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How Law Enforcement is Combating the Human Trafficking Problem

By Ted Gest

Introduction

Human trafficking is a prominent modern-day form of slavery. It is practiced in different forms around the world, but the United States is a primary target of activity as traffickers lure people from impoverished places to the U.S. based on promises of good job opportunities. Attorney General Alberto R. Gonzales says that "human traffickers are slave traders who treat people not with the dignity and respect that every human being deserves, but as commodities to be recruited, moved, and sold." The Bush administration has made the human trafficking problem a high priority, emphasizing prosecutions and aid to victims.

The Challenge

Trafficking in people appears in many forms. Perhaps the most sensational examples have been women who are brought into the country for supposedly well-paying jobs but instead were imprisoned in captive situations of sexual exploitation. Actually, any person held in a forced work situation can be a trafficking victim. Federal cases in recent years have involved people in such areas as domestic work, garment factory sweatshops, prostitution, and "exotic dancing." In one prosecution, a couple used a false passport to bring a 14-year-old girl to the U.S. from Cameroon. The girl was told she would be given an American education but instead was not permitted to leave her hosts' home alone, was abused, and became the victim of sexual advances. The couple was sentenced to a 9-year prison term and was ordered to pay \$105,300 in restitution on a charge of involuntary servitude. Another family brought young girls from Mexico supposedly to work as waitresses and landscapers and ended up being "held as slaves in a high-volume prostitution operation," the Justice Department says. Six defendants were sentenced to prison terms up to 15 years.

In a report for the Office of Community Oriented Policing Services (COPS), criminologist Graeme Newman of the State University of New York at Albany identified four stages of human trafficking: Recruitment, in which traffickers entice vulnerable people; finding transportation and weak entry points; prearranging deals with legal or illegal businesses, and exploitation, which may include creating and maintaining a victim's debt and alcohol or drug dependency.

The issue is not solely one of forced labor. The Justice Department says that "the clandestine movement of persons across borders also poses terrorism and public health concerns." Officials cite a joint operation between federal officials in Montana and Canada in 2004 that found a dozen Korean women believed to be headed for the sex trade; most of them tested positive for tuberculosis. Syndicates involved in such cases also are responsible for other border crimes that include smuggling, drug trafficking, and arms trading, investigators say. Newman, focusing his research on trafficked women, identifies three groups of traffickers: large scale, Mafia-like

networks that control a majority of prostitution in Western Europe; medium-size networks that specialize in moving women from one particular country to another; and informal “family” networks of people who hold legitimate jobs and operate trafficking enterprises on the side.

The State of Play

It is very difficult to establish the precise scope of the problem. The official U.S. government estimate is that as many as 800,000 people are trafficked across any international border each year, with up to 17,500 victims brought into the United States annually. The National Institute of Justice, the Justice Department’s research agency, has funded an ongoing study of the numbers issue by the Vera Institute of Justice in New York City. Vera says that “most community- and faith-based organizations and many law enforcement agencies do not use standard definitions or data collection tools.” The result is that current numbers are based largely on anecdotal evidence. The small number of prosecutions is believed to represent only a small fraction of the overall trafficking problem.

The Justice Department has acknowledged the “noted disparity” between the estimated number of victims and those who have been assisted by government: fewer than 1,000 since 2001, when the federal Trafficking Victims Protection Act went into effect. Justice says there is some confusion between the definitions of human trafficking and crimes such as harboring illegal aliens and migrant prostitution. Although there is some overlap, trafficking victims need not be illegal residents, and those who are smuggled into the country voluntarily may not be regarded as trafficking victims even if their circumstances later change.

Because many victims are far from their homes, do not speak English, and lack legal immigration status, says the Justice Department, “traffickers prey on the unsettled aspects of their lives, playing victims against each other and generating a culture of fear.”

Much of the attention on human trafficking has been focused on women and the role of sexual exploitation, but there is no proof that they constitute the vast majority of the problem. One researcher notes that a Mexican man who pays a smuggler to bring him into the U.S. but ends up in forced labor in a restaurant basement may be “a more realistic representation of the problem and the complications of victim identification.”

What has been the Federal Government's role?

The Justice Department has stepped up prosecutions of traffickers. There were 91 cases filed either by the Civil Rights Division or U.S. Attorney’s Offices between fiscal years 2001 and 2005, a 405% increase over the total between 1996 and 2000. The number of individual defendants also increased to 248 during the period, a 210% increase over the previous five-year period.

The enactment of new laws has helped the effort. Before 2001, cases were brought under laws prohibiting involuntary servitude, the anti-prostitution Mann Act, and labor laws regulating workplace conditions. The Trafficking Victims Protection Act provided new protections for victims who cooperate with law enforcement, expanded crimes and penalties, and enlarged federal programs abroad to prevent victims from being trafficked to the United States. The law included trafficking in laws on money laundering, racketeering, and asset forfeiture, which the Justice Department says has yielded some penalties three or four times as high as those available under previous statutes.

Just this year, President Bush signed another reauthorization of the trafficking law. This version made traffickers subject to a “document servitude” prohibition against withholding identity papers to coerce the victim. The measure also set up a pilot program of residential treatment facilities for child trafficking victims and created a grant program for state and local law enforcement on the trafficking problem.

The Justice Department has awarded more than \$30 million since 2004 to start 32 human trafficking task forces that involve various levels of law enforcement and to help 21 victim service

providers across the nation. The task forces, coordinated by local U.S. Attorney's offices, include representatives of the FBI, Bureau of Immigration and Customs Enforcement (ICE), local law enforcement, and social service agencies.

In one example of how a task force operates, federal, state, and county officials in Houston worked with non-governmental organizations to form a Human Trafficking Rescue Alliance. The alliance was instrumental in federal indictments last year against figures in two large-scale trafficking operations. One of them involved Mexican women and girls forced into prostitution; the other included charges that Central American women were held in a "bar girl" scheme.

Since January 2003, the federal Office for Victims of Crime and Bureau of Justice Assistance have provided training to about 40,000 law enforcement officers, social service providers, medical and mental health professionals, lawyers, and others on how to detect and deal with human trafficking. Last year, the Bureau of Justice Assistance developed a course called "Human Trafficking in the United States, Promoting Law Enforcement Awareness." This course is currently being taught by the Office of Community Oriented Policing Services (COPS) through its Regional Community Policing Institutes (RCPI). This year, there will be at least 170 sessions training over 5,100 law enforcement personnel.

In 2002, President Bush created a cabinet-level task force on the human trafficking problem; it is chaired by the Secretary of State and includes the Attorney General, Secretary of Labor, Secretary of Health and Human Services, Director of Central Intelligence, Director of the Office of Management and Budget, and Administrator of the Agency for International Development. A reauthorization of the federal anti-trafficking law enacted in 2003 codified a Senior Policy Operating Group (SPOG) consisting of officials from 10 federal agencies who meet quarterly to discuss federal policies. The Justice Department created a Human Smuggling and Trafficking Center in 2004. To encourage an international response to the problem, Justice representatives have spoken to gatherings around the world in the last five years in a long list of places that include Azerbaijan, Belize, Brazil, Cambodia, Canada, China, Colombia, Guatemala, Hungary, Japan, Philippines, Thailand, and Ukraine.

The Department of Health and Human Services has begun a public awareness campaign called "Rescue & Restore Victims of Human Trafficking." The campaign encourages service providers to identify victims and report them to a hotline, 1-888-373-7888. Among signs that a child may be a victim: evidence of physical abuse, poor hygiene, hunger, living with an employer, wearing the same clothing for days, and having no passport or other documentation.

Child sex trafficking has been targeted in a Federal Bureau of Investigation "Innocence Lost Initiative" that began in 2003. As of last fall, task forces were started in the areas believed to be those most seriously affected, including Atlantic City, Boston, Chicago, Detroit, Harrisburg, Indianapolis, Los Angeles, Miami, Toledo, Portland, Or.; San Francisco, and Washington. More than 200 child victims had been identified through 2005. The initiative had resulted in 505 arrests and 67 convictions.

In addition to the Vera Institute project on the extent of human trafficking, the National Institute of Justice has funded several other research projects. Northeastern University is assessing the state of law enforcement responses to the problem, including case studies in Boston, St. Louis, and Phoenix. Georgetown University is looking at patterns of abuse of sexually exploited trafficked children. Caliber Associates is working on several projects, including development of a methodology to estimate the extent of the problem and on compiling best practices of law enforcement and collaborating agencies in handling trafficking cases.

Concerns and future directions

Many trafficking victims are not getting aid. Because they are being held against their will and may be threatened with deportation or other harm, they may be unable or afraid to alert authorities to their status. Even after people are rescued from a state of servitude, they must be

certified in order to receive benefits. They may be most vulnerable during this period, says the Justice Department, needing housing, clothing, food, medical and psychological care, legal aid, and immigration advocacy.

Some service providers may decline to provide help in the mistaken belief that people are not eligible for aid because they initially paid to have themselves smuggled into the country, only to be held captive later. Other agencies may be reluctant to help because they know that there are not beds available in shelters even if the applicant is legally eligible. Even though federal agencies have clearly increased their attention to the trafficking problem, some suspects still slip through the cracks. One tactic among those who are identified as offenders is to request immediate deportation to avoid criminal prosecution.

Public ambivalence about some aspects of trafficking may hamper the extent of police intervention, says criminologist Newman. Many people patronize prostitutes or may be unaware the women are being coerced. One result may be "inconsistent enforcement by local police," Newman says. As evidenced by the current debate on immigration, some areas of the U.S. are more hostile than others to illegal residents; in some places, there is a tradition of public support for them. Conflicting views on the issue, says Newman, "make it easier for traffickers to keep their victims isolated and out of sight of the authorities."

To Learn More: Available Resources

"Report on Activities to Combat Human Trafficking," Fiscal Years 2001-2005, U.S. Department of Justice, Civil Rights Division, 2006, http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf

"The Exploitation of Trafficked Women," Graeme R. Newman, report to the Office of Community Oriented Policing Services, 2006, <http://www.cops.usdoj.gov/mime/open.pdf?Item=1699>

"Helping the Hidden Victims of Human Trafficking," Steve Wagner, *Juvenile and Family Justice Today* magazine, National Council of Juvenile and Family Court Judges, Winter 2006.

"The Girls Next Door," Peter Landesman, *The New York Times Magazine*, January 25, 2004.

[Www.HumanTrafficking.org](http://www.HumanTrafficking.org), Web site operated by the Academy for Educational Development with funding from the U.S. Department of State

RCPI Training on Human Trafficking: Upper Midwest Community Policing Institute:
<http://www.umcpi.org/index.htm>

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