2018

Federal
HUMAN
TRAFFICKING *Report*

EXECUTIVE SUMMARY

A publication of

The
HUMAN
TRAFFICKING
INSTITUTE

2018 *Federal* HUMAN TRAFFICKING *Report*

EXECUTIVE SUMMARY

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ACKNOWLEDGMENTS

To view the complete report and methodology, visit www.TraffickingMatters.com

The Human Trafficking Institute

April 10, 2019

Dear Reader,

Last year, we released our first *Federal Human Trafficking Report* ("Report") to capture and analyze what federal courts in the United States are doing to combat human trafficking. The 2017 Report captured wide-ranging information about every human trafficking case that federal courts handled in 2016 and 2017 with the goal of providing objective data to inform discussions by policymakers, researchers, journalists, and nonprofit leaders. We have been encouraged by the response. The 2017 Report was used as a resource for news stories, in reports by leading nonprofit organizations, and by government agencies and international organizations. One government leader described the Report as the most reliable cross section of human trafficking data within the United States.

In the coming years, we are committed to making the Report an even more useful tool. For the 2018 Report, in response to several requests, we pulled data from a few significant years in federal human trafficking law and enforcement. We added cases that were initiated in 2000, when the Trafficking Victims Protection Act (TVPA) was enacted and the following year, 2001. We also added cases that were initiated in 2007 and 2008 to capture data from the first two years of the Human Trafficking Prosecution Unit's existence, as well as one of the years when the TVPA was reauthorized. Our reporting on those years is limited to cases that were initiated; however, it does provide some helpful context to see how the numbers have changed since the enactment of the TVPA. In future Reports, we hope to pull data from other years to provide a more comprehensive picture of how federal efforts to hold traffickers accountable have developed.

In addition, following the publication of the 2017 Report, we created one-page overviews that summarized an individual state's federal efforts to combat trafficking. Last year, we published 18 state summaries. This year, we will be publishing state summaries for all 56 U.S. States and Territories.

Last year, we also announced the launch of **www.TraffickingMatters.com**, which we hope will serve as a premier hub for human trafficking data and research. Trafficking Matters not only houses the Report and state summaries, but also trending cases, news stories, and reports from a wide array of government agencies, multilateral organizations, and nonprofit organizations.

We believe these resources represent an important step forward in our understanding of human trafficking cases, and we are grateful for the opportunity to collaborate with government agencies, non-governmental organizations, and survivors during the collection and analysis of this data.

Sincerely,

Victor Boutros
*Institute Cofounder & Chief Executive Officer*

EXECUTIVE SUMMARY

Holding human traffickers accountable through criminal investigations and prosecutions, as well as civil lawsuits, is a crucial element of an effective, victim-centered approach to combating human trafficking. Human traffickers are economically motivated, compelling people to work or to engage in commercial sex for the trafficker's own profit. The Trafficking Victims Protection Act (TVPA) of 2000 criminalizes this form of exploitation at the federal level and has provided increasingly more protection for victims over time. The TVPA provides, *inter alia*, mandatory victim restitution and the option for victims to sue their traffickers civilly.

In 2017, the Human Trafficking Institute ("Institute") published the first *Federal Human Trafficking Report*, an exhaustive review of federal efforts to hold traffickers accountable for their exploitative conduct. The *2018 Federal Human Trafficking Report* ("Report") is a continuation of the Institute's efforts to provide comprehensive data about every criminal and civil human trafficking case that federal courts handle each year. The Report's findings are not a prevalence estimate of human trafficking within the United States, but instead, serve as an objective summary of how the federal court system is used to combat human trafficking.

In 2018, there were a total of 771 active human trafficking cases in federal courts across the United States. The majority (88.2%) of the active human trafficking cases were criminal prosecutions. The remaining 11.8% of the active human trafficking cases were civil suits.

2018 ACTIVE CASES

11.8%
CIVIL CASES

88.2%
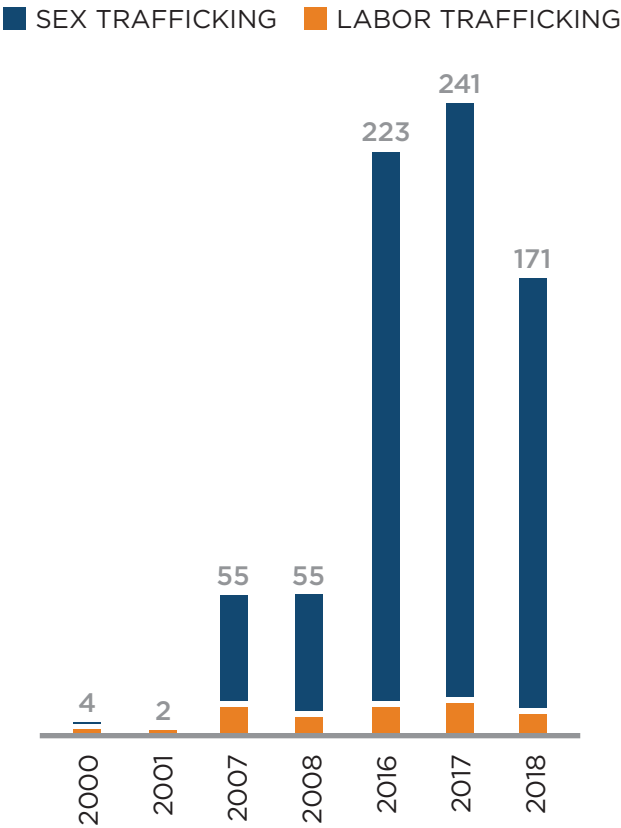CRIMINAL
CASES
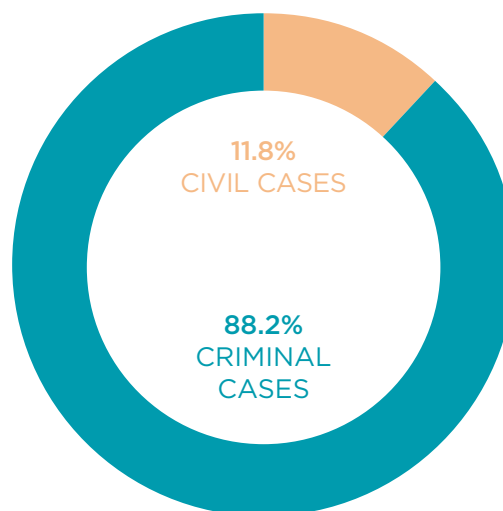
CRIMINAL CASES

In 2018, the government initiated 171 criminal human trafficking cases in federal courts. Ninety-five percent of the initiated cases were sex trafficking cases, and 4.7% were labor trafficking cases. This represents a 29% decrease in the number of initiated cases from the 241 new criminal cases in 2017.

Since the TVPA was enacted in 2000, the number of human trafficking cases prosecuted has increased dramatically. In 2000, the federal government initiated four human trafficking cases. In 2007, the year the Justice Department formed the Human Trafficking Prosecution Unit, initiated federal prosecutions jumped to 55 new cases. Although the number of sex trafficking prosecutions charged by the federal government each year has greatly increased since the enactment of the TVPA, the number of new labor trafficking cases has remained relatively stagnant.

CASE TYPE

Over half (51.6%) of the criminal human trafficking cases active in 2018 were sex trafficking cases involving only child victims. The remaining 48.4% of the criminal cases were sex trafficking cases involving only adult victims (16.3%), sex trafficking cases involving adult and child victims (16.2%), sex trafficking sting cases without identified victims (8.4%), sex trafficking cases where the age of the victim was undisclosed (2.4%), and labor trafficking cases (5.1%).

INITIATED CRIMINAL CASES

■ SEX TRAFFICKING   ■ LABOR TRAFFICKING

2018 CRIMINAL CASES BY CASE TYPE

5.1% LABOR TRAFFICKING

2.4% SEX TRAFFICKING (AGE UNDISCLOSED)

8.4% STING SEX TRAFFICKING CASES (NO VICTIMS)

16.2% SEX TRAFFICKING OF ADULTS AND CHILDREN

16.3% SEX TRAFFICKING OF ADULTS ONLY

51.6% SEX TRAFFICKING OF CHILDREN ONLY
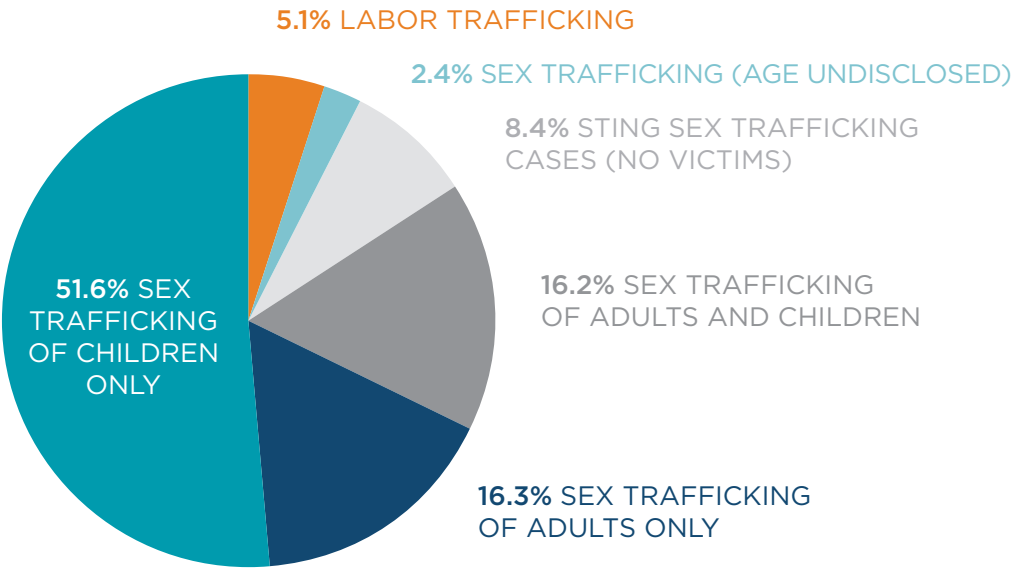
BUSINESS MODELS

Criminal defendants used the internet to solicit buyers of commercial sex in 87.7% of the sex trafficking cases active in 2018.[i] Of these cases, public sources identified Backpage as a platform used to solicit buyers in 300 cases. The number of cases involving Backpage dropped 18.3% from 2017, following the shutdown of Backpage in April 2018. Only 5.3% of the sex trafficking cases active in 2018 involved commercial sex being marketed on a street or track known for prostitution. This is a slight decline from the 6.6% of sex trafficking cases that involved street-based commercial sex in 2017.

In 2018, labor trafficking defendants most commonly compelled victims to work as domestic servants. Of the labor trafficking cases active in 2018, 38.7% involved domestic work, where victims were forced to provide house cleaning, childcare, and other household tasks.[ii] The other top industries where defendants commonly compelled victims to work included food services or restaurant labor (19.4%), farming or agricultural labor (12.9%), and construction labor (12.9%). These were the same top four business models as in 2017.

METHODS OF COERCION

Traffickers frequently use a combination of coercive tactics to compel a victim to provide sex or labor. In 2018, evidence in over half (56.2%) of the sex trafficking cases indicated that a defendant used physical violence to force a victim to engage in commercial sex.[iii] In addition to violent methods of coercion, traffickers commonly rely upon more subtle forms of coercion to control their victims. Of the sex trafficking cases active in 2018, 42.6% involved a defendant threatening to use violence against a victim, 25.4% involved a defendant verbally or emotionally abusing a victim, and 23.3% involved a defendant placing a victim in physical isolation in order to coerce the victim to engage in commercial sex. Defendants in over one-third (36.2%) of the active sex trafficking cases allegedly induced a substance addiction, or exploited an existing addiction, as a method to control a victim.

The most common methods of coercion used by defendants in labor trafficking cases active in 2018 were the withholding of pay (60%) and threats of physical abuse (60%).[iv] In 57.1% of the cases, defendants used physical violence to coerce a victim to work or provide services. Non-physical methods of coercion targeting migrant populations appeared in public sources more frequently in labor trafficking cases than sex trafficking cases. For example, 51.4% of labor trafficking cases included evidence that a defendant threatened a victim would be deported if he or she did not comply with the defendant's demands. In comparison, only 2.6% of sex trafficking cases mentioned a defendant's threat of deportation as a method of coercion.

LABOR TRAFFICKING DEFENDANTS MOST

COMMONLY COMPELLED VICTIMS TO WORK AS

DOMESTIC SERVANTS.

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[i] The percentages in this section are based out of the 510 active criminal sex trafficking cases where the primary business model was identifiable through public sources. Additionally, this percentage excludes 22 cases in which the business model was known but classified as "other."

[ii] The percentages in this section are based out of the 31 active criminal labor trafficking cases where the primary business model was identifiable through public sources.

[iii] The percentages in this section are based out of the 425 active criminal sex trafficking cases where at least one method of coercion was identifiable through public sources.

[iv] The percentages in this section are based out of the 35 active criminal labor trafficking cases where at least one method of coercion was identifiable through public sources.

HOTELS

Many of the criminal sex trafficking cases active in 2018 involved a defendant allegedly compelling a victim to provide commercial sex at a hotel. Of the 383 sex trafficking cases that identified the location where a commercial sex act took place, 81.5% (312) involved a victim who was exploited for sex at a hotel. Public sources provided the names of specific hotels in 174 cases. The top five hotels identified were small-chain hotels or hotels not part of a chain (62), Super 8 (31), Motel 6 (29), Red Roof Inn (20), and Days Inn (19). The federal government only prosecuted one hotel for human trafficking in 2018.
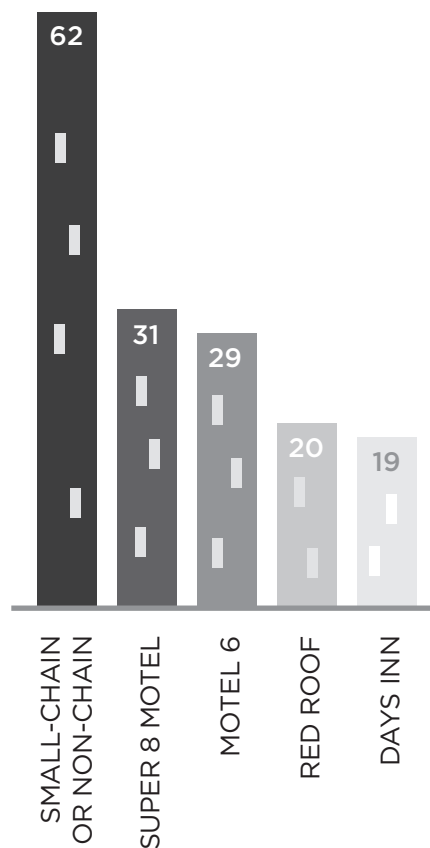
CRIMINAL DEFENDANTS

In 2018, the federal government initiated criminal charges against 297 defendants in human trafficking cases. This is a 34% decrease from the 450 defendants the federal government charged in 2017. Of the 297 defendants charged in 2018, 96.3% were in sex trafficking cases, and 4.7% were in labor trafficking cases.

Only 41.5% of the criminal cases active in 2018 involved more than one defendant. The largest human trafficking case had a total of 38 defendants. In 2018, labor trafficking cases were more likely than sex trafficking cases to involve more than one defendant. Of the labor trafficking cases active in 2018, 57.1% were multi-defendant cases. In comparison, only 40.6% of sex trafficking cases involved more than one defendant.

There was a total of 1,217 defendants active in federal human trafficking cases in 2018. Over 99% of the active defendants were individuals. Although the TVPA provides criminal liability for entities who facilitate, or financially benefit from, a trafficking enterprise, there were only two entity defendants active in 2018: a hotel and a farm. The federal government initiated no new prosecutions against entity defendants in 2018.

In 2018, the federal government charged 31 buyer-defendants. Buyer-defendants are those the government prosecutes for purchasing or attempting to purchase commercial sex with a trafficking victim. This represents a significant increase over the past 10 years from only one buyer-defendant charged in 2008.

2018 CRIMINAL CASES BY IDENTIFIED HOTELS

SMALL-CHAIN OR NON-CHAIN	SUPER 8 MOTEL	MOTEL 6	RED ROOF	DAYS INN
62	31	29	20	19

2018 INDIVIDUAL & ENTITY CRIMINAL DEFENDANTS

2 ENTITIES

1,215 INDIVIDUALS

CONVICTIONS

Of the 359 defendants whose charges were resolved in 2018, 96.4% were convicted. This is an increase from the 93.9% conviction rate in 2017 and the 91.3% conviction rate in 2016. Of the 346 defendants convicted in 2018, 86.1% entered a guilty plea, and 13.9% were found guilty following a trial. No defendants were acquitted in federal courts in 2018. Nearly 10% of the defendants convicted in 2018 were buyer-traffickers.

2018 CONVICTION RATE

3.6%
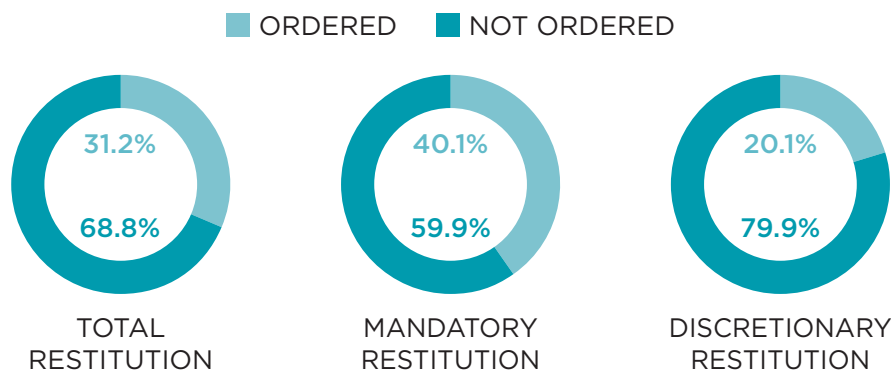DISMISSAL

96.4%
CONVICTION

SENTENCES

In 2018, federal courts sentenced 91.9% of the defendants to a term of imprisonment. Sentences ranged from two months to 540 months (45 years), with an average sentence of 135 months (11 years, 3 months). On average, defendants in sex trafficking cases involving only child victims faced the longest term of imprisonment: 151 months (12 years, 7 months). Although the TVPA imposes a 10-year minimum sentence for defendants convicted under the federal sex trafficking statute, 18 U.S.C. § 1591, federal courts failed to sentence nine defendants to the mandatory minimum. In 2018, federal courts ordered eight defendants to life in prison.

RESTITUTION

In 2018, federal courts ordered 31.2% of the defendants convicted in a human trafficking case to pay victim restitution.[v] Victim restitution was ordered against defendants in labor trafficking cases more often than those in sex trafficking cases. Federal courts ordered defendants convicted in sex trafficking cases to pay restitution 28.2% of the time, compared to 66.7% in labor trafficking cases.

A total of 172 defendants were convicted of a human trafficking offense that triggered the TVPA's mandatory restitution provision.[vi] Of these defendants, courts ordered 40.1% to pay restitution. This is a 63.7% increase from 2017, when courts ordered only 24.5% of defendants to pay restitution. Notably, federal courts still failed to order mandatory restitution against 59.9% of the defendants.

2018 RESTITUTION BY CONVICTION TYPE

■ ORDERED   ■ NOT ORDERED

31.2%
68.8%
TOTAL
RESTITUTION

40.1%
59.9%
MANDATORY
RESTITUTION

20.1%
79.9%
DISCRETIONARY
RESTITUTION

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[v] This percentage is based out of the 311 defendants convicted in cases with an identified trafficking victim.

[vi] These 172 defendants were all convicted in cases involving at least one identified victim of trafficking. For restitution purposes, this Report excludes defendants convicted in cases where there was no victim named in the charging instrument or where there was a fictional victim used as part of a sting operation by law enforcement, as federal courts would not typically order victim restitution against these defendants.

ONLY THREE MALE VICTIMS WERE IDENTIFIED IN CASES THE GOVERNMENT INITIATED IN 2018.

VICTIMS

There was a total of 1,649 victims identified in the charging instruments of the criminal cases active in 2018.[vii] When considering all of the identified victims in criminal cases active in 2018, the breakdown between adult and child victims was approximately 50-50.[viii] When broken out by case type, however, the most common age of the victims exploited varied. In labor trafficking cases, the majority (90.9%) of the victims were adults. In comparison, in sex trafficking cases, the majority (52.6%) of the victims were children.

In the criminal cases active in 2018, the great majority (94.2%) of the victims were female.[ix] When broken out by case type, the percentage of female victims in active criminal cases jumps to 97% in sex trafficking cases but drops to 52.9% in labor trafficking cases. Strikingly, only three male victims were identified in cases that the government initiated in 2018.

GENDER OF VICTIMS IN 2018 CRIMINAL CASES

■ FEMALE ■ MALE

5.8%	3%	47.1%
94.2%	97%	52.9%
ALL VICTIMS	SEX TRAFFICKING VICTIMS	LABOR TRAFFICKING VICTIMS
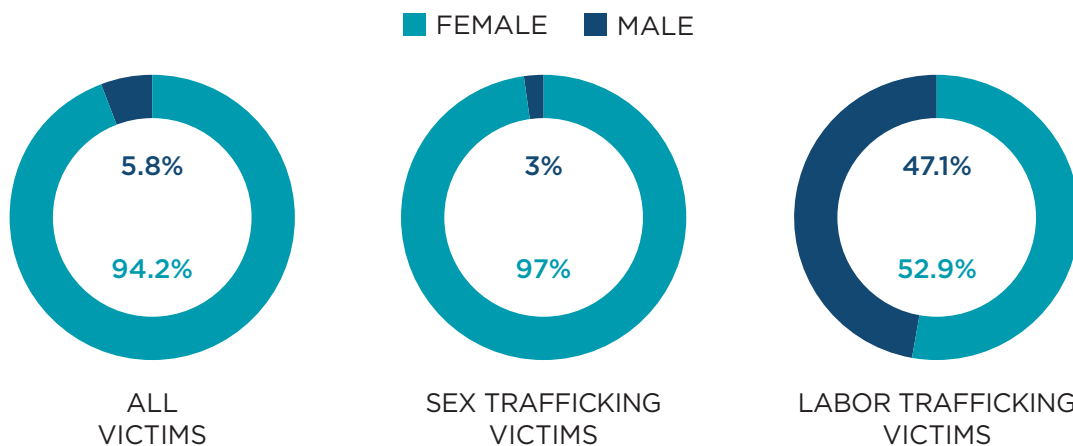
[vii] The Report only includes victim information for victims the government specifically identified in the charging instruments against criminal defendants. The number of identified victims is an underrepresentation of the number of victims exploited by traffickers in the United States in 2018, as well as the number of victims the traffickers prosecuted in these cases likely exploited. These numbers are not intended to be a prevalence estimate.

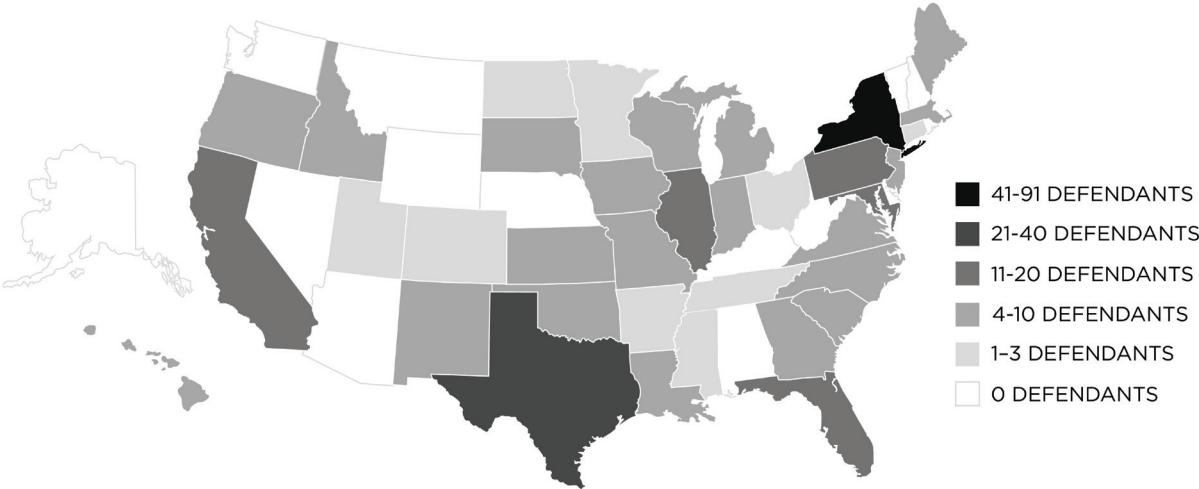[viii] Public sources identified the age of 1,506 victims; 49.9% were adults, and 50.1% were children.

[ix] This percentage is based out of 1,610 victims whose gender was identifiable by public sources. No public sources identified a victim as having a gender other than male or female.

LOCATION OF CRIMINAL CASES

Federal districts in 67.3% of the United States and U.S. territories charged at least one new human trafficking case in 2018. In 65.5% of the districts, the federal government filed new charges against defendants in sex trafficking cases. In comparison, only 12.7% of the districts handled a new labor trafficking prosecution in 2018.

The federal districts ranked in the top 10 by the number of new defendants charged in 2018 are: the Southern District of New York (25), the District of Maryland (15), the Southern District of Florida (14), the Southern District of Texas (14), the Northern District of Texas (13), the Eastern District of New York (12), the Southern District of Iowa (10), the Eastern District of Pennsylvania (10), the Western District of Texas (10), the District of Oregon (9), and the District of South Carolina (9).

NUMBER OF CRIMINAL DEFENDANTS CHARGED IN 2018

41-91 DEFENDANTS
21-40 DEFENDANTS
11-20 DEFENDANTS
4-10 DEFENDANTS
1-3 DEFENDANTS
0 DEFENDANTS

U.S. TERRITORIES

GUAM   PUERTO RICO   AMERICAN SAMOA   VIRGIN ISLANDS   NORTHERN MARIANA ISLANDS

LENGTH OF RESOLUTION

In 2018, it took federal courts an average of 26 months to resolve criminal charges against a defendant in a human trafficking case. The shortest time it took a federal court to resolve a defendant's charges was six weeks, and the longest time was 90 months. The average length of resolution varied based on the type of trafficking involved in the case. It took federal courts an average of 23 months to resolve charges against defendants in sex trafficking cases with only child victims, 30 months to resolve charges against defendants in sex trafficking cases with adult victims, and 24 months to resolve charges against defendants in labor trafficking cases.

CIVIL CASES

The TVPA provides victims of trafficking with a civil remedy against their traffickers. Civil cases were more likely than criminal cases to have multiple defendants. In contrast to criminal cases, which primarily involved sex trafficking, the majority (87.9%) of civil suits were labor trafficking cases. Only 12.1% of the active civil suits involved sex trafficking. This breakdown is consistent with the 31 new civil suits that plaintiffs filed in 2018, 87.1% of which involved labor trafficking and 12.9% of which involved sex trafficking.

Nineteen of the 91 active cases were class actions. Five of the class actions involved allegations of labor trafficking within immigration detention facilities, and two related to high-profile allegations of both sex and labor trafficking within USA Olympic sports committees.

BUSINESS MODELS

Like defendants in criminal labor trafficking cases, defendants in civil labor trafficking suits were most commonly accused of compelling victims to work as domestic servants. Of the civil labor trafficking suits active in 2018, 37.3% involved domestic work, where victims were forced to provide house cleaning, childcare, and other household tasks.[x] The other top industries where defendants commonly compelled victims to work included farming or agricultural labor (20.9%), food services or restaurant labor (9%), and manufacturing (7.5%).

METHODS OF COERCION

The top methods of coercion used by defendants in civil sex trafficking suits differed from those in criminal matters. In the 10 civil sex trafficking cases that identified a method of coercion, the most common methods of coercion were verbal and emotional abuse, sexual violence, and fraud or misrepresentation of a job, all of which tied at 70%. In contrast, the most common method of coercion in civil labor trafficking suits was the withholding of pay, which allegedly occurred in 81.3% of the cases. Defendants in labor trafficking suits were accused of threatening deportation to compel labor in 53.8% of the cases.

2018 CIVIL CASES BY PRIMARY CASE TYPE

12.1% SEX TRAFFICKING
87.9% LABOR TRAFFICKING

CIVIL DEFENDANTS

There were 390 defendants active in civil suits in 2018. The majority (85.4%) of the defendants were in labor trafficking cases. Plaintiffs were more likely to file civil claims against multiple defendants in a human trafficking case. Only 17.6% of the civil matters were single-defendant cases. The average number of civil defendants per case in 2018 was four; however, the largest case involved 33 defendants.

In 2018, civil suits against entity defendants (corporations, organizations, etc.) were much more common than criminal prosecutions against entities. Of the civil defendants active in 2018, 43.8% were entity defendants. In comparison, less than 1% of defendants active in criminal cases in 2018 were entity defendants.

CIVIL CASE RESOLUTIONS

Of the 77 civil human trafficking defendants resolved in 2018, the majority (68.8%) were resolved by the dismissals of claims filed against them. Federal courts dismissed all claims filed against 33.8% of the defendants, and plaintiffs voluntarily dismissed claims against 35.1% of the defendants, without any indication of a settlement. Public sources indicated that 10.4% of the defendants entered into a settlement agreement with the plaintiff(s) prior to trial, though the terms of the settlement agreements were not commonly known. In 2018, federal courts found 5.2% of the resolved defendants liable following trial and entered default judgments against 15.6% of the civil defendants.
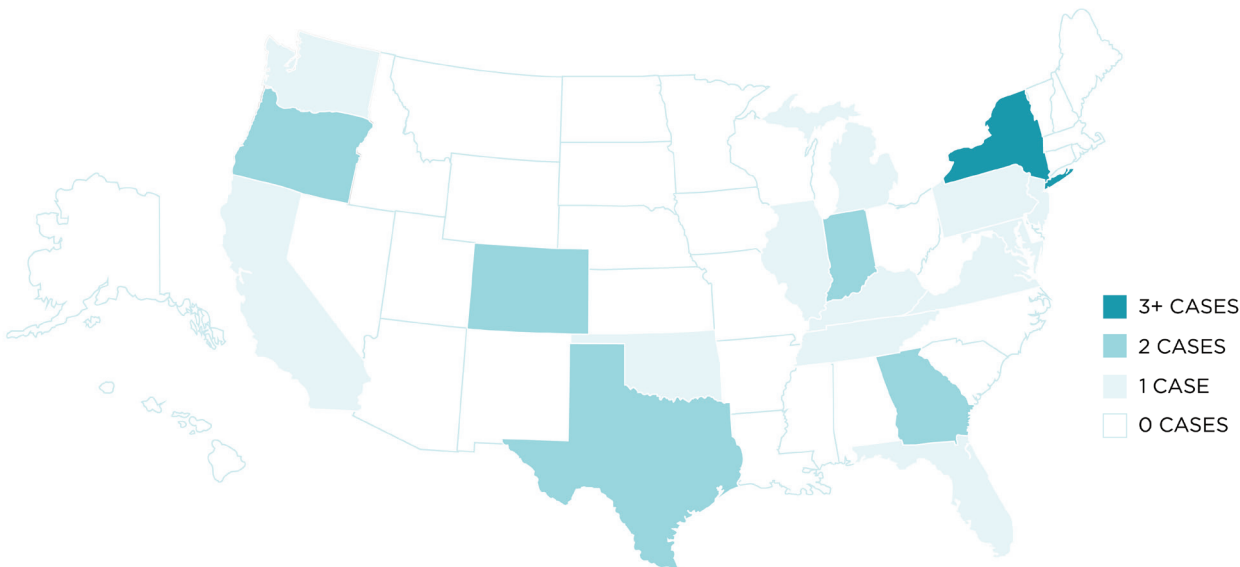
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[x] The percentages in this section are based out of the 67 active criminal labor trafficking cases where the primary business model was identifiable through public sources.

LOCATION OF CIVIL CASES

In 2018, plaintiffs filed civil human trafficking suits in 21 federal districts. Of these districts, only five districts handled more than one new civil suit: the Eastern District of New York (6), the Southern District of New York (3), the District of Colorado (2), the Southern District of Indiana (2), and the District of Oregon (2). The remaining 16 federal districts handled only one initiated civil human trafficking suit. Notably, plaintiffs did not file any new civil human trafficking suits in 77.7% (73) of the federal districts.

Of the 21 districts where plaintiffs filed a civil suit in 2018, 18 districts handled only labor trafficking suits, one district handled only a sex trafficking suit, and two districts handled both sex and labor trafficking suits.

CIVIL CASES FILED IN 2018

3+ CASES
2 CASES
1 CASE
0 CASES

U.S. TERRITORIES

GUAM   PUERTO RICO   AMERICAN SAMOA   VIRGIN ISLANDS   NORTHERN MARIANA ISLANDS

LENGTH OF RESOLUTION

For 81 civil defendants resolved in 2018, it took federal courts an average of 24 months to resolve claims filed against a defendant in a civil suit. This is slightly shorter than the 26 months that it took federal courts to resolve charges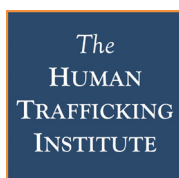 against a criminal defendant. Civil sex trafficking suits were resolved, on average, more quickly than civil labor trafficking suits. Federal courts resolved claims against defendants in sex trafficking suits in an average of 18 months. In comparison, it took federal courts an average of 24 months to resolve claims against a defendant in a labor trafficking suit.

To read the full

2018 Federal Human Trafficking Report

and a detailed description of the methodology used, visit

WWW.TRAFFICKINGMATTERS.COM.

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