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**Document Title: Understanding and Improving Law
Enforcement Responses to Human
Trafficking: Executive Summary**

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Document No.: 225202

Date Received: December 2008

Award Number: 2005-IJ-CX-0045

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INSTITUTE ON RACE AND JUSTICE



UNDERSTANDING AND IMPROVING LAW ENFORCEMENT RESPONSES TO **HUMAN TRAFFICKING**

EXECUTIVE SUMMARY

JUNE, 2008

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This document was prepared by The Institute on Race and Justice at Northeastern University, under grant number 2005-IJ-CX-0045 for the National Institute of Justice. The findings and recommendations presented in this report are those of the authors and do not represent the official positions or policies of the U.S. Department of Justice or National Institute of Justice.

UNDERSTANDING AND IMPROVING LAW ENFORCEMENT RESPONSES TO HUMAN TRAFFICKING

EXECUTIVE SUMMARY

The federal government has prioritized human trafficking prosecutions and expects local law enforcement to become the “eyes and ears for recognizing, uncovering and responding to circumstances that may appear to be a routine street crime, but may ultimately turn out to be a human trafficking case”
- U.S. Department of Justice, 2004 *Anti-Trafficking News Bulletin*

Introduction

Victims of human trafficking are deprived of the most basic human right: the right to freedom. Trafficking victims are often forced into cruel and dehumanizing working conditions and are helpless to leave their exploitative situation or seek help. It is a crime that affects people from all around the world, including here in the United States. Law enforcement, particularly local law enforcement, is often in the best position to identify victims, who may be hidden within the communities they serve and difficult to uncover due to the subversive and underground nature of this crime. As a result, the federal government has prioritized human trafficking prosecutions and expects local law enforcement to become the “eyes and ears for recognizing, uncovering and responding to circumstances that may appear to be a routine street crime, but may ultimately turn out to be a human trafficking case” (U.S. Department of Justice, 2004: 5)

Though recognition of the importance and severity of human trafficking has grown in recent years, the identification and investigation of human trafficking cases remains a complex undertaking for local law enforcement. Effectively responding to human trafficking requires officers to notice and identify victims who often have been hidden from or had poor relationships with law enforcement in the past (e.g., women in prostitution, migrants, immigrant community member, and poor women). Sometimes officers may be reluctant to intervene in sex and labor trafficking situations due to a belief that victims were complicit with their own victimization. Local law enforcement response is further complicated by immigration issues since many local agencies have made a decision to not inquire about citizen status during routine policing activities as a means of building trust and confidence in the local community. Additionally, the crime of human trafficking may take backseat to other institutional priorities such as violence and drugs. Finally, officers must look at old problems or traditional crime categories such as prostitution through a different lens and therefore reclassify “offenders” such as prostitutes as victims. Since the enforcement of the law in the United States is predominately carried out by the thousands of local, county and state agencies representing diverse environments and local crime problems and coming from a variety of different organizational structures, fully understanding how law enforcement perceives and responds to the problem of human trafficking in the United States necessitates inquiry into the specific experiences of these agencies. The majority of research on law enforcement responses to human trafficking to date

has focused on the experiences of a narrow number of large municipal police departments who were perceived to be most likely to come into contact with incidents of human trafficking. While this research has provided an important starting point for understanding the challenges law enforcement agencies encounter in the identification and investigation of human trafficking, it represents only the experiences of a limited number of large agencies. On the other hand, the research presented here documents in a systematic fashion, the present response of local, state and county law enforcement to human trafficking in the U.S. It provides the first description of the steps taken by local law enforcement to identify human trafficking. Additionally, it will shed light on the impact of law enforcement efforts by measuring how often identification of trafficking victims leads to their rescue and the prosecution of trafficking perpetrators. Ultimately, this research will prove instrumental in providing local law enforcement in the U.S. with the necessary tools to successfully identify, investigate and aid in the prosecution of cases of human trafficking.

The project addresses four main areas: 1) the perceptions of trafficking held by law enforcement and the preparation agencies have taken to address the problem; 2) the frequency in which law enforcement identifies and investigates cases of human trafficking and 3) the characteristics of those cases investigated by law enforcement and 4) the investigation and prosecution of human trafficking cases.

Law Enforcement Preparation and Identification of Human Trafficking: National Survey Results, Part I.

The National Law Enforcement Human Trafficking Survey (the national survey) was distributed to a national random sample of approximately 3,000 state, county and municipal law enforcement agencies in the U.S. to measure the current perceptions of local law enforcement about human trafficking and measure the frequency in which they investigate such cases. Since law enforcement agencies serving larger populations may encounter human trafficking more frequently than agencies in smaller communities, the original random sample was supplemented with all remaining agencies (not included in the random sample) serving populations over 75,000 and all law enforcement agencies working in partnership with existing federally

Noteworthy Findings from the National Survey

- Local law enforcement perceive human trafficking as rare or non-existent in their local communities; however, agencies serving larger communities are more likely to identify human trafficking, particularly sex trafficking as a more pervasive problem
- **All types of law enforcement agencies, including those serving the smallest jurisdictions, have investigated at least one case of human trafficking.**
- Over half of the law enforcement agencies serving large jurisdictions (over 250,000 population) have investigated trafficking cases
- When controlling for size and location of communities, **the degree to which law enforcement is prepared to identify human trafficking cases** is a significant indicator of whether or not they actually investigate cases
- Nearly **92 percent** of law enforcement agencies reported a connection between human trafficking and other criminal networks such as drug trafficking and prostitution
- Agencies that have identified cases of human trafficking report pro-active investigative strategies (such as gathering information on human trafficking during the course of other investigations).

funded Bureau of Justice Assistance (BJA) human trafficking task forces who were not originally included in either the random or large city samples.¹ The national survey instrument was divided into two separate parts. Part 1 was designed to measure the number of agencies that have investigated a case of human trafficking nationally, and to identify some of the attitudes of law enforcement officials toward the crime of human trafficking. Part 2 was designed to measure the nature, characteristics and outcomes of the human trafficking cases identified by agencies with experience investigating trafficking cases. The following general conclusions can be drawn from Part 1 of the national survey.

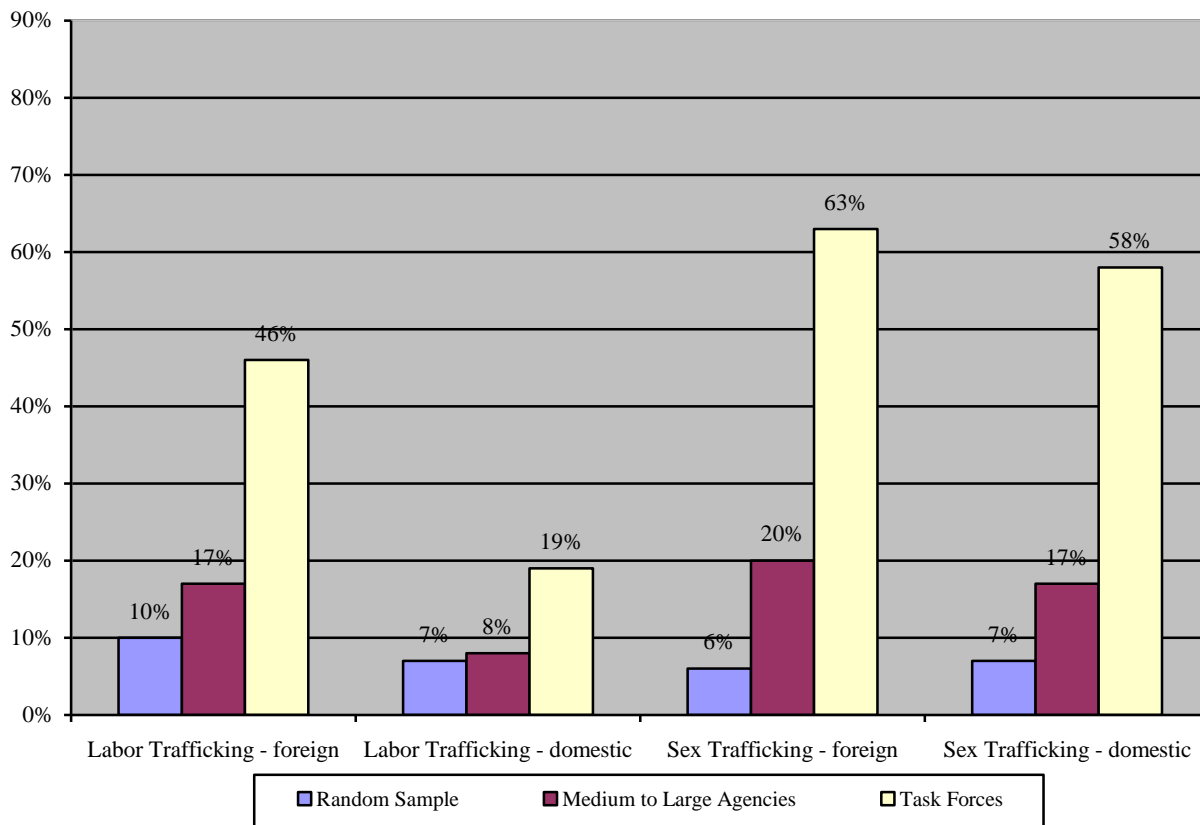
Law enforcement perceptions of human trafficking problems in their local community:

- The majority, between 73 and 77 percent, of local, county and state law enforcement in the random sample (n=1661) perceive human trafficking as rare or non-existent in their local communities. There is little difference in perceptions of sex trafficking versus labor trafficking among local law enforcement - both types are perceived as rare or non-existent.
- Agencies serving larger communities (over 75,000 in population) are more likely to identify human trafficking, particularly sex trafficking as a more pervasive problem. More than 20 percent of law enforcement serving larger communities (n=392) perceive sex trafficking from outside the U.S. to be widespread or occasional and a little over 17 percent perceive sex trafficking from inside the U.S. to be widespread or occasional.
- Law enforcement agencies participating in human trafficking task forces perceive the problem of labor trafficking as 2 to 3 times more prevalent than the respondents from either the random sample or the medium to large agencies who do not participate in human trafficking task forces (see Figure 1).² The task force agencies perceived sex trafficking to be 3 to 4 times more prevalent than either the random sample or medium to large agencies.
- While agencies differ on the degree to which they think trafficking is a problem in their local community there are many similarities among the types of trafficking they think are most prevalent. Medium to large agencies and task force agencies perceive human trafficking (either sex or labor) involving foreign victims as more prevalent than any type of domestic trafficking.

¹ Of the 3,191 surveys that were mailed to local, county and state law enforcement agencies, 1,903 agencies completed at least Part I of the survey for an approximately 60 percent response rate.

² Figure 1 illustrates the differences in perceptions of the human trafficking problem in local communities between agencies in the random sample, medium to large agencies (with 30 medium to large city agencies who participate in human trafficking task forces removed here for purposes of comparison) and all those agencies participating in human trafficking task forces. These figures reflect the vast differences in level of concern about human trafficking experienced by law enforcement agencies across the U.S.

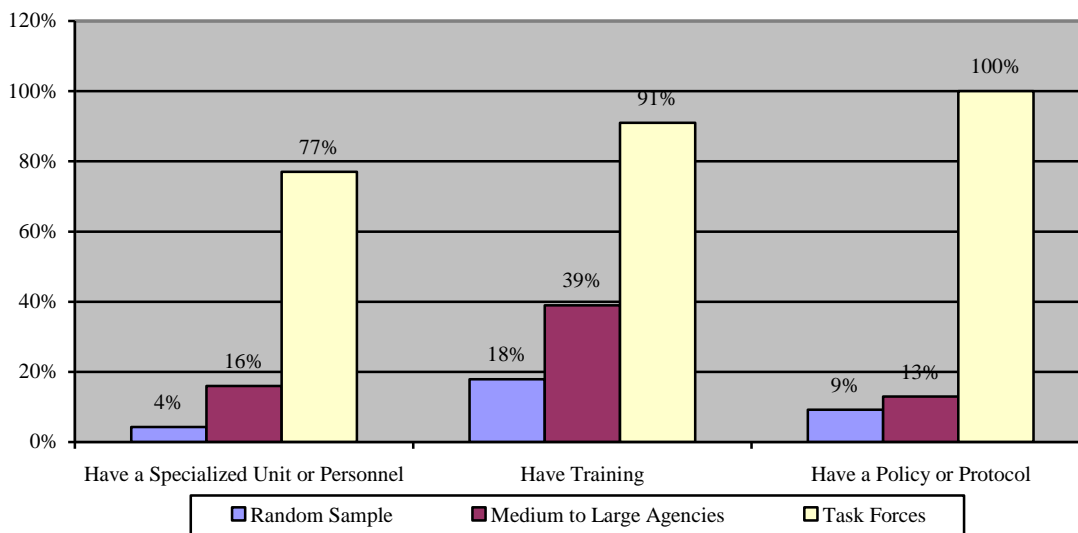
Figure 1: Law Enforcement Perception of the Severity of the Problem of Human Trafficking by Random Sample, Medium to Large Agency Survey and Task Force Survey Responses



Preparation to identify and investigate human trafficking:

- Due in part to the attitudes about the pervasiveness of human trafficking cited above, preparation to identify and investigate human trafficking has been minimal by law enforcement agencies across the U S. Approximately 18 percent of local, country or state law enforcement agencies in the random sample have had some type of human trafficking training, 9 percent have a protocol or policy on human trafficking and only 4 percent have designated specialized units or personnel to investigate these cases (see Figure 2).
- Medium to large agencies serving populations over 75,000 have made more preparations to identify and investigate cases of human trafficking. Approximately 39 percent of these agencies have adopted training, 13 percent have a policy or protocol and 16 percent have designated specialized units or personnel to investigate human trafficking.
- While medium to large agencies are generally more likely to than smaller agencies to have programs in place to respond to human trafficking, such as training, protocols or specialized personnel, they are significantly less prepared than those select agencies that are participating in a human trafficking task force.

Figure 2: Special Units or Personnel, Training and Protocol for Three Survey Groups



Identification and investigation of human trafficking cases:

Despite the limitations law enforcement agencies face in being prepared to identify and respond to human trafficking, more cases of human trafficking were identified by local law enforcement agencies than may have come to the attention of federal officials.

- Approximately 7 percent of the law enforcement agencies in the random sample (n=1661) report having investigated a case of human trafficking. While well over half (58 percent) of agencies that serve very large populations (250,000 and above) investigated a case of human trafficking, **all types of law enforcement agencies**, including those serving the smallest jurisdictions, have investigated at least one case of human trafficking.
- Extrapolating from the findings from the random sample, we estimate that approximately 907 law enforcement agencies in the U.S. would have investigated at least one case of human trafficking since 2000.
- Of those agencies that responded to the random sample, 43 states indicate having at least one law enforcement agency that has investigated a case of human trafficking. The highest proportions of agencies indicating they investigated cases of human trafficking were from Arizona (50 percent) Florida (27 percent), California (27 percent).

While agencies generally think human trafficking is a rare or non-existent problem in their community, and relatively few agencies have taken pro-active steps such as developing training or protocols or assigning specialized personnel to investigate cases of human trafficking, a surprisingly larger proportion of local law enforcement agencies have investigated one or more cases of human trafficking since 2000.

Characteristics of Human Trafficking Cases Identified by Law Enforcement, National Survey Results, Part II.

If an agency reported investigating a case of human trafficking between 2000 and 2006 they were subsequently asked to complete a more detailed follow up survey (Part 2) that collected information on the characteristics of these cases and the processing of these cases through Federal or state systems. Sixty six percent (118 of the 180) of the agencies that indicated they investigated a case of human trafficking on Part 1 of the national survey completed the detailed follow-up survey. The following conclusions can be drawn from the results of Part II of the national survey.

Number and Characteristics of Human Trafficking Investigations:

- Between 2000 and 2006, the number of human trafficking investigations by respondents rose dramatically each year from 175 reported cases in 2000 to 750 in 2006. Additionally, the average number of cases investigated by each agency more than doubled from 3 cases in 2000 to 8 cases in 2006.
- The majority (70 percent) of agencies that have investigated multiple cases of human trafficking between 2000 and 2006 report only investigating a single *type* of case (either sex trafficking or labor trafficking); the proportion of agencies who investigated only one type of trafficking case is nearly equivalent (36 percent investigated only sex trafficking and 34 percent investigated only labor trafficking).
- The majority of responding agencies reported that they spent more time investigating sex trafficking cases than labor trafficking cases

Characteristics of Human Trafficking Victims and Perpetrators:

- On average, the human trafficking victims identified by law enforcement are young. Approximately 62 percent of all trafficking victims identified by law enforcement were younger than 25 including 16 percent that were under 18 years old. Victims of sex trafficking are proportionately younger than other trafficking victims with 31 percent of the identified sex trafficking victims under 18 years old.
- Overall, the majority of human trafficking victims identified were female (70.8 percent). However, agencies who only investigated cases of labor trafficking reported proportionately more of the victims they encountered were male (62 percent).
- Perpetrators of trafficking tend to be older than their victims (29 percent were in their thirties) and were much more likely to be male (70 percent).

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The United States was the second largest source country for both victims and perpetrators, after Mexico.

- For those agencies that only investigated cases of sex trafficking, perpetrators were still predominately male (63 percent), but **females were much more involved in the perpetration of these crimes (37 percent)**.
- The majority of law enforcement agencies report that perpetrators and victims originate from the same countries (Mexico and the United States). In fact the top 10 “countries of origin” are the same for both victims and perpetrators.

Strategies for Identifying and Responding to Cases of Human Trafficking:

- Law enforcement most often learns about cases of human trafficking (52 percent) during the course of other investigations (e.g., drug raids, calls for domestic violence).
- The majority of responding agencies (81 percent) indicated that one of the most important indicators of human trafficking was the victim’s appearance, particularly whether the victim appeared fearful and non-cooperative.
- Nearly 92 percent of law enforcement agencies reported a connection between trafficking other and existing criminal networks such as drug distribution or prostitution.
- Collaboration with other law enforcement agencies and the use of surveillance are most common investigative strategies used by law enforcement to build human trafficking cases.

Trafficking Charges and Prosecution:

- Since 2000 a little more than half of agencies who investigated cases of human trafficking have brought formal charges against individuals involved in human trafficking. Of those agencies that brought any formal charges, 32 percent reported filing federal charges, and of those filing federal charges 61 percent prosecuted cases under federal TVPA statutes.³

Examples of Human Trafficking Case Identified by Law Enforcement

Case Example #1: Officials in Albion, NY identified a farm labor contractor who recruited workers from Mexico, charged up to \$1,800 for a van ride from Arizona to New York and withheld wages to pay for food, rent, electricity and rides into the fields. Local authorities were alerted after a worker escaped and sought help. The labor contractor was eventually sentenced to 46 months in prison.

Case Example #2: ICE, FBI and the New York City Police identified a criminal organization engaged in smuggling and trafficking of undocumented South Korean women into the U.S. for prostitution. Once the women arrived in the U.S. they were placed in brothels in order to pay large financial debts owed to recruiters in Korea and other members of the defendants’ organization. The brothel managers confiscated the women’s identification and travel documents and threatened to turn them in to law enforcement and/or harm their families in Korea should they leave before paying off their debts.

Case Example #3: A Wisconsin couple was charged with using threats of serious harm and physical restraint against a woman from the Philippines to obtain her services as their domestic servant for nineteen years. She was required to work long hours, seven days a week. The couple threatened the victim with deportation and imprisonment if she disobeyed them. They also confined her inside their home, not allowing her to socialize with others, communicate freely with the outside world, or leave the house unsupervised.

³ Survey respondents were asked about state charges as well as federal charges; however, at the time of the study most jurisdictions did not have state human trafficking laws in place, and only eight agencies reported filing charges for state human trafficking violations

- Agencies associated with federally funded human trafficking task forces were more than twice as likely to file federal charges when compared to other non-task force agencies (55 percent compared to 25 percent).
- Law enforcement agencies reported that a large number of investigations do not result in arrests, but if an arrest is made, is the case is highly likely to lead to a conviction.
- When asked about outcomes for foreign victims of human trafficking, about one-quarter of the victims received T-visas (allowing them to remain in this country) and about an equal amount were deported.

Challenges of Identifying and Investigating Human Trafficking Cases:

- The most frequent challenge faced by law enforcement agencies investigating cases of human trafficking was a lack of victim cooperation (70 percent). Paradoxically, non-cooperation and fearfulness on the part of the victim is also one of the most important indicators that alerts law enforcement to the possibility of human trafficking.
- The majority of law enforcement agencies believe that victims do not cooperate with law enforcement due to fear of retaliation directed at them or their family as well as a lack of trust in the criminal justice system.

The Use of Multi-Agency Human Trafficking Task Forces to Enhance Law Enforcement Response to Human Trafficking

To help understand in more depth how human trafficking cases are investigated and prosecuted we examined multi-agency law enforcement task forces throughout the U.S. Multi-agency task forces are one of many models implemented by the Federal government for the purpose of bringing together federal, state, county and local law enforcement stakeholders to engage in collaborative problem solving activities. In an effort to enhance efforts by law enforcement in the identification and prosecution of human trafficking cases locally, the federal government funded 42 multi-agency law enforcement task forces. The multi-agency task forces are designed to help local, state and territorial law enforcement agencies partner with their U.S. Attorney's Office and victim service agencies to ensure a victim-centered response to human trafficking locally. Despite the relative newness of human trafficking taskforces, law enforcement agencies participating in these BJA funded task forces are more likely:

Local law enforcement agencies participating in federally funded human trafficking task forces who investigated a case of human trafficking reported investigating many more cases on average than non-task force agencies (36 on average for task force agencies compared to 15 on average for non-task force agencies.

- To perceive human trafficking as a problem in their community and have training, protocols and specialized units of personnel devoted to human trafficking investigations.

- To have identified and investigated more cases (36 on average for task force agencies compared with 15 on average for non-task force agencies) and made more arrests for (12 on average for task force agencies compared with 8 on average for non-task force agencies).
- To have cases result in formal charges following human trafficking related arrests than non-task force agencies. Cases investigated by task force agencies were twice as likely to result in federal charges as cases investigate by non-task force agencies.

To help understand in more depth the experiences of local law enforcement participating on human trafficking task forces, researchers concentrated their efforts on three sites: (Boston, Massachusetts, Harris County, Texas (Houston) and Phoenix, Arizona that each represented a different dynamic of human trafficking. Case studies were developed for each site describing the structure, problem definition, activities and challenges of the multi-agency task forces (detailed descriptions for each site are available in the appended materials). Each of the three sites developed an innovative practice that is designed increase the identification of trafficking cases by law enforcement.

Multi-Agency Human Trafficking Task Force Case Study Sites

Sex Trafficking Victim Screening, Boston, Massachusetts

The Boston Police Department (BPD) created a process to proactively identify youth who are at risk for sex trafficking. Cases are prioritized based on information from police reports with priority given to cases involving youth in need of immediate intervention. Since the system has been in place, BPD has identified 150 girls who meet the programs criteria, and they have successfully rescued 20 girls. The screening process not only helps identify cases that might previously have gone unidentified, it provides a proactive outreach strategy for victims most in need of immediate intervention.

Protocols to Guide Task Force Activity Once Victim is Identified, Harris County, Texas

The Human Trafficking Rescue Alliance (HTRA) has developed a set of guidelines that contain general information about how agencies should respond to victims of human trafficking. The guidelines provide specific instructions for each group (local law enforcement, federal law enforcement, and service providers) who could potentially come into contact with victims. Additionally, HTRA developed and emergency protocol for crisis situations including the immediate rescue of potential victims. The protocol addresses both responses of service providers and law enforcement agencies.

Training and Awareness Raising, Phoenix, Arizona

The integration of training on the identification of human trafficking cases is a hallmark of the Phoenix Task Force (PPD). One of the areas where training has been most useful is in helping to clarify distinctions between human smuggling and human trafficking. Having a clear understanding of the differences between human trafficking and human smuggling is particularly important in areas like Phoenix which face serious immigrant smuggling problems that could potentially turn into human trafficking victimization. In addition to local training, the Sergeant representing PPD on the task force trains law enforcement across the nation.

Comparative analysis conducted across the three sites helped identify the challenges and lessons learned from the three task force experiences. Task forces struggle to overcome a

number of obstacles, some endemic to multi-agency partnerships themselves, and others specifically tied to human trafficking. Some of these obstacles include:

- Ambiguous and sometimes contradictory definitions of human trafficking and new, untested laws. These ambiguities result in disagreements among members about whether a person is a victim of human trafficking.
- Tenuous relationships among task force members who operated with different and at times conflicting goals (i.e. immigration rights advocates and Immigrations and Customs Enforcement officials often must come to agreement about how to best intervene in situations involving potentially out of status immigrant groups).
- Human trafficking investigations are often lengthier and more complex than other criminal investigations.
- Gaps in communication between task force members about the status of particular cases.

Despite these challenges, there is strong evidence that agencies participating in task forces are significantly more likely to identify and prosecute cases of trafficking and provide the necessary services for victims.

Policy Implications and Recommendations

The research presented here provides the first benchmark of the current practices of U.S. law enforcement agencies to identify and investigate human trafficking in local communities. It has provided important information about the current perceptions of local law enforcement officials about the problem of human trafficking and steps their agencies have taken to prepare to investigate such cases. A number of policy implications flow from the analysis summarized in this report. We have identified five important steps law enforcement can take to improve the identification and response to human trafficking

In addition to the actions law enforcement can take to improve response to human trafficking, more research needs to be done around the important topic of human trafficking. Some of the areas of focus include additional information on human trafficking victims and offenders who do not come in

5 Steps for Improving Law Enforcement Identification and Response to Human Trafficking

1. Use the findings from this study to inform a national human trafficking training curriculum targeting local law enforcement agencies. This training should: acknowledge the present level of understanding about human trafficking, emphasize the utility of protocols and designated personnel, and highlight indicators and investigative techniques identified in this study.
2. Acquire and make available model protocols to local law enforcement to help guide the identification and investigation of human trafficking as well defining the roles and responsibilities of partner agencies or organizations that assist law enforcement.
3. Start a dialogue about complexities of dealing with human trafficking cases, including discussion of the ambiguities in definition of trafficking and the challenge of victim changes in status from smuggled migrants to trafficked victim.
4. Consider broadening the victim centered focus to include some focus on offenders as well. Broadening the focus may reduce some of the areas of tension around victim categorization that presently exist in many task forces and encourage investigations which utilize a broader range of investigative tools.
5. Continue to use and support multi-agency task forces. Law enforcement agencies associated with task forces have initiated more investigations, made more arrest and brought more charges.

contact with law enforcement, additional information about the overlap between human trafficking network and other criminal networks, and successful strategies for investigating cases, supporting victims of human trafficking, and aiding in the successful prosecution of human trafficking cases. Additionally, follow up is needed to determine if years later there is a better match between perception and prevalence.