

The U.S. Human Trafficking Reporting System: Utility and Limitations*

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The scope of human trafficking in the U.S.

Since the 1990s, the crime of human trafficking has received a great deal of attention in the U.S. – from the U.S. government, state and local criminal justice agencies, advocacy organizations, victim service providers, researchers, and news media outlets – not to mention the general public as consumers of the reports and other materials disseminated by these groups. Despite the widespread attention to the severity and scope of the problem, the level of human trafficking in the U.S. has been very difficult to quantify.

The U.S. State Department estimates that there are more than 12 million adults and children in forced labor, bonded labor, and forced prostitution around the world,¹ with an estimated 14,500 to 17,500 foreign nationals trafficked in the U.S.² Domestic estimates of the scope of human trafficking have a number of inherent limitations, and as such, the estimates have been adjusted over the past decade. The more recent estimates of the scope of human trafficking follow a declining trend. In 1999, the U.S. government estimated that there were 45,000 to 50,000 foreign nationals trafficked into the U.S.³ Four years later, that estimate was reduced to 20,000;⁴ and in 2005, the estimate again was reduced to between 14,500 and 17,500.⁵ In fact, little is known about the extent of trafficking in the U.S., or how often U.S. authorities like the police come into contact with trafficking victims.

The U.S. Government Accountability Office (GAO) assessed the approach of the U.S. State Department for estimating the number of trafficking victims worldwide and efforts to combat international human trafficking in its 2006 report, *Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*.⁶ The GAO found that U.S. government estimates of international trafficking victims were “questionable” because of “methodological weaknesses, gaps in data, and numerical discrepancies.”⁷ In particular, the GAO noted several gaps in the existing data, including (1) different scopes, mandates, and methodologies between national and international data systems; (2) methodologies for computing estimates that were not entirely replicable; and (3) limitations in the basis for those estimates, including

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¹ United States Department of State. *Trafficking in Persons Report: 2009*. Washington, DC (2010).

² United States Departments of Justice, Health and Human Services, State, Labor, and Homeland Security; and U.S. Agency for International Development. *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*. Washington, DC: Author (2003).

³ Richard, Amy O'Neill. *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*. Washington, DC: Center for the Study of Intelligence (1999).

⁴ United States Departments of Justice, Health and Human Services, State, Labor, and Homeland Security; and U.S. Agency for International Development. *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*. Washington, DC: Author (2003).

⁵ United States Departments of Justice, Health and Human Services, State, Labor, and Homeland Security; and U.S. Agency for International Development (2003).

⁶ United States Government Accountability Office. *Human Trafficking. Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad* (GAO-06-825). Washington, DC: Author (July 2006).

⁷ United States Government Accountability Office (2006), page 2.

unreliable third party estimates and limited scope that did not include intra-national trafficking. The GAO concluded that the quality of trafficking data is limited by its availability, reliability and comparability.⁸

At least one study has attempted to develop a more comprehensive and reliable estimate of the scope of human trafficking in the U.S., based on publicly available datasets⁹. Farrell and her colleagues began with the most commonly cited estimate of human trafficking in the U.S., published by the U.S. Department of State, which suggests that there are between 14,500 and 17,500 persons trafficked into the U.S. each year.¹⁰ After examination of a number of publicly available datasets and studies, the researchers found a much broader range of estimates of the number of trafficking victims when information from those sources was combined. Estimates from the studies reviewed range from 5,200 victims in national data collection programs to more than 60,000 victims estimated through economic modeling studies.¹¹ This study concluded as many other assessments of our current knowledge of the problem have: “There is enormous uncertainty about the national scope of the problem.”¹²

In 2008, researchers at Georgetown University published a systematic review of human trafficking literature designed to examine the quality and reliability of information published on the subject.¹³ The report found that “[T]here is little systematic and reliable data on the scale of the phenomenon; limited understanding of the characteristics of victims..., their life experiences, and their trafficking trajectories; poor understanding of the *modus operandi* of traffickers and their networks; and lack of evaluation research on the effectiveness of governmental anti-trafficking policies and the efficacy of rescue and restore programs, among other gaps in the current state of knowledge about human trafficking.”¹⁴ The study concluded that significant gaps in the existing research persist, including a large number of reports published by activists involved in specific policy campaigns; a reliance on methodological approaches that employ qualitative data collection, single site or case studies, or interviews with key stakeholders; and a disconnect between theoretical bases and the formation of research questions and research designs.¹⁵

Counting a hidden crime

Why is it so difficult to count or even estimate the scope of human trafficking in the U.S.? One explanation is that human trafficking is a “hidden” crime – one that is unlikely to be observed by the general public, that law enforcement officers and other first responders are ill equipped to identify and respond to, and where most victims of the crime are unable or unwilling to seek help. Lack of information is not unusual for new or hidden crimes. Agencies responsible for counting crime (generally the police) must know the essential elements of the crime to be able to identify human trafficking, and also be able to respond appropriately once the crime has been identified.

Studies sponsored by the National Institute of Justice have found that U.S. local law enforcement agencies were minimally prepared to identify and respond to human trafficking cases, however. Three quarters of

⁸ United States Government Accountability Office (2006), pages 10-21.

⁹ Farrell, A., McDevitt, J., Perry, N., Fahy, S., Chamberlain, K., Adams, W., Owens, C., Dank, M., Shively, M., Kling, R. & Wheeler, K. *Review of Existing Estimates of Victims of Human Trafficking in the United States and Recommendations for Improving Research and Measurement of Human Trafficking*. Washington, DC: The Alliance to End Slavery and Trafficking (2010).

¹⁰ United States Departments of Justice, Health and Human Services, State, Labor, and Homeland Security; and U.S. Agency for International Development (2003).

¹¹ Farrell, A. et al. (2010), page i.

¹² Farrell, A. et al. (2010), page vi.

¹³ Goździak, E.M. & Bump, M.N. *Data and Research on Human Trafficking: Bibliography of Research-Based Literature*. Washington, DC: U.S. Department of Justice (2008).

¹⁴ Goździak, E. M. and Bump, M. N. (2008), page 4.

¹⁵ Goździak, E. M. and Bump, M. N. (2008), pages 9-11.

local law enforcement agencies think human trafficking is non-existent in their community. Bigger agencies were more likely to perceive trafficking as a problem in their local community, and were more likely to take steps to prepare their offices to identify cases.¹⁶ About a fifth of the agencies surveyed reported having any type of human trafficking training, less than 10% had a protocol or policy on human trafficking, and only 4% had designated specialized units or personnel to investigate human trafficking.¹⁷

A common operational definition is a critical element to an accurate count of any crime. Even after a common definition is established, first responders must also be able to apply that definition and recognize the crime when they see it. Human trafficking may not be a “new” crime to some law enforcement agencies and other first responders, just a new label for a crime that may have been investigated and prosecuted under existing statutes. Human trafficking of adult victims involves coercion, or threats of serious harm to or physical restraint against any person. However, law enforcement agencies and other first responders must also be able to identify and investigate allegations of debt bondage, involuntary servitude, commercial sex acts, kidnapping, extortion, and exploitation and assess whether those crimes involve coercion or otherwise meet the definition of human trafficking.

In addition to the elements of the crime itself, investigators and first responders must understand the nature of the crime and the impact it may have had on potential and confirmed victims. Trafficked persons often have their legal documents seized, are forced to work long hours with minimal or no pay, and are charged excessively for housing, food, and basic needs with these “fees” added to the total amount “owed” to the trafficker. Evidence of the crime may be difficult to collect from victims, as they have likely been subjected to physical, psychological, and sexual abuse; starvation; unsanitary work and living conditions; isolation; and threats to themselves and their families.

Victims of Trafficking and Violence Protection Act (2000)

In response to the limited research and varying estimates of human trafficking in the U.S., Congress passed the Victims of Trafficking and Violence Protection Act (TVPA) in 2000,¹⁸ and reauthorized it in 2003,¹⁹ 2005²⁰, and 2008²¹. Prior to the TVPA, “no comprehensive law exist[ed] in the U.S. that penalize[d] the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry [were] often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.”²² The impact of the TVPA has been to expand the U.S. government’s efforts to protect victims of trafficking, to provide a stronger focus for the U.S. government’s prosecutorial efforts against trafficking in persons, and also bolster prevention efforts.

The TVPA took an important first step to enabling a more accurate count of human trafficking in the U.S. by establishing a common definition of severe forms of human trafficking.²³ Human trafficking centers on exploitation and is defined by whether the crime is sex or labor trafficking. Sex trafficking occurs when a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act has not attained 18 years of age. Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the

¹⁶ Farrell, A., McDevitt, J. & Fahy, S. *Understanding and Improving Law Enforcement Responses to Human Trafficking, Final Report*. Washington, DC: United States Department of Justice (2008).

¹⁷ Newton, P.J., Mulcahy, T.M. & Martin, S.E. *Finding Victims of Human Trafficking*. Washington, DC: United States Department of Justice (2008).

¹⁸ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464.

¹⁹ Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875.

²⁰ Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3566.

²¹ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044.

²² Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 § 102 (b)(14), 114 Stat. 1464.

²³ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 § 103 (8), 114 Stat. 1464.

purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Trafficking can also involve violations of other laws, including labor and immigration codes, and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud and extortion. The TVPA provided a stronger law enforcement and prosecution focus on trafficking suspects, not only through a clear definition of the crime itself, but through increased penalties for existing crimes, criminalizing attempts to engage in these activities, and providing for mandatory restitution and forfeiture.

The TVPA also recognized the unique status of victims of human trafficking. "Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation."²⁴ The Act further noted that "[b]ecause victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes."²⁵ The TVPA specifically expanded the U.S. government's efforts to protect victims of trafficking by providing for victim assistance and establishing policies and programs to provide a safe environment for these victims to come forward and seek assistance from law enforcement agencies.

In response to the TVPA and its reauthorizations, the nation's federal law enforcement agency, the Federal Bureau of Investigation (FBI) launched two initiatives to combat child and adult trafficking. The Innocence Lost initiative was developed in conjunction with the Department of Justice's Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children in 2003. It was designed to address the growing problem of domestic commercial sexual exploitation of children in the U.S. through task forces across the country. As of May 2010, more than 1,000 children have been rescued and more than 500 pimps, madams, and their associates who exploit children have been convicted at the state and federal levels.²⁶ The Human Trafficking Initiative was launched in 2005, and included efforts to improve data on the scope of the problem and participation in anti-trafficking task forces at the local level. The FBI has also committed to conducting victim-centered investigations and information sharing across agencies. In fiscal year 2008, the FBI opened 167 human trafficking investigations, made 202 arrests, and filed 77 complaints. There were more than 100 indictments filed in FBI human trafficking cases in 2008, and 93 convictions were obtained. The FBI also rescued 13 minor victims of trafficking and dismantled seven trafficking organizations. Since the TVPA was passed in 2000, the Civil Rights Division of the U.S. Department of Justice has filed 196 cases under the TVPA, charged 531 defendants, and obtained 419 convictions (U.S. Department of Justice, 2009).²⁷

The U.S. Human Trafficking Reporting System

The TVPA reauthorization in 2005 required a study on the scope and characteristics of human trafficking in the U.S.²⁸ In particular, Congress mandated a study to estimate the number and demographic characteristics of persons engaged in acts of severe forms of trafficking in persons; and a second study to determine the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in

²⁴ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 § 102 (b)(17), 114 Stat. 1464.

²⁵ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 § 102 (b)(19), 114 Stat. 1464.

²⁶ Federal Bureau of Investigation. *Innocence Lost National Initiative Statistics*. <http://www.fbi.gov/innolost/innolost.htm> (accessed June 11, 2010).

²⁷ United States Department of Justice. (2009). *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2008*. Washington, DC: Author.

²⁸ Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, § 201 (a)(1), 119 Stat. 3566.

acts of severe forms of trafficking in persons by states and their subdivisions. As part of an effort to meet these Congressional mandates, the Bureau of Justice Statistics, in partnership with the Bureau of Justice Assistance (BJA), Northeastern University, and the Urban Institute, developed the Human Trafficking Reporting System (HTRS). The system is designed to collect detailed information on human trafficking incidents investigated by federally funded task forces. The HTRS is the first system to specifically focus on state and local human trafficking investigations in the U.S., and has the potential to address gaps in our understanding of these crimes.

The HTRS was designed to facilitate incident-level management and tracking of human trafficking investigations opened by the federally-funded task forces. Since the HTRS was implemented in 2007, a total of 45 jurisdictions have received federal funds to provide support for state and local law enforcement to work more collaboratively with victim services organizations, federal law enforcement, U.S. Attorneys Offices, and the Civil Rights Division of the U.S. Department of Justice in the identification and rescue of human trafficking victims who are in the United States. The task forces involve partnerships with varying coverage areas, including entire states/territories and regions, multiple counties, single counties, and metropolitan areas. Combined, the task forces represented areas that covered nearly 25% of the nation's resident population at midyear 2008.²⁹ Although the task forces are not representative of the entire nation, they are widely dispersed geographically.

The HTRS is an incident-based data collection system. An incident is defined as—*Any investigation into a claim of human trafficking or any investigation of other crimes in which elements of potential human trafficking were identified.*³⁰ An investigation is any effort in which the task force spent at least one hour investigating (e.g., collecting information, taking statements, and writing reports) an incident. Each incident is uniquely identified by date (date of occurrence) and number. Once entered into the system, an incident may or may not be determined to involve human trafficking. Regardless, all incidents are retained in HTRS.

Early Findings

The first report from the HTRS described the characteristics of more than 1,200 incidents of suspected human trafficking reported by jurisdictions with federally-funded task forces over a 21-month reporting period (Table 1).³¹ Nearly 900 suspects³² and more than 1,400 potential victims were identified by the task forces.³³ Between January 1, 2007, and September 30, 2008, task forces reported investigating 1,229 alleged incidents of human trafficking.³⁴ Sex trafficking accounted for 83% of the alleged incidents, and the remaining incidents involved allegations of either labor trafficking (12%) or other/unknown forms of human trafficking (5%).³⁵

About three-quarters of the incidents were still under investigation at the end of the reporting period (Table 2).³⁶ Investigations were completed and closed during the 21-month reporting period for the remaining 22%.³⁷ Less than 10% of alleged human trafficking incidents reported by task forces were confirmed as human trafficking, 10% were pending confirmation, and 23% had been determined not to involve any human trafficking elements.³⁸ The remaining cases (58%) lacked information on whether the alleged

²⁹ Kyckelhahn, T., Beck, A., and Cohen, T. (2009), page 11.

³⁰ Kyckelhahn, T., Beck, A., and Cohen, T. (2009), page 14.

³¹ Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 1.

³² Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 5.

³³ Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 7.

³⁴ Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 1.

³⁵ Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 1.

³⁶ Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 2.

³⁷ Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 2.

³⁸ Kyckelhahn, T., Beck, A. & Cohen, T. (2009), page 2.

incident was a confirmed human trafficking case.³⁹ In order to be confirmed, a suspected case of human trafficking must meet the definition of the crime as specified in the TVPA and involve victim cooperation, granting of continued presence, or the arrest of a human trafficking suspect. In other words, it is not enough for police to find evidence of force, fraud or coercion in a commercial sex act; the agency must also garner victim cooperation or arrest a suspect.

While only a small subset of all reported investigations had reached a point of review to determine that the case involved a confirmed human trafficking violation, even fewer investigations yielded information about whether an arrest had been made, the case prosecuted, or the suspect convicted. Task forces reported arrest information for 216 suspects identified in alleged human trafficking incidents (Table 3).⁴⁰ Sixty-eight percent of these suspects were arrested at the state level and 26% were arrested at the federal level. Among those suspects charged with human trafficking, 64% were charged in state courts and a third were charged in federal courts.⁴¹ Four suspects had charges filed against them in both state and federal court systems.⁴² Among the suspects whose cases had been adjudicated, over half (61 of 113 suspects) were convicted of some offense, 6 suspects had their case dismissed, and 46 suspects were awaiting adjudication.⁴³ During the reporting period, 16 convicted offenders were sentenced to probation, time served, or to prison or jail for less than one year, and 29 were sentenced to prison or jail for one year or more. Five suspects were sentenced to prison for more than 10 years.⁴⁴

Preliminary analyses of all incidents captured by HTRS one year later indicate similar findings. As of September 30, 2009, nearly 2,500 incidents were opened by the task forces over a nearly three-year period. Characteristics of those incidents mirror those described above.

Table 1: Number of alleged human trafficking incidents, suspects and victims reported by task forces, 2007-2008

Type of human trafficking incident	Incidents		Suspects		Victims	
	N	%	N	%	N	%
All incidents	1,229	100.0	871	100.0	1,442	100.0
Sex trafficking	1,018	82.8	678	77.8	1,070	74.2
Forced prostitution*	596	48.5	^	^	^	^
Sex trafficking involving a minor	391	31.8	207	23.8	^	^
Other sex trafficking	31	2.5	^	^	^	^
Labor trafficking	146	11.9	142	16.3	313	21.7
Other/unknown	65	5.3	51	5.9	59	4.1

* Includes any suspicion of force, fraud or coercion.

^ Not reported. Characteristics of victims of child sex trafficking incidents were not reported separately because some incidents with multiple victims involved both juveniles and adults. Among alleged sex trafficking victims, 30% were reported to be 17 or younger.

³⁹ Kyckelhahn, T., Beck, A. & Cohen, T. (2009). page 2.
⁴⁰ Kyckelhahn, T., Beck, A. & Cohen, T. (2009). page 10.
⁴¹ Kyckelhahn, T., Beck, A. & Cohen, T. (2009). page 10.
⁴² Kyckelhahn, T., Beck, A. & Cohen, T. (2009). page 10.
⁴³ Kyckelhahn, T., Beck, A. & Cohen, T. (2009). page 10.
⁴⁴ Kyckelhahn, T., Beck, A. & Cohen, T. (2009). page 10.

Table 2. Incident status of alleged human trafficking incidents reported by task forces, 2007-2008

Incident status	Suspected type of human trafficking									
	Total sex trafficking		Sex trafficking involving a minor		Labor trafficking		Other/ unknown		Total incidents	
	N	%	N	%	N	%	N	%	N	%
All incidents	1,018	100.0	391	100.0	146	100.0	65	100.0	1,229	100.0
Confirmation status										
Confirmed to be human trafficking	90	8.8	34	8.7	18	12.3	4	6.2	112	9.1
Confirmed not to be human trafficking	205	20.1	16	4.1	53	36.3	28	43.1	286	23.3
Pending confirmation†	93	9.1	30	7.7	21	14.4	9	13.8	123	10.0
Confirmation status missing or unknown	630	61.9	311	79.5	54	37.0	24	36.9	708	57.6
Investigation status										
Open incidents**	812	79.8	363	92.8	99	67.8	47	72.3	958	77.9
Closed incidents***	206	20.2	28	7.2	47	32.2	18	27.7	271	22.1

* This option was added in mid-2008 and may exclude cases not yet updated as of September 30, 2008.

** Includes incidents that were under investigation as of September 30, 2008.

*** Includes incidents in which the investigation had been completed.

Table 3. Arrest and adjudication of suspects in alleged human trafficking incidents, 2007-2008

	Number of sex trafficking suspects			Number of labor trafficking suspects	Number of confirmed trafficking suspects
	All suspects	Total sex trafficking	Sex trafficking of a minor		
Number arrested by type of agency					
Total	216	180	68	19	77
State	147	137	59	3	44
Federal	56	31	8	15	28
Both	13	12	1	1	5
Number charged by prosecuting agency					
Total	140	118	47	12	53
State	89	84	38	0	29
Federal	47	30	8	12	24
Both	4	4	1	0	0
Number of suspects by court adjudication outcome					
Total	113	98	36	9	50
Convicted	61	57	16	3	36
Dismissed	6	3	0	3	1
Pending	46	38	20	3	13
Number of suspects sentenced to probation, jail or prison					
Total*	45	40	14	4	23
Probation	7	7	1	0	1
Prison/jail					
Time served	4	4	0	0	2
Less than 1 year	5	4	1	1	3
1 to 3 years	13	11	4	1	10
3 to 10 years	11	10	6	1	6
More than 10 years	5	4	2	1	1

Note: Of the 1,229 alleged human trafficking incidents, 127 had data reported on the arresting agency, 87 had data on the prosecuting agency, 64 on court adjudication outcomes, and 24 on sentences imposed.

* Excludes 16 convicted suspects who were awaiting sentencing.

Limitations of the system

There are a number of limitations to these findings that are inherent to the methodology employed by the HTRS. First, the data are limited to task force jurisdictions, so do not represent a nationally representative picture of human trafficking. Second, the system relies on law enforcement agencies to not only identify cases of human trafficking, but to also enter that information into HTRS and to update the system as cases progress.

Every effort was made to ensure consistency and completeness in task force reporting to the HTRS. Northeastern University developed a detailed HTRS Users' Guide to introduce the platform to task forces and to promote consistency in reporting. Training and onsite technical assistance was provided to all task forces. An advisory board made up of task force representatives helped to guide the development and

implementation of the data management system. Three sites were also funded to provide immersion training to task forces that did not update the HTRS regularly.

Despite these efforts, consistency and completeness in reporting vary considerably across task forces. Any findings from HTRS data should be examined in light of this variability. Task forces reported a number of obstacles to entering data and updating information, including insufficient resources, limited access to information outside of the law enforcement agency,⁴⁵ and concerns over data confidentiality and security. An analysis of missing data and “pending” cases identified nine task forces that needed to update at least half of the incidents they had reported. Incidents were flagged as “needing an update” if they were pending confirmation, had never been updated,⁴⁶ and had been open for at least six months. Several task forces consistently did not report any victim or suspect information. Although this information may not always be available or applicable in an ongoing investigation,⁴⁷ the trends in missing information were clustered among task forces and appear to indicate incomplete data.

BJS and its partners have implemented a number of enhancements to the HTRS to improve data reliability and consistency in reporting. Modifications designed to help alleviate the types of issues described above went into effect in October 2009. Several HTRS fields were converted from “non-required” to “required” data elements. Additionally, a task force is now unable to close a case unless it enters some individual-level information about victims and suspects for those incidents where they have identified numbers of victims and suspects in investigation records. Open cases that have not been updated during the previous six months are now automatically flagged for task forces whenever they log into the system. Not only does this new feature facilitate the updating of open investigations for task forces, it also helps project staff track the number of open but “inactive” cases for each task force, which could affect the quality of data extracted from the HTRS. Finally, random audits are conducted to compare paper files from closed human trafficking investigations with the data that are reported to the HTRS.

Maximizing Utility

While reliance on law enforcement agencies to update cases and enter information in the system carries some limitations, it also poses a potential strength. For example, while analysis of missing data patterns showed that many fields needed to be updated and some missing values were nested within task forces, a subset of the task forces consistently updated case information, including case confirmation status, investigation status, and victim and suspect outcomes. Additional analyses based on task forces with high data quality may result in a better understanding of the outcomes of cases confirmed to be human trafficking and of those confirmed not to be human trafficking.

These additional analyses may help to address existing gaps in the HTRS data, some of which are reflected in the statistics cited above. For example, 83% of the incidents opened for investigation were classified as suspected sex trafficking. The large proportion of sex trafficking cases compared to labor trafficking cases may be a true reflection of the suspected human trafficking cases in the reporting jurisdiction. The type of cases investigated and reported may also be associated with characteristics of the reporting agency, such as whether the human trafficking task force was located in a vice unit— which commonly pursues crime related to prostitution, pornography, gambling, alcohol or drugs—or if the task force was located in a division specializing in human trafficking, intelligence units, or units dedicated to investigating organized crime.

Less than 10% of the suspected human trafficking incidents were confirmed to be human trafficking, and more than half were missing or had an unknown confirmation status. The low rate of confirmation is likely

⁴⁵ e.g., prosecution and adjudication measures.

⁴⁶ i.e., the most recent record modification date was the same as the incident entry date.

⁴⁷ e.g., a case resulting from a “sting” operation might not have a “real” victim.

due to a number of factors, including the time it takes to investigate a case and the definition adopted by the HTRS for case confirmation. A confirmed incident of human trafficking requires victim cooperation, continuing presence granted for the victim, or the arrest of a human trafficking suspect. Additional analyses with selected task forces may be able to identify cases in which the victim was unwilling or unable to cooperate. An understanding of case characteristics that lacked victim cooperation may help to illuminate factors associated with that cooperation, such as the influence of a suspect, adult caregiver, or other individual. The task force, with cooperation between victim service provider and law enforcement agencies, may in fact be serving victims despite the case's "unconfirmed" status. Victim cooperation may also be impossible in cases where the victim has left the jurisdiction or whose whereabouts are unknown to law enforcement.

Case outcomes could be further examined to determine what happened to suspects in cases that were not confirmed to be human trafficking. Table 3 shows that 216 suspects were arrested during the study period, but only 77 suspects were linked to confirmed human trafficking incidents. Many cases—although not confirmed human trafficking—may involve other crimes which were prosecuted. Additional analyses may be able to identify crimes commonly associated with suspected human trafficking, such as promoting prostitution, pornography, human smuggling, visa fraud, immigration violations, kidnapping, or drug trafficking.

Conclusions

While the HTRS data have a number of limitations, and are unable to reliably measure the scope of human trafficking across the U.S., they also have a number of strengths. Further analyses may reveal that suspected human trafficking incidents also involve a number of other crimes, such as kidnapping, extortion, exploitation, and assault. The system may also be able to describe the characteristics of incidents that were unlikely to be closed, which may include referrals to other agencies or pending suspect identification. Patterns in investigating practices across task forces may explain the prevalence of suspected sex trafficking compared to labor trafficking – particularly the organizational location of the task force within the agency. Task forces located within vice units may be more likely to investigate cases of suspected sex trafficking than those located elsewhere in the agency, such as in an intelligence unit. Further analysis may also identify gaps or obstacles in the cycle of a case. For example, cases may stall because of an inability or unwillingness of a victim to cooperate, an inability to identify or arrest a suspect, and referral of cases to other agencies with no means of gathering follow-up information.

A potential next step to understanding the scope of human trafficking in the U.S. is to integrate some of the findings from the HTRS with other national-level data systems. For example, the National Human Trafficking Resource Center (NHTRC) was implemented in 2008 and has received tips from every state in the nation. The NHTRC has received more than 16,000 calls and tips in reference to U.S. citizens and foreign nationals, adults and minors, in sex and labor trafficking situations. Referrals, tips, and crisis calls make up nearly 30% of the calls, resulting in potentially 4,800 suspected incidents of human trafficking in the U.S.⁴⁸ Some of these cases overlap with those reported in the HTRS – but a large number of NHTRC tips also come from jurisdictions not covered by federally funded task forces.

There are also at least two national-level data systems that collect information on services provided to victims of trafficking by federally-funded task forces and provider organizations. The Office for Victims of Crime collects performance measures from the task forces it funds through its Trafficking Information

⁴⁸ Myles, Bradley and Jakiel, Sarah. *Using Data to Understand Trafficking in Your Region: The National Human Trafficking Resource Center*. Presented at the 2010 National Conference on Human Trafficking, Arlington, VA (May 4, 2010).

Management System (TIMS)⁴⁹ and the U.S. Conference of Catholic Bishops Office of Migration and Refugee Services manages a web-based service database, which tracks the activities of more than 110 subcontractors.⁵⁰ We expect that there may be some overlap between the data reported by the grantees that provide services to victims of human trafficking and the law enforcement agencies that investigate crimes and enter that information into the HTRS. However, preliminary analyses of the data indicate that the service providers are not identifying the same pool of cases that the law enforcement agencies are. While a substantial majority of the HTRS investigations are identified as sex trafficking, most of the cases captured in the service provider databases are more likely to be labor trafficking.⁵¹⁵²

The U.S. has made significant strides over the past decade to address a number of the obstacles to accurate counting and reporting of the scope of human trafficking in the country. Common definitions have been established, and legislation defining the crime and providing resources to address it has been passed at the federal and state level. We have begun to collect information from first responders, most notably the law enforcement agencies that enter information into the HTRS, but also service provider organizations that serve human trafficking victims. Recognizing the limitations of existing system, the U.S. is beginning to capitalize on its strengths by further analysis of case notes and exploration of integrating the data with other systems.

SUMMARY

The Victims of Trafficking and Violence Protection Act was passed by Congress in 2000⁵³ and reauthorized in 2003,⁵⁴ 2005,⁵⁵ and 2008⁵⁶. In response to the limited research and varying estimates of human trafficking, Congress requested a study on the scope and characteristics of human trafficking in the U.S. in the 2005 reauthorization⁵⁷. The Bureau of Justice Statistics, U.S. Department of Justice, implemented a system to collect information from law enforcement agencies across the U.S. about human trafficking investigations. The Human Trafficking Reporting System (HTRS) was designed to collect detailed information on human trafficking incidents investigated by federally funded task forces. The HTRS is the first system to specifically focus on state and local human trafficking investigations in the U.S., and has the potential to address gaps in our understanding of these crimes. A 2009 report by the Bureau of Justice Statistics described the scope and characteristics of suspected incidents of human trafficking investigated by the task forces in 2007 and 2008⁵⁸. While these findings provide some understanding of the cases investigated in task force jurisdictions in the U.S., they did not result in an estimate of the overall scope of human trafficking in the country. **Additional analyses may help to gain a better understanding of the data quality and reliability, and the outcomes of cases confirmed and not confirmed to be human trafficking.** Recognizing the limitations of the system and maximizing its utility by integrating it with other systems may provide a more comprehensive picture of the scope of human trafficking in this country.

RÉSUMÉ

La loi sur les victimes de la traite et la protection contre la violence a été adoptée par le Congrès en 2000 et autorisée à nouveau en 2003, 2005 et 2008. En réponse à la recherche limitée et aux estimations variables sur la traite des êtres humains, le Congrès a demandé une étude sur la portée et les caractéristiques du trafic d'êtres humains aux États-Unis dans la loi de 2005. Le Bureau of Justice Statistics, US Department of Justice, a été désigné pour recueillir des informations auprès des organismes

⁴⁹ Atlas-Terry, Mary. *Using Data to Understand Trafficking in Your Region: Office for Victims of Crime Trafficking Information System*. Presented at the 2010 National Conference on Human Trafficking, Arlington, VA (May 4, 2010).

⁵⁰ Parampil, Nyssa. *Using Data to Understand Trafficking in Your Region: United States Conference of Catholic Bishops Migration and Refugee Services On-line Database*. Presented at the 2010 National Conference on Human Trafficking, Arlington, VA (May 4, 2010).

⁵¹ Atlas-Terry, Mary. (May 4, 2010).

⁵² Parampil, Nyssa. (May 4, 2010).

⁵³ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464.

⁵⁴ Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875.

⁵⁵ Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3566.

⁵⁶ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044.

⁵⁷ Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, § 201 (a)(1), 119 Stat. 3566.

⁵⁸ Kyckelhahn, T., Beck, A. & Cohen, T. *Characteristics of Suspected Incidents of Human Trafficking, 2007-2009*. Washington, DC: United States Department of Justice (January 2009).

d'application de la loi à travers LES États-Unis sur la traite des êtres humains. Le Human Trafficking Reporting System (HTRS) a été conçu pour recueillir des renseignements détaillés sur les incidents de traite des êtres humains étudiés par les forces de travail financés par l'État fédéral. Le HTRS est le premier système qui se concentre spécifiquement sur les enquêtes nationales et locales de traite des êtres humains aux États-Unis et qui a le potentiel pour combler les lacunes dans notre compréhension de ces crimes. Un rapport de 2009 du Bureau of Justice Statistics a décrit la portée et les caractéristiques des incidents soupçonnés de trafic d'êtres humains recherchés par les groupes de travail en 2007 et 2008. Bien que ces résultats fournissent une certaine compréhension des cas étudiés par les groupes de travail des États aux États-Unis, ils n'ont pas abouti à une estimation de la portée générale du trafic d'êtres humains dans le pays. Des analyses complémentaires peuvent aider à acquérir une meilleure compréhension de la qualité et de la fiabilité des données, et les résultats des cas confirmés et non confirmés de traite des personnes. La reconnaissance des limites du système et la maximalisation de son utilité en l'intégrant dans d'autres systèmes peuvent fournir une image plus complète de la portée de la traite des êtres humains dans ce pays.

RESUMEN

La Ley de protección de las víctimas de la trata y la violencia se aprobó por el Congreso en 2000 y fue renovada en 2003, 2005 y 2008. En respuesta a la escasa investigación y las variables estimaciones sobre la trata de seres humanos, el Congreso solicitó un estudio sobre el alcance y las características de la trata de personas en los EE.UU. en la renovación de 2005. La Oficina de Estadísticas de Justicia, Departamento de Justicia de los Estados Unidos, aplicó un sistema para recopilar información de las agencias de aplicación de la ley en los EE.UU. relativas las investigaciones sobre la trata de personas. El Human Trafficking Reporting System (HTRS) fue diseñado para recopilar información detallada sobre los incidentes de trata de personas investigados por grupos de trabajo financiados con fondos federales. El HTRS es el primer sistema que se centra específicamente en las investigaciones estatales y locales sobre la trata de personas en los EE.UU., y tiene el potencial para cubrir las lagunas en nuestra comprensión de estos crímenes. Un informe de 2009 de la Oficina de Estadísticas de Justicia describió el alcance y las características de los incidentes sospechosos de trata de personas investigados por los grupos de trabajo en 2007 y 2008. Aunque estos resultados proporcionan una cierta comprensión de los casos investigados en las jurisdicciones del grupo de trabajo en los EE.UU., no dio lugar a una estimación del alcance global de la trata de personas en el país. Análisis adicionales pueden ayudar a obtener un mejor entendimiento de la fiabilidad y calidad de los datos, y de los resultados de casos confirmados y no confirmados constitutivos de se trata de personas. Reconociendo las limitaciones del sistema y maximizando su utilidad mediante la integración con otros sistemas se puede proporcionar una imagen más completa del alcance de la trata de seres humanos en este país.