies

State/local law enforcement knowledge/understanding of TIP

Assistance from social service/other non-governmental organizations

Other state/local agencies' knowledge/understanding of TIP

Cooperation from victims/witnesses

Lack of adequate statutes

Lack of services for victims/witnesses

Lack of adequate resources

None

Cooperation with federal law enforcement

N/A

Other (please specify)

State and Local Prosecution of Human Trafficking

8. Collaboration with other entities

26. Is your office a member of an anti-trafficking task force?

Yes

Unsure

No

N/A

If yes, please describe

27. Which of the following entities, if any, do you (or would you typically) collaborate with on the prosecution of TIP cases? (Select all that apply)

Federal law enforcement agencies

Local law enforcement agencies in your

Public service organizations (e.g.,

State law enforcement agencies in your jurisdiction

Departments of Labor, Health and Human Services, other local government entities)

State law enforcement agencies

Local law enforcement agencies

International NGOs (Human Rights

State law enforcement agencies outside your jurisdiction

Local law enforcement agencies

Watch, OXFAM, etc.)

Local non-profit organizations (e.g., homeless shelters, churches, ethnic/immigrant groups, women's organizations, etc.)

Other (please specify)

28. Of the agencies with whom you do/would NOT currently collaborate, which, if any, do you believe would greatly enhance prosecution of TIP cases? (Select all that apply)

Federal law enforcement agencies

Local law enforcement agencies outside your jurisdiction

State law enforcement agencies in your jurisdiction

Local non-profit organizations (e.g., homeless shelters, churches, ethnic/immigrant groups, women's organizations, etc.)

State law enforcement agencies outside your jurisdiction

Public service organizations (e.g., Departments of Labor, Health and Human Services, other local government entities)

Local law enforcement agencies in your jurisdiction

International NGOs (Human Rights Watch, OXFAM, etc.)

Other (please specify)

State and Local Prosecution of Human Trafficking

9. Victim/witness services

29. Are any of the following types of support or assistance available for victims/witnesses of TIP cases in your jurisdiction? (Select all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Counseling | <input type="checkbox"/> Referrals to health/social service providers | <input type="checkbox"/> Amnesty |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Housing | <input type="checkbox"/> All rights and protections provided under TVPA |
| <input type="checkbox"/> Preparation for trial | <input type="checkbox"/> Financial assistance | <input type="checkbox"/> None |
| <input type="checkbox"/> Translation/interpretation services | <input type="checkbox"/> Witness protection | <input type="checkbox"/> Unsure |
| <input type="checkbox"/> Child care | <input type="checkbox"/> Relocation assistance | |

Other (please specify)

30. Which of the following services NOT currently available to victims/witnesses of TIP cases do you feel would most greatly enhance prosecution of TIP cases? (Select all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Counseling | <input type="checkbox"/> Referrals to health/social service providers | <input type="checkbox"/> Amnesty |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Housing | <input type="checkbox"/> All rights and protections provided under TVPA |
| <input type="checkbox"/> Preparation for trial | <input type="checkbox"/> Financial assistance | <input type="checkbox"/> None |
| <input type="checkbox"/> Translation/interpretation services | <input type="checkbox"/> Witness protection | |
| <input type="checkbox"/> Child care | <input type="checkbox"/> Relocation assistance | |

Other (please specify)

State and Local Prosecution of Human Trafficking

10. Training

31. Have you received training on prosecuting TIP cases?

Yes

No

N/A

32. If yes, how useful was the training?

Not useful

Slightly useful

Neutral

Useful

Very useful

Please describe the training (e.g., skills enhanced, knowledge gained, sponsoring organization, etc.)

33. In which of the following areas, if any, do you feel *prosecutors* in your state need training in order to successfully prosecute TIP cases? (Select all that apply)

Awareness of TIP activity

Knowledge of anti-TIP legislation

Working with victims/witnesses of TIP

Identification of TIP cases

Evidence gathering

Ensuring victim/witness cooperation with prosecution

Other (please specify)

34. In which of the following areas, if any, do you feel *law enforcement officers* in your state need training in order to aid successful prosecution of TIP cases? (Select all that apply)

Awareness of TIP activity

Knowledge of anti-TIP legislation

Working with victims/witnesses of TIP

Identification of TIP cases

Evidence gathering

Ensuring victim/witness cooperation with prosecution

Other (please specify)

35. In which of the following areas, if any, do you feel *victim/witness service providers* in your state need training in order to aid successful prosecution of TIP cases? (Select all that apply)

Awareness of TIP activity

Evidence gathering

Encouragement to report potential TIP to authorities

Identification of TIP cases

Working with victims/witnesses of TIP

Ability to provide state-sponsored services for victims/witnesses

Knowledge of anti-TIP legislation

Ensuring victim/witness cooperation with prosecution

Assistance from federal agencies in providing services for victims (immigration status, trafficking certification, etc.)

Other (please specify)

State and Local Prosecution of Human Trafficking

11. Finish

You have reached the end of the survey.
If you have any additional comments, questions, or concerns,
please contact the Office of Research and Evaluation at NDAA
at 703-549-4253 or research@ndaa.org.

Thank you for your participation!

APPENDIX E:
STATE/LOCAL PROSECUTOR SURVEY (STREAMLINED)

For the purposes of this survey, HUMAN TRAFFICKING (also referred to as TRAFFICKING IN PERSONS or TIP) is defined as:

All acts involved in the transport, harboring, or sale of persons within national or across international borders through coercion, force, kidnapping, deception, or fraud, for purposes of placing persons in situations of forced labor or services, such as forced prostitution, domestic servitude, debt bondage, or other slavery-like practices.

1. How serious would you rate the human trafficking problem in your jurisdiction?

- Not a problem
- Moderate problem
- Serious problem

2. Has your office prosecuted any human trafficking cases?

- Yes
- No because we refer all human trafficking cases to the U.S. Attorney's Office
- No

If YES, how many? If REFER to U.S. Attorney, how many have you referred?

3. Are you familiar with the Trafficking Victims Protection Act (TVPA) of 2000?

- Yes
- No

4. Has the number of human trafficking cases prosecuted in your jurisdiction increased since the enactment of TVPA in 2000?

- Yes
- No
- Unsure

5. Regarding state human trafficking legislation, please select the statement that reflects your jurisdiction.

- A. My state has human trafficking legislation, AND we use it to prosecute human trafficking cases.
- B. My state has human trafficking legislation, BUT we do not use it to prosecute human trafficking cases.
- C. My state has human trafficking legislation; I am UNSURE whether we use it to prosecute human trafficking cases.
- D. My state DOES NOT have human trafficking legislation.
- E. I am UNSURE as to whether my state has human trafficking legislation.

If you selected A, HOW are you using it? If you selected B, why are you NOT using it?

6. Is your office a member of an anti-human trafficking task force?

Yes

No

Unsure

7. With which of the following entities, if any, do you collaborate when investigating and prosecuting human trafficking cases?

(Select all that apply.)

Federal law enforcement agencies

State law enforcement agencies

Local law enforcement agencies

Federal, state, and local governments entities (e.g., Department of Labor)

Local non-profit organizations (e.g., homeless shelters, churches, ethnic or immigrant groups, women's organizations)

International NGOs (e.g., Human Rights Watch)

Other (Please specify.)

8. Please describe challenges and barriers that you have encountered in prosecuting human trafficking cases.

9. Please describe your best practices for successfully prosecuting human trafficking cases.

10. Do you think that there is a need for training in prosecution of human trafficking cases in your jurisdiction?

Yes

No

Unsure

APPENDIX F:
STATE/LOCAL PROSECUTOR INTERVIEW PROTOCOL

Appendix C: Interview Protocol

1. For participants who have already completed on-line survey: Go to #3

2. For participants who have not completed on-line survey:
 - a. Background information for comparative purposes –
 - i. Jurisdiction (federal, state, local, international)
 - ii. Name of Chief Prosecutor (if state)
 - iii. State or district
 - iv. Name, title, phone, e-mail
 - v. Population served by your office
 - vi. How many full time staff does your office employ?
 1. Prosecutors?
 2. Investigators?
 3. Victim and witness staff?
 4. Other support staff?
 5. Total office?
 - vii. Do you have a TIP problem in your jurisdiction?

If yes, continue. If no, skip to viii.

 1. How serious do you rate the TIP problem in your jurisdiction? (Descriptive words will be provided.)
 2. Have you prosecuted any TIP cases under TIP legislation or otherwise? If yes, continue. If the answer is “We do not handle those, the US Attorney does,” will ask who that is and how to contact them.
 3. Elaborate
 4. Do you have designated TIP statutes? If yes, continue. If no, skip to 5.
 5. What statutory framework applies in your jurisdiction (available to you)?
 - viii. Have you prosecuted TIP cases involving:
 1. Sex trafficking
 2. Non sex related labor trafficking
 3. Multiple defendants
 4. Multiple victims

5. US citizen victims
6. Minors
7. Non US citizen victims
8. US citizen defendants
9. Foreign-born US resident defendants
10. Non-US citizen defendants
- ix. Strengths of available legislation?
- x. Weaknesses of available legislation?
- xi. Does it address victim needs? If not, what else could be addressed?
- xii. What challenges or barriers exist to effective prosecution of these cases? Consider some of the following ...
- xiii. Is your office a member of an anti-trafficking task force?
- xiv. Is that helpful? Why or why not?
- xv. With whom do you or would you collaborate on these cases?
- xvi. What collaborations might benefit TIP prosecutions?
Follow up questions will be asked depending upon response.
- xvii. What victim assistance is available?
 1. Counseling
 2. Transportation
 3. Trial preparation
 4. Translation and interpretation services
 5. Child care
 6. Referrals to health and social service providers
 7. Housing
 8. Financial assistance
 9. Witness protection
 10. Relocation assistant
 11. Amnesty (for?)
 12. All rights and protections provided under TVPA
 13. Other
- xviii. What victim assistance would enhance TIP prosecutions?
 1. See above list
- xix. What training have you received on TIP prosecutions?

- xx. How useful was it?
- xxi. What training is needed by prosecutors?
 - 1. Awareness of TIP activity in your jurisdiction
 - 2. Identification of TIP cases
 - 3. Knowledge of anti-TIP legislation
 - 4. Evidence gathering for these cases
 - 5. Working with victims and witnesses of TIP
 - 6. Ensuring victim and witness cooperation with prosecution
- xxii. What training is needed by law enforcement (and which law enforcement entities need this training – federal, state, etc.)?
 - 1. Awareness of TIP activity in your jurisdiction
 - 2. Identification of TIP cases
 - 3. Knowledge of anti-TIP legislation
 - 4. Evidence gathering for these cases
 - 5. Working with victims and witnesses of TIP
 - 6. Ensuring victim and witness cooperation with prosecution
- xxiii. What training is needed by victim witness service providers?
 - 1. Awareness of TIP activity in your jurisdiction
 - 2. Identification of TIP cases
 - 3. Knowledge of anti-TIP legislation
 - 4. Evidence gathering for these cases
 - 5. Working with victims and witnesses of TIP
 - 6. Ensuring victim and witness cooperation with prosecution
 - 7. Help reporting potential TIP to authorities
 - 8. Ability to provide government sponsored services for victims and witnesses
 - 9. Assistance from federal or state agencies in providing services for victims (immigration status, trafficking certification, etc.)

3. Follow up on their survey responses, focusing especially on the following:

- a. What was charged and why?
- b. **If had TIP and did not use why?>what charged? What needs to change in legislation?**
- c. If not TIP, why were other statutory frameworks more effective?
- d. Trial details Outlining problems and successes

- e. Law enforcement issues, if any
- f. Victim issues:
 - i. Immigration consequences?
 - ii. Language and interpretation issues?
 - iii. Witness protection needs?
 - iv. Cultural coercion?
 - v. Religious, family pressure, other pressure on victims?
 - vi. Other Provide details
- g. If cases pled down, why?
- h. Any other comments or issues raised by survey respondents.

Colleague recommendation with experience in TIP?