

HUMAN TRAFFICKING

Human trafficking is a long-standing problem, but there has been a growing awareness and focus from policy makers of the need to devote resources to identifying, investigating, and prosecuting this crime. In 2013, all fifty states, the District of Columbia, and all but one U.S. territory had enacted anti-trafficking laws.¹ Human trafficking takes many forms, with the two broadest categories being sex trafficking and labor trafficking. The Trafficking Victims Protection Act (TVPA) defines trafficking in persons as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age” or “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”² Within the United States, multiple agencies investigate and prosecute human trafficking cases at the federal and state levels.

Limited reliable data are available regarding the nature and extent of human trafficking. Gathering victimization statistics on human trafficking is particularly difficult because of the hidden nature of trafficking activities.³

U.S. Department of Justice-led federal investigations and charges into human trafficking have increased in recent years, but the exact number of trafficking victims in the United States is unknown. Minors involved in commercial sexual exploitation and sex trafficking are of particular concern because they can be misidentified as offenders rather than being recognized as human trafficking victims.

- According to the U.S. Department of State, in 2013, 44,758 victims of human trafficking were identified internationally by foreign governments.⁴
- According to the same report, in 2013, within the Western Hemisphere (which includes the United States and South America), 7,818 victims were identified.⁵

Human Trafficking Investigations

- The U.S. Department of State, the U.S. Immigration and Customs Enforcement, Homeland Security Investigations (ICE HSI) reported 1,025 investigations involving human trafficking in 2014. This number represents an increase from the 894 in 2012.⁶
- The FBI formally opened 220 human trafficking investigations with adult and foreign child victims, a decrease from the 306 in 2012.⁷
- The U.S. Department of State's Diplomatic Security Services Human Trafficking Unit reported investigating 159 human trafficking-related cases worldwide in 2013.⁸

Human Trafficking Prosecutions

- According to the U.S. Department of State, in 2013, there were 5,766 convictions out of the 9,460 known prosecutions of human trafficking internationally.⁹
- According to the same report, there were 1,182 known prosecutions with 446 convictions involving human trafficking of adults and minors in the Western Hemisphere in 2013.¹⁰

1 Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report 2013*, (Washington, DC: U.S. Department of State, 2013), 381, accessed September 8, 2014, <http://www.state.gov/documents/organization/210742.pdf>; Polaris Project, *Wyoming Becomes 50th State to Outlaw Human Trafficking* (Washington, DC: Polaris Project, 2013), accessed September 8, 2014, <http://www.polarisproject.org/media-center/news-and-press/press-releases/742-wyoming-becomes-50th-state-to-outlaw-human-trafficking>.

2 Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report 2013*, 381.

3 When estimates about commercial sexual exploitation and sex trafficking of minors in the United States are presented, they are generally accompanied by qualifiers and caveats. Institute of Medicine and National Research Council of the National Academies, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, (Washington, DC: Institute of Medicine and National Research Council of the National Academies, 2013), 41, accessed September 8, 2014, http://www.iom.edu/-/media/Files/Report%20Files/2013/Sexual-Exploitation-Sex-Trafficking/sextraffickingminors_rb.pdf.

4 Data is submitted by foreign governments to the Department of State on trafficking investigations, prosecutions, convictions, and sentences in order to be considered in full compliance with the TVPA's minimum standards for the elimination of trafficking (Tier 1). Office to Monitor and Combat Trafficking in Persons. *Trafficking in Persons Report 2014*, (Washington, DC: U.S. Department of State, 2014), 45, accessed July 21, 2014, <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>.

5 Ibid., 64.

6 Ibid., 398.

7 Ibid.

8 Ibid.

9 Ibid., 45.

10 Ibid., 64.

- The Department of Justice prosecuted 161 federal human trafficking cases in 2013, charging 253 defendants. Of the 253 defendants, 222 were sex traffickers, and 31 were forced labor traffickers. Often defendants participated in both.¹¹
- The U.S. Department of Justice Civil Rights Division initiated 71 prosecutions for forced labor or sex trafficking in 2013. Of these cases, 53 involved sex trafficking and 18 labor trafficking. Again, most cases included both forms of trafficking.¹²
- In 2013, the Department of Justice convicted 174 traffickers for forced labor and sex trafficking of adults and children. This is a slight increase from 2012, in which there were 138 convictions.¹³
- Of the 174 cases with convictions, 113 were for sex trafficking, and 25 were for labor trafficking. Many of these cases included both sex and labor trafficking. These totals do not include child sex trafficking cases.¹⁴
- In 2013, 16 of the Department of Justice-funded task forces reported 828 investigations with 717 suspects in human trafficking. This number is an increase from the 753 cases, with 736 suspects from 2012.¹⁵
- During Fiscal Year 2012, the Department of Justice filed 128 cases of human trafficking involving labor and sex trafficking of adults and minors, charged a total of 200 defendants in these cases, and convicted 138 individuals.¹⁶
- Of the 200 defendants, 38 were charged with forced labor, and 162 were charged with adult sex trafficking. This number represents a decrease from the previous year (2011), in which, of the 263 defendants, 50 were charged with forced labor, and 213 were charged with adult sex trafficking.¹⁷

- Of the 138 individuals convicted of human trafficking in 2012, 33 were convicted for forced labor, and 105 were convicted for adult sex trafficking.¹⁸
- The U.S. Department of Homeland Security Immigration and Customs Enforcement (ICE) investigations initiated 894 cases in Fiscal Year 2012, which is a 24 percent increase from the previous year. Of the 894 cases, there were 967 criminal arrests, 559 indictments, and 381 convictions.¹⁹

Benefits and Services for Foreign National Victims

- During Fiscal Year 2012, 469 certification/eligibility letters were issued to adult and child victims of human trafficking. This number reflects a decrease from the 564 issued for Fiscal Year 2011. These letters allow victims of trafficking who are not U.S. citizens to acquire assistance from federal or state programs, much like a refugee.²⁰
- Of these letters in 2012, 366 (78 percent) were issued to adults. Of the adult victims who received certification, 37 percent were male, a decrease from 2011. Of the child victims who received eligibility, 39 percent were female.²¹
- Of those who received letters in 2012, 67 percent were labor trafficking victims, 25 percent were sex trafficking victims, and 7 percent were both labor and sex trafficking victims.²²
- Of the child victims who received letters, 25 percent were sex trafficking victims, 72 percent were labor trafficking victims, and 3 percent were both labor and sex trafficking victims.²³

¹¹ Ibid.

¹² Ibid., 398

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid., 399.

¹⁶ *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2012*, (Washington, DC: U.S. Department of Justice, 2013), 47-48, accessed November 5, 2014, <http://traffickingresourcecenter.org/sites/default/files/2012%20AG%20Report.pdf>.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid., 42.

²⁰ A "certification letter" is issued to an adult and an "eligibility letter" is issued to a child. Ibid., 15.

²¹ Ibid.

²² Ibid.

²³ Ibid., 15-16.

- Of the adult victims who received certification letters, 13 percent listed the Philippines as their country of origin, 17 percent listed Thailand as their country of origin, and 24 percent listed Mexico. Of the child victims who received eligibility letters, 28 percent listed Mexico as their country of origin, 32 percent listed Honduras, and 14 percent listed Guatemala.²⁴

Child Victims

- The FBI's 2003 Innocence Lost National Initiative resulted in the creation of 69 Child Exploitation Task Forces to address sex trafficking of children in the United States. Through June 2013, these task forces recovered more than 2,700 missing children, resulting in more than 1,300 convictions of sex traffickers.²⁵
- In Fiscal Year 2012, the FBI investigated 363 cases, made 1,769 arrests, filed 187 indictments, and obtained 302 convictions for offenses related to the commercial sexual exploitations of children, as part of the Innocence Lost National Initiative.²⁶
- In 2012, 547 children victims were identified or located as part of the Innocence Lost National Initiative.²⁷



- The FBI investigated 514 child sex trafficking cases in 2013, an increase from the 440 in 2012.²⁸

Trafficking of Migrant Laborers

- One localized study of unauthorized migrant laborers estimated that 31 percent had experienced at least one incident that met the legal definition for human trafficking.²⁹
- This localized study found evidence that, by occupation, migrant laborers had the highest rates of reporting trafficking violations if they were working in janitorial and cleaning businesses (36 percent reported violations), followed by construction (35 percent), landscaping (27 percent), and agriculture (16 percent).³⁰ ★

²⁴ Ibid., 16.

²⁵ Federal Bureau of Investigation, *Innocence Lost*, (Washington, DC: Federal Bureau of Investigation, 2013), accessed September 8, 2014, http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost/.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report 2013*, 398.

²⁹ Given the lack of victim-based data concerning human trafficking, this local study provides unique insights. While the findings cannot be generalized beyond the jurisdiction studied, they can give a detailed look into the extent and nature of these crimes. For purposes of this study, to meet the legal definition of human trafficking, the victimization must include actual/threatened infringement of freedom of movement or actual/threatened violation of one's physical integrity. Fraudulent and deceptive employment and smuggling practices were excluded from the trafficking violations category. Sheldon X. Zhang, *Trafficking of Migrant Laborers in San Diego County: Looking for a Hidden Population*, (San Diego, CA: San Diego State University), 8, 11, accessed September 8, 2014, <https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf>.

³⁰ Ibid., 12.